

# UTAH STATE DIGEST

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Sunnie Burningham, Managing Editor

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Office of Administrative Rules, Salt Lake City 84114

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# EXECUTIVE DOCUMENTS

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

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

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## EXECUTIVE ORDER

### Updating Requirements Regarding 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, including employees and members of the public, 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:

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- 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;
  - 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;
  - h. a state employee who is not speaking in person with any other individual and who:
    - i. is the sole occupant of a fully enclosed room or office;
    - ii. is the sole occupant of a partially enclosed room, office, or similar space, including a cubicle, that is enclosed on at least three sides by walls or other physical barriers or dividers of a height that reaches no lower than the top of the employee's head when the employee is seated; or
    - iii. is seated or stationary, and maintains a physical distance of at least six feet from any other individual.
- 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.
- 6. This Order repeals and replaces Executive Order 2020-34.

This Order is declared effective immediately 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 29th day of June, 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/035/EO



## EXECUTIVE ORDER

## Updating Requirements Regarding 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**, on June 27, 2020, the Utah Transit Authority issued a directive requiring its employees and public transit riders to wear masks or face coverings to protect public health;

**WHEREAS**, the Utah Department of Health and I have determined that it is appropriate to require individuals, including employees and members of the public, 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;
    - B. a detention facility or secure facility operated by the Division of Juvenile Justice Services; or
    - C. 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 § 63E-1-102.
  - 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;

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- 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 deaf or hard of hearing, or communicating with an individual who is deaf or hard of hearing, 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;
- g. an individual who is using an indoor recreational facility and maintains a physical distance of at least six feet from any other individual;
- h. 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; or
  - i. a state employee who is not speaking in person with any other individual and who:
    - i. is the sole occupant of a fully enclosed room or office;
    - ii. is the sole occupant of a partially enclosed room, office, or similar space, including a cubicle, that is enclosed on at least three sides by walls or other physical barriers or dividers of a height that reaches no lower than the top of the employee's head when the employee is seated; or
    - iii. is seated or stationary, and maintains a physical distance of at least six feet from any other individual.
- 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.
- 6. The Division of Juvenile Justice Services shall implement requirements regarding the wearing of face coverings in a detention facility or secure facility operated by the Division of Juvenile Justice Services.
- 7. This Order rescinds and replaces Executive Order 2020-35.

This Order is declared effective immediately 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 30th day of June, 2020.

(State Seal)

**Gary R. Herbert**  
**Governor**

ATTEST:

**Spencer J. Cox**  
**Lieutenant Governor**

2020/036/EO

**EXECUTIVE ORDER**

Wildland Fire Management

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

**WHEREAS**, Spring and early summer in Utah was one of the driest on record;

**WHEREAS**, wildfires are currently burning in some areas of the State;

**WHEREAS**, wildfire warnings are in place for all of Southern Utah; and portions of Utah's west desert;

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

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

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

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

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

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

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

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/037/EO

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### EXECUTIVE ORDER

Rescinding Executive Order 2020-5 Regarding the Open and Public Meetings Act

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

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

**WHEREAS**, on March 18, 2020, I issued Executive Order 2020-5, suspending certain portions of the Open and Public Meetings Act, to address a state of emergency and mitigate the spread of COVID-19;

**WHEREAS**, I called the Utah Legislature into the Fifth Special Session of the 63rd Legislature on June 18, 2020;

**WHEREAS**, during the June 18, 2020, special session, the Legislature passed House Bill 5002, Open and Public Meetings Act Amendments, addressing the concerns that led to Executive Order 2020-5; and

**WHEREAS**, on June 25, 2020, I signed House Bill 5002, and that bill is now law:

**NOW, THEREFORE**, I, Gary R. Herbert, Governor of the State of Utah, hereby order that Executive Order 2020-5 is rescinded.

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

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/038/EO

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**EXECUTIVE ORDER**

Declaring a State of Emergency Due to Civil Unrest

**WHEREAS**, today, July 9, 2020, the Salt Lake County District Attorney's Office announced its decision that the police-involved shooting of Bernardo Palacios-Carbajal on May 23, 2020, was justified under Utah law;

**WHEREAS**, in response to the Salt Lake County District Attorney Office's decision, protests are taking place in Salt Lake City;

**WHEREAS**, recent protests have become violent and the civil unrest has resulted in bodily injury and destruction of private and public property, including extensive defacement of the Utah State Capitol building;

**WHEREAS**, protests in response to the decision of the Salt Lake County District Attorney's Office have resulted in civil unrest and threaten to cause bodily injury and destruction of private and public property;

**WHEREAS**, local law enforcement agencies have responded to assist in controlling the violence;

**WHEREAS**, these conditions create a "State of Emergency" within the intent of Utah Code Title 53, Chapter 2a, Disaster Response and Recovery Act;

**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, declare a "State of Emergency" due to the aforesaid circumstances requiring aid, assistance, and relief available from State resources and hereby order:

1. The closure of the Utah State Capitol building and grounds to all individuals other than officers and employees of the Utah Executive Branch, the Utah Legislature, and the Utah Judiciary; and

2. Assistance from state government to political subdivisions as needed and coordinated by the Utah Department of Public Safety, and other state agencies as necessary.

This Order is declared effective immediately and shall remain in effect until 11:59 p.m. on July 13, 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 9th day of July, 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/039/EO

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**EXECUTIVE ORDER**

Extending the Utah COVID-19 Public Health Risk Status

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

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

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

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

**WHEREAS**, on June 26, 2020, I issued Executive Order 2020-33, extending the Utah COVID-19 Health Risk Status throughout Utah;

**WHEREAS**, Executive Order 2020-33, will terminate today, July 10, 2020, at 11:59 p.m.;

**WHEREAS**, the Utah Department of Health has determined that the Utah COVID-19 Health Risk Status set forth in Executive Order 2020-33 should be maintained to protect public health throughout the state;

**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 July 10, 2020 and shall remain in effect until 11:59 p.m. on July 24, 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 10th day of July, 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/040/EO

**EXECUTIVE ORDER**

Updating Requirements Regarding 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**, on June 27, 2020, the Utah Transit Authority issued a directive requiring its employees and public transit riders to wear masks or face coverings to protect public health;

**WHEREAS**, the Utah Department of Health and I have determined that it is appropriate to require individuals, including employees and members of the public, 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, leased, occupied, or controlled by the state or a state governmental entity.
  - ii. "State facility" does not mean:
    - A. a state prison or state community correctional center;
    - B. a detention facility or secure facility operated by the Division of Juvenile Justice Services; or
    - C. 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 § 63E-1-102.
  - 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 deaf or hard of hearing, or communicating with an individual who is deaf or hard of hearing, 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;

EXECUTIVE DOCUMENTS

- e. an individual who is outdoors;
  - f. an individual in a vehicle;
  - g. an individual who is using an indoor recreational facility and maintains a physical distance of at least six feet from any other individual;
  - h. 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; or
  - i. a state employee who is not speaking in person with any other individual and who:
    - i. is the sole occupant of a fully enclosed room or office;
    - ii. is the sole occupant of a partially enclosed room, office, or similar space, including a cubicle, that is enclosed on at least three sides by walls or other physical barriers or dividers of a height that reaches no lower than the top of the employee's head when the employee is seated; or
    - iii. is seated or stationary, and maintains a physical distance of at least six feet from any other individual.
- 4.a. Except as provided in Subsections (4)(b) and (4)(c), a state governmental entity may not require an individual to provide medical documentation verifying the basis for an exemption under Subsection (3)(b).
- b. A state governmental entity may require an individual employed by the state governmental entity to provide medical documentation verifying the basis for an exemption under Subsection (3)(b).
- c. A state institution of higher education may require an individual who is enrolled as a student of the state institution of higher education to provide medical documentation verifying the basis for an exemption under Subsection (3)(b).
5. A state governmental entity may refuse to provide in-person service to any individual who does not wear a mask in a state facility of the state governmental entity if:
- a. an alternative means of service is available;
  - b. the state governmental entity specifies to the individual how to access the alternative means of service; and
  - c. the state governmental entity determines that the individual has reasonable access to the alternative means of service.
6. The Utah Department of Corrections shall implement requirements regarding the wearing of face coverings in a state prison or state community correctional center.
7. The Division of Juvenile Justice Services shall implement requirements regarding the wearing of face coverings in a detention facility or secure facility operated by the Division of Juvenile Justice Services.
8. This Order rescinds and replaces Executive Order 2020-36.

This Order is declared effective immediately and shall remain in effect until 11:59 p.m. on July 24, 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 10th day of July, 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/041/EO

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**EXECUTIVE ORDER**

Updating the Declaration of a State of Emergency Due to Civil Unrest of July 9, 2020

**WHEREAS**, on July 9, 2020, the Salt Lake County District Attorney's Office announced its decision that the police-involved shooting of Bernardo Palacios-Carbajal on May 23, 2020, was justified under Utah law;



**WHEREAS**, in response to the Salt Lake County District Attorney Office's decision, protests took place in Salt Lake City;

**WHEREAS**, some protesters became violent and the civil unrest resulted in bodily injury and destruction of public property;

**WHEREAS**, much of the violence occurred at or near the Salt Lake County District Attorney's Office building;

**WHEREAS**, local law enforcement agencies have responded to assist in controlling the violence;

**WHEREAS**, there exists a threat of future bodily injury and destruction of private and public property due to civil unrest;

**WHEREAS**, these conditions create a "State of Emergency" within the intent of Utah Code Title 53, Chapter 2a, Disaster Response and Recovery Act;

**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;

**WHEREAS**, Utah Code § 53-2a-204(1)(f) authorizes the governor to control ingress and egress to and from a disaster area, the movement of persons within the area, and recommend the occupancy or evacuation of premises in a disaster area;

**NOW, THEREFORE**, I, Gary R. Herbert, Governor of the State of Utah, declare a "State of Emergency" due to the aforesaid circumstances requiring aid, assistance, and relief available from State resources and hereby order the following:

1. As used in this Order, "emergency responder" means the same as that term is defined in Utah Code § 53-2a-302(1).
2. The Utah State Capitol building and grounds shall be closed to any individual other than an emergency responder or an officer or employee of the Utah Executive Branch, the Utah Legislature, or the Utah Judiciary.
3. The Salt Lake County District Attorney's Office building and grounds, located at 35 East 500 South, Salt Lake City, Utah 84111, to any individual other than an emergency responder or an officer or employee of the Salt Lake County District Attorney's Office, or an individual who schedules an appointment or otherwise receives permission from the Salt Lake County District Attorney's Office.
4. The Utah Department of Public Safety shall coordinate assistance from state government to political subdivisions.
5. This Order rescinds and replaces Executive Order 2020-39.

This Order is declared effective immediately and shall remain in effect until 11:59 p.m. on July 13, 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 10th day of July, 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/042/EO

**EXECUTIVE ORDER**

Updating the Declaration of a State of Emergency Due to Civil Unrest of July 9, 2020

**WHEREAS**, on July 9, 2020, the Salt Lake County District Attorney's Office announced its decision that the police-involved shooting of Bernardo Palacios-Carbajal on May 23, 2020, was justified under Utah law;

**WHEREAS**, in response to the Salt Lake County District Attorney Office's decision, protests took place in Salt Lake City;

**WHEREAS**, some protesters became violent and the civil unrest resulted in bodily injury and destruction of public property;

**WHEREAS**, much of the violence occurred at or near the Salt Lake County District Attorney's Office building;

**WHEREAS**, local law enforcement agencies have responded to assist in controlling the violence;

**WHEREAS**, there exists a threat of future bodily injury and destruction of private and public property due to civil unrest;

**WHEREAS**, these conditions create a "State of Emergency" within the intent of Utah Code Title 53, Chapter 2a, Disaster Response and Recovery Act;

**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;

**WHEREAS**, Utah Code § 53-2a-204(1)(f) authorizes the governor to control ingress and egress to and from a disaster area, the movement of persons within the area, and recommend the occupancy or evacuation of premises in a disaster area;

**NOW, THEREFORE**, I, Gary R. Herbert, Governor of the State of Utah, declare a "State of Emergency" due to the aforesaid circumstances requiring aid, assistance, and relief available from State resources and hereby order the following:

1. As used in this Order, "emergency responder" means an individual identified in Utah Code § 53-2a-302(1)(b).
2. The Utah State Capitol building and grounds shall be closed to any individual other than an emergency responder or an officer or employee of the Utah Executive Branch, the Utah Legislature, or the Utah Judiciary.
3. The Salt Lake County District Attorney's Office building and grounds, located at 35 East 500 South, Salt Lake City, Utah 84111, shall be closed to any individual other than an emergency responder or an officer or employee of the Salt Lake County District Attorney's Office, or an individual who schedules an appointment or otherwise receives permission from the Salt Lake County District Attorney's Office.
4. The Utah Department of Public Safety shall coordinate assistance from state government to political subdivisions.
5. This Order rescinds and replaces Executive Order 2020-42.

This Order is declared effective immediately and shall remain in effect until 11:59 p.m. on July 13, 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 10th day of July, 2020.

(State Seal)

**Gary R. Herbert**  
**Governor**

ATTEST:

**Spencer J. Cox**  
**Lieutenant Governor**

2020/043/EO

## NOTICES OF PROPOSED RULES

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between June 16, 2020, 12:00 a.m., and July 01, 2020, 11:59 p.m. are included in this, the July 15, 2020, issue of the *Utah State Digest*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least August 14, 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 November 12, 2020, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

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

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R68-24	Filing No. 52919

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant Industry	
<b>Street address:</b>	350 N Redwood Road	
<b>City, state:</b>	Salt Lake City, UT 84115	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	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**

<b>2. Rule or section catchline:</b>
R68-24. Industrial Hemp Research Pilot Program for Growers
<b>3. Purpose of the new rule or reason for the change:</b>
These changes are necessary so that industrial hemp growers can extend their license beyond the original term to store or sell industrial hemp product.
<b>4. Summary of the new rule or change:</b>
In addition to allowing industrial hemp growers to extend their licenses to sell unused product, the changes also make updates to the industrial hemp program to be consistent with United States Department of Agriculture (USDA) proposed rules, remove burdensome and unnecessary requirements, and make conforming changes based on recently passed legislation during the 2020 General Session, H.B. 18, Industrial Hemp Program Amendments.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
No additional costs are anticipated to the state budget because industrial hemp growers that operate under an extended license will not require additional inspections by the Department of Agriculture and Food (Department). Additionally, this rule change should not change the number of growers that apply and pay for a full year license.
<b>B) Local governments:</b>
No anticipated cost or savings for local governments because they do not operate as industrial hemp growers or regulate industrial hemp growers.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is an anticipated cost savings to a small number of industrial hemp growers (small businesses) who choose to apply for an extended license that includes the difference between the current license fee (\$500) and the license fee extension (proposed at \$50). The Department estimates that 63 hemp growers might temporarily extend their license. This is a total savings of \$28,350, of which 75% is allocated to small businesses, or \$21,262.50.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There could be an anticipated cost savings to a small number of industrial hemp growers that do not qualify as small businesses that choose to apply for an extended license. The savings per grower is equal to the difference between the current license fee of \$500 and the proposed license extension fee of \$50. The Department estimates that 63 hemp growers might temporarily extend their license. This is a total savings of \$28,350, of which 25% is allocated to non-small businesses, or \$7,087.50.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
There are no anticipated costs or savings to other persons that do not operate as industrial hemp growers.
<b>F) Compliance costs for affected persons:</b>
The cost of an industrial hemp grower license extension is planned to be \$50.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$21,262.50	\$21,262.50	\$21,262.50
Non-Small Businesses	\$7,087.50	\$7,087.50	\$7,087.50
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$28,350</b>	<b>\$28,350</b>	<b>\$28,350</b>
<b>Net Fiscal Benefits</b>	<b>\$28,350</b>	<b>\$28,350</b>	<b>\$28,350</b>

**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 change will have a positive fiscal impact on businesses by allowing them to continue to sell or store industrial hemp product for 90 days without paying for a full year license extension.

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

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)		
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**Public Notice Information**

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

**A) Comments will be accepted until:** 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**

<b>Agency head or designee, and title:</b>	R. Logan Wilde, Commissioner	<b>Date:</b>	07/01/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R68-27</b>	<b>Filing No.</b> <b>52917</b>

**Agency Information**

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

<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	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**

<b>2. Rule or section catchline:</b>
R68-27. Cannabis Cultivation
<b>3. Purpose of the new rule or reason for the change:</b>
This change allows cannabis cultivators to grow cannabis through a combination of indoor and outdoor cultivation.
<b>4. Summary of the new rule or change:</b>
As required by statute, this rule provides guidelines under which cannabis cultivators may grow cannabis through a combination of indoor and outdoor cultivation.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change could increase the costs to the Department of Agriculture and Food (Department) because adding combination indoor and outdoor growing creates additional workload for cannabis inspectors. The Department anticipates inspection costs will increase by 15 to 20%, or an estimated additional 16-man hours per month at \$45 per hour. This would be a yearly increased cost of \$8,640.
<b>B) Local governments:</b>
This rule change does not affect local governments because they do not regulate cannabis cultivators or operate as cannabis cultivators.

<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule change should reduce the operating costs for indoor cannabis cultivators (both small businesses and non-small businesses) by allowing them to also grow cannabis outdoors because outdoor growing is typically cheaper than indoor growing. It is difficult to quantify the savings given that this is a new program and the Department cannot estimate how many growers will grow both indoors and outdoors.

<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
This rule change should reduce the operating costs for indoor cannabis cultivators (both small businesses and non-small businesses) by allowing them to also grow cannabis outdoors because outdoor growing is typically cheaper than indoor growing. It is difficult to quantify the savings given that this is a new program and the Department cannot estimate how many growers will grow both indoors and outdoors.

<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
Persons other than cannabis cultivators or the Department are not directly impacted by this change because they do not operate as or regulate cannabis cultivation facilities.

<b>F) Compliance costs for affected persons:</b>
There are no additional compliance costs for affected persons as a result of this change because cannabis cultivators will be able to grow both indoors and outdoors using their existing cannabis cultivation license.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$8,640	\$8,640	\$8,640
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$8,640</b>	<b>\$8,640</b>	<b>\$8,640</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$(8,640)</b>	<b>\$(8,640)</b>	<b>\$(8,640)</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
Commissioner R. Logan Wilde, has reviewed and approves this regulatory impact analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
This rule change will allow for cannabis cultivators to expand their business by growing both indoors and outdoors. It should have a positive fiscal impact on small businesses in this state.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
R. Logan Wilde, Commissioner			

**Citation Information**

<b>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Subsection 4-41a-204(2)(e)		

**Public Notice Information**

<b>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</b>
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receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	08/14/2020
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<b>10. This rule change MAY become effective on:</b>	08/21/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	R. Logan Wilde, Commissioner	<b>Date:</b>	07/01/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-404</b>	<b>Filing No. 52870</b>

**Agency Information**

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 8411	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-404. Requirements for Assessments of Student Achievement

<p><b>3. Purpose of the new rule or reason for the change:</b></p> <p>This rule is being updated to add the early mathematics benchmark assessment due to the passage of H.B. 114 in the 2020 General Session which created the additional benchmark assessment for mathematics.</p>
<p><b>4. Summary of the new rule or change:</b></p> <p>This rule is being updated to add the early mathematics benchmark assessment and to incorporate by reference an updated version of the Testing Ethics Policy document. Additional changes to this rule include moving sections of this rule to the Testing Ethics Policy document and adding language to require the same ethics and training for a third-party proctor that administers an assessment.</p>

**Fiscal Information**

<p><b>5. Aggregate anticipated cost or savings to:</b></p>
<p><b>A) State budget:</b></p> <p>This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. This rule is being updated to add the early mathematics benchmark assessment (as included in H.B. 114 (2020)) and to incorporate by reference an updated version of the Testing Ethics Policy document.</p>
<p><b>B) Local governments:</b></p> <p>This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. This rule is being updated to add the early mathematics benchmark assessment (as included in H.B. 114 (2020)) and to incorporate by reference an updated version of the Testing Ethics Policy document.</p>
<p><b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This rule is being updated to add the early mathematics benchmark assessment (as included in H.B. 114 (2020)) and to incorporate by reference an updated version of the Testing Ethics Policy document.</p>

<p><b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>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.</p>												
<p><b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</p> <p>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 updated to add the early mathematics benchmark assessment (as included in H.B. 114 (2020)) and to incorporate by reference an updated version of the Testing Ethics Policy document.</p>												
<p><b>F) Compliance costs for affected persons:</b></p> <p>There are no independent compliance costs for affected persons. The rule is being updated to add the early mathematics benchmark assessment (as included in H.B. 114 (2020)) and to incorporate by reference an updated version of the Testing Ethics Policy document.</p>												
<p><b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)</p> <table border="1"> <thead> <tr> <th colspan="4"><b>Regulatory Impact Table</b></th> </tr> <tr> <th><b>Fiscal Cost</b></th> <th><b>FY2021</b></th> <th><b>FY2022</b></th> <th><b>FY2023</b></th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	<b>Regulatory Impact Table</b>				<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>	State Government	\$0	\$0	\$0
<b>Regulatory Impact Table</b>												
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>									
State Government	\$0	\$0	\$0									



Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The State Superintendent, Sydnee Dickson, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
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>B) Name and title of department head commenting on the fiscal impacts:</b>			
Sydnee Dickson, State Superintendent			

**Citation Information**

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

Article X, Section 3	Subsection 53G-6-803(9)(b)	Section 53E-4-302
Subsection 53E-3-401(4)		

**Incorporations by Reference Information**

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

	First Incorporation
<b>Official Title of Materials Incorporated (from title page)</b>	Standard Test Administration and Testing Ethics Policy
<b>Publisher</b>	Utah State Board of Education
<b>Date Issued</b>	June 4, 2020
<b>Issue, or version</b>	Version 1

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	08/14/2020
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<b>10. This rule change MAY become effective on:</b>	08/21/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	06/19/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-473	Filing No. 52912

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-473. Utah Computer Science Grant
<b>3. Purpose of the new rule or reason for the change:</b>
The changes are being made in response to the potential for additional appropriations to be granted in future sessions. The potential increased funding allocation would allow for an expansion of the Computer Science Grant program including updates to the grant awarding process. These changes were originally proposed due to increased funding appropriated in the 2020 General Session. These appropriations were cut in response to budget cuts related to COVID-19. However, any funding in the future would merit these changes.
<b>4. Summary of the new rule or change:</b>
The changes create a longer period allowed for creating a plan before applying for a full grant. The changes also allow for a larger cap of up to \$250,000 for a 4-year grant. The increased amount allows for more local education agencies (LEAs) to apply and therefore, this rule also updates the criteria used to score each application and adds additional reporting requirements for a grant recipient.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The increased funding to the Computer Science Grant program was repealed by S.B. 5001 from the 2020 Fifth Special Session.
<b>B) Local governments:</b>
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The increased funding to the Computer Science Grant program was repealed by S.B. 5001 (2020 Fifth Special Session).
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. The increased funding to the Computer Science Grant program was repealed by S.B. 5001 (2020 Fifth Special Session).
<b>D) Non-small businesses</b> ("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.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The increased funding to the Computer Science Grant program was repealed by S.B. 5001 (2020 Fifth Special Session).
<b>F) Compliance costs for affected persons:</b>
There are no compliance costs for affected persons. The increased funding to the Computer Science Grant program was repealed by S.B. 5001 (2020 Fifth Special Session).

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

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

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

The 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 63N-12-506(7)	Subsection 63N-12-506(5)
Subsection 53E-3-401(4)		

**Incorporations by Reference Information**

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

	<b>First Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	Utah Master Plan
<b>Publisher</b>	Utah State Board of Education
<b>Date Issued</b>	2019

**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**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	06/30/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Repeal		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-624</b>	<b>Filing No. 52871</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-624. Electronic Cigarette Products in Schools
<b>3. Purpose of the new rule or reason for the change:</b>
Utah State Board of Education recommends that Rule R277-624 be repealed due to the passage of H.B. 58 in the 2020 General Session, which codified the language in Rule R277-624 into Section 53G-8-203.
<b>4. Summary of the new rule or change:</b>
The new language in Section 53G-8-203 is identical to the language in Rule R277-624. Therefore, Rule R277-624 is no longer necessary. This rule is repealed in its entirety.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
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 repeal of this rule is due to legislative changes in the bill.

<b>B) Local governments:</b>
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 repeal of this rule is due to legislative changes in the bill.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
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 repeal of this rule is due to legislative changes in the bill.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (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 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.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
This rule change is not expected to have 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 repeal of this rule is due to legislative changes in the bill.
<b>F) Compliance costs for affected persons:</b>
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 repeal of this rule is due to legislative changes in the bill.
<b>G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)</b>

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The State Superintendent, Sydnee Dickson, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.			

<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Sydnee Dickson, State Superintendent

**Citation Information**

<b>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-501(1)(b)

**Public Notice Information**

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

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

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	06/19/2020
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<b>NOTICE OF PROPOSED RULE</b>		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-752</b>	<b>Filing No.</b> <b>52872</b>

**Agency Information**

<b>1. Department:</b>	Education
<b>Agency:</b>	Administration
<b>Building:</b>	Board of Education

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-752. Special Education Intensive Services Fund
<b>3. Purpose of the new rule or reason for the change:</b>
The rule was amended to correct inequities in distribution of funds from the Special Education Intensive Services Fund.
<b>4. Summary of the new rule or change:</b>
The rule was amended to update rules for distribution of funds in the Special Education Intensive Services Fund.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change redistributes state government revenues and expenditures. It requires the Board to recoup special education intensive service carry forward funds in excess of 20% of a local education agency's (LEA) special education budget. However, these revenues are not retained by the state but go into the special education intensive services program, allowing the Utah State Board of Education (Board) to fund additional requests from other LEAs. The rule change redistributes funding provided to LEAs and does not increase revenues retained by the Board.
<b>B) Local governments:</b>
This rule change impacts local governments' revenues or expenditures. However, the net benefit/cost to local education agencies is zero as the rule only redistributes funding amongst LEAs.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. The amendments in this rule change directly impact only state and local governments.

**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 in this rule change directly impact only state and local governments.

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

There are no compliance costs for affected persons.

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

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

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The 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 53F-2-309
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**Public Notice Information**

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

**A) Comments will be accepted until:** 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**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	6/30/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R317-1-3</b>	<b>Filing No.</b> <b>52911</b>

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Water Quality	
<b>Room no.:</b>	DEQ 3rd Floor	
<b>Building:</b>	Multi-Agency State Office Building (MASOB)	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO BOX 144870	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4870	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jennifer Robinson	801-536-4383	jenrobinson@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R317-1-3. Requirements for Waste Discharges
<b>3. Purpose of the new rule or reason for the change:</b>
The amendment to this rule is to be consistent with the Code of Federal Regulations (CFR) found in 40 CFR 125.3.

**4. Summary of the new rule or change:**  
 The amendment to this rule will no longer require other dischargers than Publicly Owned Treatment Works (POTWs) to meet secondary standards.

**Fiscal Information**

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

**A) State budget:**

The change will not reduce the time spent in developing the permits, therefore, it is not going to increase or decrease the budget.

**B) Local governments:**

This rule will not impact local governments' revenues or expenditures. This rule change is for a state program; therefore, local governments will not be impacted.

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

This rule will not impact small businesses' revenues or expenditures. This rule change is for a state program; therefore, small businesses will not be impacted.

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

This rule will not impact non-small businesses' revenues or expenditures. This rule change is for a state program; therefore, non-small businesses will not be impacted.

**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 will not impact persons other than small businesses, non-small businesses, state, or local or government entities revenues or expenditures. This rule change is for a state program; therefore, persons other than small businesses, non-small businesses, state, or local or government entities will not be impacted.

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

This rule change will potentially have a reduction in compliance costs of persons which were previously required to meet secondary and categorical standards.

**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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Executive Director of the Department of 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 amendment is being implemented to be consistent with 40 CFR 125.3. The Department of Environmental Quality does not anticipate any fiscal impact due to this amendment.

**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):**

Title 19, Chapter 5	40 CFR 125.3
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	08/14/2020
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<b>10. This rule change MAY become effective on:</b>	08/22/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Erica Brown Gaddis, PhD, Division Director	<b>Date:</b>	06/30/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R384-324</b>	<b>Filing No.</b>	<b>52869</b>
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**Agency Information**

<b>1. Department:</b>	Health
<b>Agency:</b>	Disease Control and Prevention, Health Promotion
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W
<b>City, state:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO Box 142106
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2106

**Contact person(s):**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Braden Ainsworth	801-538-6187	tobaccorulescomments@utah.gov
Christy Cushing	801-538-6260	tobaccorulescomments@utah.gov

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

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

R384-324. Tobacco Retailer Permit Process

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

These changes revise this rule to align with changes in Title 26, Chapter 62, that are effective 07/01/2020. The changes are because of the passage of H.B. 23 and S.B. 37 from the 2020 General Session.

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

The changes add and update existing definitions, including tobacco products, electronic cigarette products, and nicotine products, throughout this rule to align with the state law changes in Title 26, Chapter 62.

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

The amendments to this rule are not expected to have any fiscal impact on the state budget because the changes do not affect the implementation of this rule; they simply align better with changes in Title 26, Chapter 62.

**B) Local governments:**

The amendments to this rule are not expected to have any fiscal impact on the local governments because the changes do not affect the implementation of this rule; they simply align better with changes in Title 26, Chapter 62.

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

The amendments to this rule are not expected to have any fiscal impact on small businesses because the changes do not affect the implementation of this rule; they simply align better with changes in Title 26, Chapter 62.

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

The amendments to this rule are not expected to have any fiscal impact on non-small businesses because the changes do not affect the implementation of this rule; they simply align better with changes in Title 26, Chapter 62.

**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 amendments to this rule are not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities, because the changes do not affect the implementation of this rule; they simply align better with changes in Title 26, Chapter 62.

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

The amendments to this rule are not expected to have any compliance costs for affected person, because the changes do not affect the implementation of this rule; they simply align better with changes in Title 26, Chapter 62.

**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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
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<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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**H) Department head approval of regulatory impact analysis:**

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

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

There is no fiscal impact on businesses because the amendment does not change any requirements of compliance under the existing law.

**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 26-62-202(6)		
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**Public Notice Information**

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

**A) Comments will be accepted until: 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**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/19/2020
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**NOTICE OF PROPOSED RULE****TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R392-101</b>	<b>Filing No.</b>	<b>52875</b>
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**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Disease Control and Prevention, Environmental Services	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 142102	
<b>City, state, zip:</b>	Salt Lake City, UT. 84114-2102	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Chris Nelson	801-538-6191	chrisnelson@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R392-101. Food Safety Manager Certification
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended to reflect amendments in Section 26-15-5, which occurred in H.B. 232 passed in the 2020 General Session. Structural, grammatical, and formatting changes have also been made to more closely conform to the requirements of the Utah Rulewriting Manual.
<b>4. Summary of the new rule or change:</b>
The following new definitions were added: Agritourism food establishment, Certified food safety manager, Charitable organization, Department, Disadvantaged group, Food service establishment, Local health department, Local health officer, and Potentially hazardous food. Modifications were made to Section R392-101-7 to remove the fee payment requirement and to simplify document processing. Modifications were made to Section R392-101-8 to include all exemptions currently listed in Utah statute or rule.

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

Amending Rule R392-101 will not result in a cost or benefit to the state budget because the proposed rule change does not require a change to state operations or programs, and it does not include requirements for the payment of fines or fees to the state.

**B) Local governments:**

Amending Rule R392-101 will result in a direct cost to the local governments because the proposed amendment prohibits a local health department from charging a fee for food safety manager certificate processing and registration. Historically, the assessed fee has been \$15 per food safety manager certificate. It is estimated that there are 5,264 food establishments in Utah, each requiring a food safety manager. Therefore, this rule amendment will result in a net fiscal cost to local governments in the amount of \$78,960 per year.

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

Amending Rule R392-101 will result in a direct benefit to small businesses because the proposed amendment prohibits a local health department from charging a fee for food safety manager certificate processing and registration. Historically, the assessed fee has been \$15 per food safety manager certificate. It is estimated that there are 4,514 small business food establishments in Utah, each requiring a food safety manager. Therefore, the rule amendment will result in a net fiscal benefit to small businesses in the amount of \$67,710 per year.

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

Amending Rule R392-101 will result in a direct benefit to non-small businesses because the proposed amendment prohibits a local health department from charging a fee for food safety manager certificate processing and registration. Historically, the assessed fee has been \$15 per food safety manager certificate. It is estimated that there are 750 non-small business food establishments in Utah, each requiring a food safety manager. Therefore, the rule amendment will result in a net fiscal benefit to non-small businesses in the amount of \$11,250 per year.

**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*):**

Amending Rule R392-101 will not result in a direct cost or benefit to any one specific person.

<b>F) Compliance costs for affected persons:</b>			
Affected persons are as follows (see explanations above): Local governments: 13 local health departments. Direct fiscal cost.			
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$78,960	\$78,960	\$78,960
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$78,960</b>	<b>\$78,960</b>	<b>\$78,960</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$67,710	\$67,710	\$67,710
Non-Small Businesses	\$11,250	\$11,250	\$11,250
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$78,960</b>	<b>\$78,960</b>	<b>\$78,960</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
Amending Rule R392-101 will result in a direct benefit to small and non-small businesses because the proposed amendment prohibits a local health department from charging a fee for food safety manager certificate processing and registration. Historically, the assessed fee			

has been \$15 per food safety manager certificate. It is estimated that there are 4,514 small business food establishments and 750 non-small business food establishments in Utah, each requiring a food safety manager. Therefore, this rule amendment will result in a net fiscal benefit to small businesses in the amount of \$67,710 per year and non-small businesses in the amount of \$11,250 per year.

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

**Citation Information**

<b>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>
Section 26-15a-103

**Public Notice Information**

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

<b>10. This rule change MAY become effective on:</b> 8/22/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b> Joseph K. Miner, MD, Executive Director	<b>Date:</b> 06/24/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R392-103	Filing No. 52876

**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Disease Control and Prevention, Environmental Services	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 142102	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2102	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Chris Nelson	801-538-6191	chrisnelson@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R392-103. Food Handler Training and Certificate
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended to reflect amendments in Section 26-15-5, which occurred in H.B. 232 passed in the 2020 General Session.
<b>4. Summary of the new rule or change:</b>
A definition of "instructor" was added. The instructor registration requirement was removed. The instructor training requirement was modified to allow training providers to demonstrate evidence of instructor training to the Department of Health (Department) rather than the local health departments, and this rule now exempts food safety management training for certain qualified educators.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
Amending Rule R392-103 will not result in a cost or benefit to the state budget because this proposed rule change does not require a change to state operations or programs, and it does not include requirements for the payment of fines or fees.

<b>B) Local governments:</b>			
Amending Rule R392-103 will not result in a direct cost or benefit to local governments because the instructor registration requirement has been removed, but in the previous version of this rule there was no cost for instructor registration.			
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>			
Amending Rule R392-103 will not result in a direct cost or benefit to small businesses because the amended parts of this rule do not require the payment of a fee, and no construction, equipment, or operational changes are required or removed by this rule amendment.			
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>			
Amending Rule R392-103 will not result in a direct cost or benefit to non-small businesses because the amended parts of the rule do not require the payment of a fee, and no construction, equipment, or operational changes are required or removed by this rule amendment.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>			
Amending Rule R392-103 will not result in a direct cost or benefit to any one specific person.			
<b>F) Compliance costs for affected persons:</b>			
No specific person will be affected by this rule change so there are no compliance costs.			
<b>G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)</b>			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

NOTICES OF PROPOSED RULES

<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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

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

There is no fiscal impact on business because requirements for businesses were not changed.

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

Joseph K. Miner, MD, Executive Director

**Citation Information**

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

Section 26-1-30	Section 26-15-5
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**Public Notice Information**

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

**A) Comments will be accepted until:** 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**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/24/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R477-7</b>	<b>Filing No.</b>	<b>52913</b>
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**Agency Information**

<b>1. Department:</b>	Human Resource Management	
<b>Agency:</b>	Administration	
<b>Building:</b>	State Office Building	
<b>Street address:</b>	2120 State Office Building	
<b>City, state:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	2120 State Office Building	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Bryan Embley	801-618-6720	bkembley@utah.gov

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

**General Information**

**2. Rule or section catchline:**  
R477-7. Leave

**3. Purpose of the new rule or reason for the change:**  
The legislature postponed the effective date of the underlying statute (Section 67-19-14.7) on 06/18/2020 (S.B. 5021, passed in the 2020 Fifth Special Session).

**4. Summary of the new rule or change:**  
This amendment removes language relating to postpartum recovery leave as the program implementation was postponed. (EDITOR'S NOTE: An emergency rule filing to Section R477-7-20 that is effective as of 07/01/2020 is under Filing No. 52907 in this issue, July 15, 2020, of the Bulletin.)

**Fiscal Information**

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

**A) State budget:**

In the 2020 General Session, S.B. 207 appropriated \$507,000 to fund postpartum recovery leave. This funding was pulled in the 2020 Fifth Special Session under S.B. 5021. Removing the section implementing postpartum recovery leave ensures that there can be no claim for leave which is no longer funded.

**B) Local governments:**

These amendments are not expected to have any fiscal impact on local governments because this rule only applies to the executive branch of state government.

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

These amendments are not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.

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

These amendments are not expected to have any fiscal impact on non-small businesses because this rule only applies to the executive branch of state government.

**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 are not expected to have any fiscal impact on other individuals because this rule only applies to the executive branch of state government.

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

There are no direct compliance costs for these amendments. This rule only affects the executive branch of state government and will have no impact on other persons. This rule has no financial impact on state employees.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

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

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

The Executive Director of the Department of Human Resource Management, Paul Garver, 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 these proposed rule changes will not result in a fiscal impact to businesses. Rules published by the Department of Human Resource Management (DHRM) have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the "Utah Personnel Management Act," Title 67, Chapter 19. This act limits the provisions of career service and this rule to employees of the executive branch of state government.

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

Paul Garver, 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 67-19-14.7	Section 67-19-6	
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	08/14/2020
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<b>10. This rule change MAY become effective on:</b>	08/21/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryan Embley, HR Strategy Consultant	<b>Date:</b>	07/01/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R497-100</b>	<b>Filing No. 52874</b>

**Agency Information**

<b>1. Department:</b>	Human Services	
<b>Agency:</b>	Administration, Hearings	Administrative
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jonah Shaw	801-538-4219	jshaw@utah.gov
Sonia Sweeney	801-538-8241	ssweeney@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R497-100. Adjudicative Proceedings

<b>3. Purpose of the new rule or reason for the change:</b>
This amendment has resulted from the five-year review of this rule that is being filed in conjunction with this amendment. Some issues were found that need to be clarified. Notably, Section R497-100-8, Platform and Venue, has been amended to reflect current procedures.

<b>4. Summary of the new rule or change:</b>
This amendment updates and clarifies language within Sections R497-100-2, R497-100-7, and R497-100-8. Other grammatical and formatting changes are made.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There are no anticipated costs or savings for the state budget through this amendment. This filing is clarifying in nature and does not carry a fiscal impact.

<b>B) Local governments:</b>
There are no anticipated costs or savings for local governments through this amendment. This filing is clarifying in nature and does not carry a fiscal impact.

<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There are no anticipated costs or savings for small businesses through this amendment. This filing is clarifying in nature and does not carry a fiscal impact.

<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There are no anticipated costs or savings for non-small businesses through this amendment. This filing is clarifying in nature and does not carry a fiscal impact.

<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
There are no anticipated costs or savings for persons other than small businesses, non-small businesses, state, or local government entities, through this amendment. This filing is clarifying in nature and does not carry a fiscal impact.



<b>F) Compliance costs for affected persons:</b>			
There are no compliance costs associated with this amendment.			
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses.			

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

**Citation Information**

<b>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>
Section 62A-1-111

**Public Notice Information**

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

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

<b>Agency head or designee, and title:</b> Mark Brasher, Deputy Director	<b>Date:</b> 06/19/2020
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<b>NOTICE OF PROPOSED RULE</b>		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b> R895-5-4	<b>Filing No.</b> 52827	

**Agency Information**

<b>1. Department:</b>	Technology Services
<b>Agency:</b>	Administration
<b>Room no.:</b>	6th Floor
<b>Street address:</b>	1 State Office Building
<b>City, state:</b>	Salt Lake City, UT

NOTICES OF PROPOSED RULES

<b>Mailing address:</b>	1 State Office Building, 6th Floor	
<b>City, state, zip:</b>	Salt Lake City, UT 84115	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Stephanie Weteling	801-538-3284	stephanie@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R895-5-4. Definitions
<b>3. Purpose of the new rule or reason for the change:</b>
The reason for the amendment is to change the definition of "Small technology purchases" from less than \$50,000 to less than \$250,000.
<b>4. Summary of the new rule or change:</b>
The Department of Technology Services (DTS) is implementing a new process for evaluating technologies with the agencies. Part of that change is only requiring a business case for purchases over \$250,000.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
No anticipated cost or savings to state budget. The change impacts the threshold for submitting a business case from \$50,000 to \$250,000. This will not impact the budget, as it is a procedural change only.
<b>B) Local governments:</b>
No anticipated cost or savings to local governments. The change impacts the threshold for submitting a business case from \$50,000 to \$250,000. This will not have an impact, as it is a procedural change only.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
No anticipated cost or savings to small businesses. The change impacts the threshold for submitting a business case from \$50,000 to \$250,000. This will not have an impact, as it is a procedural change only.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
No anticipated cost or savings to non-small businesses. The change impacts the threshold for submitting a business case from \$50,000 to \$250,000. This will not have an impact, as it is a procedural change only.

<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
No anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities. The change impacts the threshold for submitting a business case from \$50,000 to \$250,000. This will not have an impact, as it is a procedural change only.

<b>F) Compliance costs for affected persons:</b>
No compliance costs for affected persons. The change impacts the threshold for submitting a business case from \$50,000 to \$250,000. This will not have an impact, as it is a procedural change only.

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

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

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

The Executive Director of the Department of Technology Services, Michael Hussey, CIO, has reviewed and approved this fiscal analysis.

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

There is no anticipated fiscal impact on businesses. The change impacts the threshold for submitting a business case from \$50,000 to \$250,000. This will not have an impact, as it is a procedural change only.

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

Michael Hussey, Executive Director and CIO

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

Section 63F-1-205	Section 63G-3-201	
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**Public Notice Information**

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

**A) Comments will be accepted until:** 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**

<b>Agency head or designee, and title:</b>	Michael Hussey, Executive Director and CIO	<b>Date:</b>	06/24/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R990-400</b>	<b>Filing No. 52888</b>
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**Agency Information**

<b>1. Department:</b>	Workforce Services	
<b>Agency:</b>	Housing and Community Development	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 45244	
<b>City, state, zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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:**

R990-400. Pandemic Housing Assistance

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

This proposed new rule establishes criteria to administer funds received from the Coronavirus Aid, Relief and Economic Security Act (CARES Act), Pub. L. No. 116-136, and any funds appropriated by the Legislature to assist individuals negatively impacted by the COVID-19 pandemic with retaining or obtaining housing.

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

Due to the COVID-19 pandemic, there are residents who have lost employment through no fault of their own and need immediate assistance to retain or obtain housing. New programs are needed to support individuals who are at risk of losing housing due to loss of income caused by the COVID-19 pandemic. This new rule explains how the Department of Workforce Services, Housing and Community Development will administer a housing program to assist state residents financially harmed by the COVID-19 pandemic. (EDITOR'S NOTE: A corresponding emergency Rule R990-400 that is effective as of 07/06/2020 is under Filing No. 52920 in this issue, July 15, 2020, of the Bulletin.)

**Fiscal Information**

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

**A) State budget:**

Any fiscal impact on state budget revenues or expenditures were accounted for by the fiscal note to S.B. 5005, passed in the 2020 Fifth Special Session. This new rule is not expected to have any fiscal impact on state revenues or expenditures. There are no additional state employees or resources needed to oversee this new rule. This new rule will not increase workload and can be carried out with the existing budget.

**B) Local governments:**

This new 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):

This new rule is expected to have a positive fiscal impact on small businesses by enabling residents to continue making timely payments of rent.

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

This new rule is expected to have a positive fiscal impact on non-small businesses by enabling residents to continue making timely payments of rent.

**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 new rule will have a positive fiscal impact on other persons by allowing households to receive housing support payments.

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

This new rule is not expected to cause any compliance costs for affected persons. There are no administrative fees with this new rule.

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

**Regulatory Impact Table**

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

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

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

The Executive Director of the Department of 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:**

After conducting a thorough analysis, it was determined that this new rule will result in a positive fiscal impact to businesses by enabling residents to continue making timely payments of rent.

**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-8-2302		
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**Public Notice Information**

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

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

<b>A) Comments will be accepted until:</b>	08/14/2020
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<b>10. This rule change MAY become effective on:</b>	8/21/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Jon Pierpont, Executive Director	<b>Date:</b>	06/24/2020
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**End of the Notices of Proposed Rules Section**



# NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R25-7	Filing No. 52914

### Agency Information

<b>1. Department:</b>	Administrative Services	
<b>Agency:</b>	Finance	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W FL 3	
<b>City, state, zip:</b>	Taylorsville, UT 84129-2128	
<b>Mailing address:</b>	PO Box 141031	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-1031	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
John Reidhead	801-957-7734	jreidhead@utah.gov
Cory Weeks	801-957-7713	cweeks@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule or section catchline:</b>
R25-7. Travel-Related Reimbursements for State Employees

<b>3. Effective Date:</b>
07/01/2020

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

This filing supersedes the previous emergency rule Filing No. 52868. (EDITOR'S NOTE: Filing No. 52868, that was going to be effective on 07/01/2020 and was filed on 06/18/2020 for this Bulletin, needed changes to be done to the text so this filing, No. 52914, was done on 07/01/2020 to supersede No. 52868.)

The reason for these changes is to clarify the language of the original rule and clean up some formatting issues. Also, there was an increase in some hotel rates for in-state travel.

### 5. Summary of the new rule or change:

The emergency rule clarifies state travel and reimbursement for people traveling in-state.

### 6. Regular rulemaking would:

cause an imminent peril to the public health, safety, or welfare;

cause an imminent budget reduction because of budget restraints or federal requirements; or

place the agency in violation of federal or state law.

### Specific reason and justification:

An emergency rule is needed because the increase in rates state travelers will pay for some in-state hotels begins on 07/01/2020.

**Fiscal Information**

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

**A) State budget:**

There could potentially be an increase in costs to the state as some hotel rates have increased, making reimbursement higher for travelers who stay in these hotels. However, the Division of Finance (Division) cannot determine exactly what the increase for hotel reimbursements will be, because it is impossible to anticipate how many travelers will stay at hotels that have increased their rates.

**B) Local governments:**

Local governments have to comply with this rule, so there could potentially be an increase in costs to local governments for reimbursement to travelers who stay at hotels that have increased their rates. However, the Division cannot determine exactly what the increase for hotel reimbursement for local government travelers will be, because it is impossible to anticipate how many local travelers will stay in hotels that have increased their rates.

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

This rule clarifies the language in the original rule, and increases rates for some in-state hotels, but only deals with government travelers, therefore small businesses will not be affected.

**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**):

Because this rule only deals with government travelers, small businesses and non-small businesses will not be affected.

**8. Compliance costs for affected persons:**

Because the repeal only clarifies the language in the original rule, and also changes some in-state hotel rates, it does not require any new action on the part of persons applying for reimbursements and there are no compliance costs

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

I have reviewed these changes to this rule with the Division of Finance Director and believe these changes are warranted. Individuals may see an increase in their travel reimbursement. However, the Division cannot determine exactly what the increase will be as that increase will depend on the traveler staying in an in-state hotel that increased its rate.

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

Tani Pack Downing, 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 63A-3-107 | Section 63A-3-106

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	John Reidhead, Director	<b>Date:</b>	06/17/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R357-32</b>	<b>Filing No. 52910</b>
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**Agency Information**

<b>1. Department:</b>	Governor	
<b>Agency:</b>	Economic Development	
<b>Building:</b>	World Trade Center	
<b>Street address:</b>	60 E South Temple	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	60 E South Temple	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dane Ishihara	801-538-8664	dishihara@utah.gov

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

**General Information**

**2. Rule or section catchline:**

R357-32. COVID-19 Commercial Rental Assistance Program Rule

**3. Effective Date:**

06/30/2020

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

During the 2020 Fifth Special Session, S.B. 5005 passed and amended the COVID-19 Commercial Rental Assistance Program that grants rental relief to certain businesses that have lost revenue as a result of measures taken to minimize the public's exposure to COVID-19 that



was created during the 2020 Third Special Session (S.B. 3006). The Governor's Office of Economic Development (GOED) is responsible for the administration of this program.

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

This new rule will supersede rule filing ID No. 52754 that was made effective on 05/08/2020 which governs the COVID-19 Commercial Rental Assistance Program and will codify the requirements so that they will align with the statutory changes. The program will provide assistance to small businesses in the state that have been impacted by the COVID-19 pandemic. (EDITOR'S NOTE: Emergency rule filing ID No. 52754 for Rule R357-32 was published in the June 1, 2020, Bulletin.)

**6. Regular rulemaking would:**

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

**Specific reason and justification:**

GOED is responsible for economic development in the state and is tasked with, among other things, administering grant programs to enhance the economic health and vitality of the state and its business community. This rule will govern the new COVID-19 Commercial Rental Assistance Program that will provide assistance to small businesses in the state that have been impacted by the COVID-19 pandemic.

**Fiscal Information**

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

**A) State budget:**

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

**B) Local governments:**

There is no aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.

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

\$40,000,000 in funds will be awarded to small businesses in the state. The COVID-19 Commercial Rental Assistance Program is designed to serve Utah's small businesses that have been impacted by the COVID-19 pandemic.

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

There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed rule does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

**8. Compliance costs for affected persons:**

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

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

I have reviewed this fiscal analysis and agree with the described fiscal impacts associated with this rule. Changes to the Commercial Rental Assistance Program will further assist many of Utah's commercial property leasees in need of help because of the coronavirus pandemic.

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

Val Hale, Executive Director

**Citation Information**

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

Section		
63N-14-202		

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Val Hale, Executive Director	<b>Date:</b>	06/30/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R382-10-22</b>	<b>Filing No. 52877</b>
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**Agency Information**

<b>1. Department:</b>	Health
<b>Agency:</b>	Children's Health Insurance Program
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W

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

**General Information**

<b>2. Rule or section catchline:</b>	
R382-10-22. Public Health Emergency Provisions	
<b>3. Effective Date:</b>	
06/24/2020	
<b>4. Purpose of the new rule or reason for the change:</b>	
The purpose of this change is to allow certain income exclusions to help members of the Children's Health Insurance Program (CHIP) remain eligible during the Coronavirus (COVID-19) Pandemic.	
<b>5. Summary of the new rule or change:</b>	
This emergency rule allows income exclusions for recovery rebates, employer payments of student loans, qualified charitable contributions, and federal pandemic employment payments.	
<b>6. Regular rulemaking would:</b>	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.
<b>Specific reason and justification:</b>	
This emergency rule is necessary to help members of CHIP remain eligible during the COVID-19 Pandemic.	

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>	
<b>A) State budget:</b>	
There is an increase of about \$4,541,400 to the state budget to allow income exclusions for members of CHIP who wish to remain eligible during the COVID-19 public health emergency period.	

<b>B) Local governments:</b>		
There is no impact on local governments because they neither fund CHIP nor make CHIP eligibility determinations.		
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>		
There is no impact on small businesses as this rule simply helps members of CHIP to remain eligible during the COVID-19 public health emergency period. It neither increases business revenue nor costs.		
<b>D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>		
There is no impact on Medicaid providers and Medicaid members as this rule simply helps members of CHIP to remain eligible during the COVID-19 public health emergency period. It neither increases business revenue nor costs.		
<b>8. Compliance costs for affected persons:</b>		
There are no compliance costs to a single Medicaid provider or to a Medicaid member as this rule simply helps members of CHIP to remain eligible during the COVID-19 public health emergency period. It neither increases business revenue nor costs.		
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>		
Businesses will see neither revenue nor costs as this rule simply helps members of CHIP to remain eligible during the COVID-19 public health emergency period.		
<b>B) Name and title of department head commenting on the fiscal impacts:</b>		
Joseph K. Miner, MD, Executive Director		

**Citation Information**

<b>10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Section 26-1-5	Section 26-18-3	Pub. L. No. 116-136

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/23/2020
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NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R414-1C	Filing No. 52878

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R414-1C. Coronavirus Public Health Emergency Period
<b>3. Effective Date:</b>
06/24/2020
<b>4. Purpose of the new rule or reason for the change:</b>
The purpose of this emergency rule is to ensure that administrative rules under Medicaid and the Children's Health Insurance Program (CHIP) do not conflict with provisions set forth by the U.S. Department of Health and Human Services, CMS, the Governor, or the State Legislature during the Coronavirus (COVID-19) public health emergency period.
<b>5. Summary of the new rule or change:</b>
This emergency rule suspends or revises Medicaid and CHIP rules that conflict with emergency waivers, state plan amendments, Governor executive orders, or actions set forth by the Legislature during the COVID-19 public health emergency period.
<b>6. Regular rulemaking would:</b>
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.

<b>Specific reason and justification:</b>
This emergency rule is necessary to ensure compliance with provisions set forth during the COVID-19 public health emergency period.

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no impact to the state budget as this rule only ensures state compliance with provisions set forth during the COVID-19 public health emergency period. It neither affects member services nor provider reimbursement.
<b>B) Local governments:</b>
There is no impact on local governments as this rule only ensures state compliance with provisions set forth during the COVID-19 public health emergency period. It neither affects member services nor provider reimbursement.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as this rule only ensures state compliance with provisions set forth during the COVID-19 public health emergency period. It neither affects member services nor provider reimbursement.
<b>D) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
There is no impact on Medicaid providers and Medicaid members as this rule only ensures state compliance with provisions set forth during the COVID-19 public health emergency period. It neither affects member services nor provider reimbursement.
<b>8. Compliance costs for affected persons:</b>
There are no compliance costs to a single Medicaid provider or to a Medicaid member as this rule only ensures state compliance with provisions set forth during the COVID-19 public health emergency period. It neither affects member services nor provider reimbursement.
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>
Businesses will see neither revenue nor costs as this rule only ensures COVID-19 emergency compliance.
<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Joseph K. Miner, MD, Executive Director

**Citation Information**

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

Section 26-1-5	Section 26-18-3	Section 63G-3-304
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**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/23/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-303-13</b>	<b>Filing No. 52879</b>
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**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R414-303-13. Coronavirus (COVID-19) Testing Coverage
<b>3. Effective Date:</b>
06/24/2020
<b>4. Purpose of the new rule or reason for the change:</b>
The purpose of this change is to implement provisions for testing coverage during the Coronavirus (COVID-19) public health emergency period.
<b>5. Summary of the new rule or change:</b>
This emergency rule adds a section to this rule to provide COVID-19 testing for a new optional eligibility group that meets the definition of "uninsured individual" under federal law. These services are limited to in-vitro diagnostic testing and COVID-19 testing-related services.

<b>6. Regular rulemaking would:</b>	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.
<b>Specific reason and justification:</b>	
This emergency rule is necessary to provide testing coverage for uninsured individuals during the COVID-19 public health emergency period.	

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is a cost of about \$10,600,000 in federal funds to help uninsured individuals receive COVID-19 testing during the public health emergency period.
<b>B) Local governments:</b>
There is no impact on local governments because they neither fund Medicaid eligibility groups nor make eligibility determinations.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no impact on small businesses as this rule simply assists uninsured individuals to receive COVID-19 testing during the public health emergency period. It neither increases business revenue nor costs.
<b>D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
There is no impact on Medicaid providers and Medicaid members as this rule simply assists uninsured individuals to receive COVID-19 testing during the public health emergency period. It neither increases business revenue nor costs.
<b>8. Compliance costs for affected persons:</b>
There are no compliance costs to a single Medicaid provider or to a Medicaid member as this rule simply assists uninsured individuals to receive COVID-19 testing during the public health emergency period. It neither increases business revenue nor costs.
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>
Businesses will see neither revenue nor costs as this rule simply assists uninsured individuals to receive COVID-19 testing during the public health emergency period.

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

**Citation Information**

<b>10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Section 26-1-5	Section 26-18-3	Pub. L. No. 116-127

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/23/2020
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NOTICE OF EMERGENCY (120-DAY) RULE		
<b>Utah Admin. Code Ref (R no.):</b>	R414-304-17	<b>Filing No. 52880</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R414-304-17. Public Health Emergency Income Provisions
<b>3. Effective Date:</b>
06/24/2020
<b>4. Purpose of the new rule or reason for the change:</b>
The purpose of this change is to allow certain income exclusions to help Medicaid members remain eligible during the Coronavirus (COVID-19) Pandemic.

<b>5. Summary of the new rule or change:</b>
This emergency rule allows income exclusions for recovery rebates, employer payments of student loans, qualified charitable contributions, and federal pandemic employment payments.
<b>6. Regular rulemaking would:</b>
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.
<b>Specific reason and justification:</b>
This emergency rule is necessary to help Medicaid members remain eligible during the COVID-19 Pandemic.

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no impact to the state budget as excluded incomes become newly available to members who qualify through the Coronavirus Aid, Relief, and Economic Security (CARES) Act. This change keeps the interaction between economic conditions and Medicaid enrollment the same as it was before CARES Act passage.
<b>B) Local governments:</b>
There is no impact on local governments because they neither fund Medicaid eligibility groups nor make eligibility determinations.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no impact to small businesses as excluded incomes become newly available to members who qualify through the CARES Act. This change keeps the interaction between economic conditions and Medicaid enrollment the same as it was before CARES Act passage.
<b>D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
There is no impact on Medicaid providers and Medicaid members as excluded incomes become newly available to members who qualify through the CARES Act. This change keeps the interaction between economic conditions and Medicaid enrollment the same as it was before CARES Act passage.
<b>8. Compliance costs for affected persons:</b>
There are no compliance costs to a single Medicaid provider or to a Medicaid member as excluded incomes

become newly available to members who qualify through the CARES Act. This change keeps the interaction between economic conditions and Medicaid enrollment the same as it was before CARES Act passage.

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

Businesses will see neither revenue nor costs as economic conditions and Medicaid enrollment will remain the same as before CARES Act passage.

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

Joseph K. Miner, MD, Executive Director

**Citation Information**

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

Section 26-1-5	Section 26-18-3	
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**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/23/2020
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NOTICE OF EMERGENCY (120-DAY) RULE		
<b>Utah Admin. Code Ref (R no.):</b>	R414-308-11	<b>Filing No. 52881</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R414-308-11. Public Health Emergency Provisions
<b>3. Effective Date:</b>
06/24/2020
<b>4. Purpose of the new rule or reason for the change:</b>
The purpose of this change is to implement provisions that comply with the Families First Coronavirus Response Act (FFCRA) during the Coronavirus (COVID-19) public health emergency period.
<b>5. Summary of the new rule or change:</b>
This emergency rule includes a section that assures continued coverage through the public health emergency period, assures coverage through a beneficiary's death, and assures compliance with presumptive eligibility decisions related to the uninsured testing group.
<b>6. Regular rulemaking would:</b>
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.
<b>Specific reason and justification:</b>
This emergency rule is necessary to provide continued coverage for Medicaid families during the COVID-19 public health emergency period.

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is an increase of about \$109,403,800 to the state budget to help Medicaid families receive coverage through the public health emergency period.
<b>B) Local governments:</b>
There is no impact on local governments because they neither fund Medicaid eligibility groups nor make eligibility determinations.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no impact on small businesses as this rule simply helps Medicaid families receive coverage through the public health emergency period.

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

There is no impact on Medicaid providers and Medicaid members as this rule simply helps Medicaid families receive coverage through the public health emergency period.

**8. Compliance costs for affected persons:**

There are no compliance costs to a single Medicaid provider or to a Medicaid member as this rule simply helps Medicaid families receive coverage through the public health emergency period.

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

Businesses will see neither revenue nor costs as this rule simply helps Medicaid families receive coverage through the public health emergency period.

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

Joseph K. Miner, MD, Executive Director

**Citation Information**

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

Section 26-1-5	Section 26-18-3	Pub. L. No. 116-127
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**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/23/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-311-7</b>	<b>Filing No. 52882</b>
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**Agency Information**

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

<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

**2. Rule or section catchline:**  
R414-311-7. Public Health Emergency Provisions

**3. Effective Date:**  
06/24/2020

**4. Purpose of the new rule or reason for the change:**  
The purpose of this change is to incorporate coverage and income provisions for the Targeted Adult Medicaid (TAM) Program set forth during the Coronavirus (COVID-19) public health emergency period.

**5. Summary of the new rule or change:**  
This amendment adds a section to the rule, which states that the TAM Program complies with provisions set forth in Section R414-304-17 and Section R414-308-11, in relation to the COVID-19 Pandemic. (EDITOR'S NOTE: The emergency rule on Section R414-304-17 is under Filing No. 52880 and the emergency rule on Section R414-308-11 is under Filing No. 52881 in this issue, July 15, 2020, of the Bulletin.)

**6. Regular rulemaking would:**

cause an imminent peril to the public health, safety, or welfare;

cause an imminent budget reduction because of budget restraints or federal requirements; or

place the agency in violation of federal or state law.

**Specific reason and justification:**  
This emergency rule is necessary to ensure that members of the TAM Program receive the assistance they need during the COVID-19 public health emergency period.

**Fiscal Information**

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

**A) State budget:**  
There is an increase of about \$3,829,500 to the state budget to fund the needs of the TAM Program during the COVID-19 public health emergency period.

<b>B) Local governments:</b>
There is no impact on local governments because they neither fund Medicaid eligibility groups nor make eligibility determinations.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as this rule simply assists the TAM Program during the COVID-19 public health emergency period. It neither increases business revenue nor costs.
<b>D) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
There is no impact on Medicaid providers and Medicaid members as this rule simply assists the TAM Program during the COVID-19 public health emergency period. It neither increases business revenue nor costs.
<b>8. Compliance costs for affected persons:</b>
There are no compliance costs to a single Medicaid provider or to a Medicaid member as this rule simply assists the TAM Program during the COVID-19 public health emergency period. It neither increases business revenue nor costs.
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>
Businesses will see neither revenue nor costs as this rule simply assists the TAM Program during the COVID-19 public health emergency period.
<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Joseph K. Miner, MD, Executive Director

**Citation Information**

<b>10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>
Section 26-1-5      Section 26-18-3

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/23/2020
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NOTICE OF EMERGENCY (120-DAY) RULE		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-312-7</b>	<b>Filing No. 52883</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R414-312-7. Public Health Emergency Provisions
<b>3. Effective Date:</b>
06/24/2020
<b>4. Purpose of the new rule or reason for the change:</b>
The purpose of this emergency rule is to incorporate coverage and income provisions for adult Medicaid members set forth during the Coronavirus (COVID-19) public health emergency period.
<b>5. Summary of the new rule or change:</b>
This emergency adds a section to this rule, which states that the Adult Expansion Medicaid Program will be administered in accordance with the provisions set forth in Section R414-304-17 and Section R414-308-11, in relation to the COVID-19 Pandemic. (EDITOR'S NOTE: The emergency rule on Section R414-304-17 is under Filing No. 52880 and the emergency rule on Section R414-308-11 is under Filing No. 52881 in this issue, July 15, 2020, of the Bulletin.)
<b>6. Regular rulemaking would:</b>
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.



**Specific reason and justification:**

This emergency rule is necessary to ensure that adult Medicaid members receive the assistance they need during the COVID-19 public health emergency period.

**Fiscal Information****7. Aggregate anticipated cost or savings to:****A) State budget:**

There is an increase of about \$14,779,900 to the state budget to fund the needs of the Adult Medicaid population during the COVID-19 public health emergency period.

**B) Local governments:**

There is no impact on local governments because they neither fund Medicaid eligibility groups nor make eligibility determinations.

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

There is no impact on small businesses as this rule simply assists Medicaid members during the COVID-19 public health emergency period. It neither increases business revenue nor costs.

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

There is no impact on Medicaid providers and Medicaid members as this rule simply assists Medicaid members during the COVID-19 public health emergency period. It neither increases business revenue nor costs.

**8. Compliance costs for affected persons:**

There are no compliance costs to a single Medicaid provider or to a Medicaid member as this rule simply assists Medicaid members during the COVID-19 public health emergency period. It neither increases business revenue nor costs.

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

Businesses will see neither revenue nor costs as this rule simply assists Medicaid members during the COVID-19 public health emergency period.

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

Joseph K. Miner, MD, Executive Director

**Citation Information**

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

Section 26-1-5	Section 26-18-3	
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**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/23/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-320-17</b>	<b>Filing No. 52886</b>
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**Agency Information**

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

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

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

R414-320-17. Public Health Emergency Provisions

**3. Effective Date:**

06/24/2020

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

The purpose of this emergency rule is to incorporate coverage and income provisions for Utah's Premium Partnership (UPP) for Health Insurance Program set forth during the Coronavirus (COVID-19) public health emergency period.

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

This emergency rule adds a section to this rule, which states that the UPP Program will comply with provisions set forth in Section R414-304-17 and Section R414-308-11, in relation to the COVID-19 Pandemic. (EDITOR'S NOTE: The emergency rule on Section R414-304-17 is

under Filing No. 52880 and the emergency rule on Section R414-308-11 is under Filing No. 52881 in this issue, July 15, 2020, of the Bulletin.)

**6. Regular rulemaking would:**

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

**Specific reason and justification:**

This emergency rule is necessary to ensure that members of the UPP Program receive the assistance they need during the COVID-19 public health emergency period.

**Fiscal Information**

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

**A) State budget:**

There is an increase of about \$107,400 to the state budget to fund the needs of the UPP Program during the COVID-19 public health emergency period.

**B) Local governments:**

There is no impact on local governments because they neither fund Medicaid eligibility groups nor make eligibility determinations.

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

There is no impact on small businesses as this rule simply assists the UPP Program during the COVID-19 public health emergency period. It neither increases business revenue nor costs.

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

There is no impact on Medicaid providers and Medicaid members as this rule simply assists the UPP Program during the COVID-19 public health emergency period. It neither increases business revenue nor costs.

**8. Compliance costs for affected persons:**

There are no compliance costs to a single Medicaid provider or to a Medicaid member as this rule simply assists the UPP Program during the COVID-19 public health emergency period. It neither increases business revenue nor costs.

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

Businesses will see neither revenue nor costs as this rule simply assists the UPP Program during the COVID-19 public health emergency period.

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

Joseph K. Miner, MD, Executive Director

**Citation Information**

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

Section 26-1-5	Section 26-18-3	
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**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/23/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-502-3</b>	<b>Filing No. 52884</b>
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**Agency Information**

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

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

**General Information**

**2. Rule or section catchline:**

R414-503-3. Approval of Level of Care

**3. Effective Date:**

06/24/2020

<b>4. Purpose of the new rule or reason for the change:</b>	
The purpose of this emergency rule is to allow individuals with Coronavirus (COVID-19), or who experience active symptoms, to receive nursing facility level of care during the public health emergency period.	
<b>5. Summary of the new rule or change:</b>	
This emergency rule provisions to allow individuals infected by COVID-19 to receive nursing facility level of care. It also includes other admission criteria.	
<b>6. Regular rulemaking would:</b>	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.
<b>Specific reason and justification:</b>	
This emergency rule is necessary to allow individuals with COVID-19 to receive nursing facility level of care during the public health emergency period.	

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>	
<b>A) State budget:</b>	
There is no impact to the state budget as nursing facility level of care falls within current appropriations.	
<b>B) Local governments:</b>	
There is no impact on local governments as nursing facility level of care falls within current appropriations.	
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):	
There is no impact on small businesses as nursing facility level of care falls within current appropriations.	
<b>D) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):	
There is no impact on Medicaid providers and Medicaid members as nursing facility level of care falls within current appropriations.	
<b>8. Compliance costs for affected persons:</b>	
There are no compliance costs to a single Medicaid provider or to a Medicaid member as nursing facility level of care falls within current appropriations.	

<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>
Businesses will see neither revenue nor costs as nursing facility level of care falls within current appropriations.
<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Joseph K. Miner, MD, Executive Director

**Citation Information**

<b>10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Section 26-1-5	Section 26-18-3	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/23/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-510-2</b>	<b>Filing No. 52885</b>
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**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R414-510-2. Definitions
<b>3. Effective Date:</b>
06/24/2020

<b>4. Purpose of the new rule or reason for the change:</b>	
The purpose of this emergency rule is to provide individuals concerned with the Coronavirus (COVID-19) Pandemic, additional breaks in stay at intermediate care facilities (ICFs), to help them qualify for services within the Community Supports Waiver (CSW).	
<b>5. Summary of the new rule or change:</b>	
This emergency rule adjusts the definition for "length of stay to provide additional breaks in stay at ICFs for individuals concerned with COVID-19, who wish to qualify for CSW services.	
<b>6. Regular rulemaking would:</b>	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.
<b>Specific reason and justification:</b>	
This emergency rule is necessary to provide individuals concerned with COVID-19 the opportunity to qualify for CSW services.	

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>	
<b>A) State budget:</b>	
There is no impact to the state budget as waiver services fall within appropriations set forth by the Legislature.	
<b>B) Local governments:</b>	
There is no impact on local governments because they neither fund nor provide waiver services under the Medicaid program.	
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):	
There is no impact on small businesses as waiver services fall within appropriations set forth by the Legislature.	
<b>D) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):	
There is no impact on Medicaid providers and Medicaid members as waiver services fall within appropriations set forth by the Legislature.	
<b>8. Compliance costs for affected persons:</b>	
There are no compliance costs to a single Medicaid provider or to a Medicaid member as waiver services fall within appropriations set forth by the Legislature.	

<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>
Businesses will see neither revenue nor costs as waiver services fall within appropriations set forth by the Legislature.
<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Joseph K. Miner, MD, Executive Director

**Citation Information**

<b>10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Section 26-1-5	Section 26-18-3	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/23/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R477-7-20</b>	<b>Filing No. 52907</b>
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**Agency Information**

<b>1. Department:</b>	Human Resource Management	
<b>Agency:</b>	Administration	
<b>Building:</b>	State Office Building	
<b>Street address:</b>	2120 State Office Building	
<b>City, state, zip:</b>	Salt Lake City, Utah 84114	
<b>Mailing address:</b>	2120 State Office Building	
<b>City, state, zip:</b>	Salt Lake City, Utah 84114	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Bryan Embley	801-618-6720	bkembley@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R477-7-20. Postpartum Recovery Leave
<b>3. Effective Date:</b>
07/01/2020

<b>4. Purpose of the new rule or reason for the change:</b>	
The legislature postponed the effective date of the underlying statute (Section 67-19-14.7) on 06/18/2020 (S.B. 5021, passed in the 2020 Fifth Special Session).	
<b>5. Summary of the new rule or change:</b>	
This emergency rule removes Section R477-7-20 as the program implementation was postponed. (EDITOR'S NOTE: A corresponding proposed amendment is under Filing No. 52913 in this issue, July 15, 2020, of the Bulletin.)	
<b>6. Regular rulemaking would:</b>	
	cause an imminent peril to the public health, safety, or welfare;
X	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.
<b>Specific reason and justification:</b>	
Program implementation was postponed along with its funding.	

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>	
<b>A) State budget:</b>	
In the 2020 General Session, S.B. 207 appropriated \$507,000 to fund postpartum recovery leave. This funding was pulled in the 2020 Fifth Special Session under S.B. 5021. Removing this section implementing postpartum recovery leave ensures that there can be no claim for leave which is no longer funded.	
<b>B) Local governments:</b>	
This emergency rule is not expected to have any fiscal impact on local governments because this rule only applies to the executive branch of state government.	
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):	
This emergency rule is not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.	
<b>D) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):	
This emergency rule is not expected to have any fiscal impact on other individuals because this rule only applies to the executive branch of state government.	

<b>8. Compliance costs for affected persons:</b>	
There are no direct compliance costs for this change. This rule only effects the executive branch of state government and will have no impact on other persons. This rule has no financial impact on state employees.	
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>	
After conducting a thorough analysis, it was determined that these proposed rule changes will not result in a fiscal impact to businesses. Rules published by the Department of Human Resource Management (DHRM) have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the "Utah Personnel Management Act," Title 67, Chapter 19. This act limits the provisions of career service and this rule to employees of the executive branch of state government.	
<b>B) Name and title of department head commenting on the fiscal impacts:</b>	
Paul Garver, Executive Director	

**Citation Information**

<b>10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Section		
67-19-14.7		

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryan Embley, HR Strategy Consultant	<b>Date:</b>	06/22/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R990-400</b>	<b>Filing No. 52887</b>
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**Agency Information**

<b>1. Department:</b>	Workforce Services
<b>Agency:</b>	Housing and Community Development
<b>Building:</b>	Olene Walker Building
<b>Street address:</b>	140 E 300 S
<b>City, state, zip:</b>	Salt Lake City, Utah 84111
<b>Mailing address:</b>	PO Box 45244
<b>City, state, zip:</b>	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**

<b>2. Rule or section catchline:</b>
R990-400. Pandemic Housing Assistance
<b>3. Effective Date:</b>
06/24/2020
<b>4. Purpose of the new rule or reason for the change:</b>
This first emergency rule establishes criteria to administer funds received from the Coronavirus Aid, Relief and Economic Security Act (CARES Act), Pub. L. 116-136, and any funds appropriated by the Legislature, to assist individuals negatively impacted by the COVID-19 pandemic with retaining or obtaining housing.
<b>5. Summary of the new rule or change:</b>
This first emergency rule was effective from 06/24/2020 to 07/06/2020. It was superseded on 07/06/2020 by the second emergency rule Filing No. 52920. This emergency rule explains how the Department of Workforce Services, Housing and Community Development will administer a housing program to assist state residents financially harmed by the COVID-19 pandemic. (EDITOR'S NOTE: The second emergency rule for Rule R990-400 is under Filing No. 52920 in this issue, July 15, 2020, of the Bulletin.)
<b>6. Regular rulemaking would:</b>
x cause an imminent peril to the public health, safety, or welfare;
cause an imminent budget reduction because of budget restraints or federal requirements; or
place the agency in violation of federal or state law.
<b>Specific reason and justification:</b>
Due to the COVID-19 pandemic, there are residents who have lost employment through no fault of their own and need immediate assistance to retain or obtain housing. New programs are needed to support individuals who are at risk of losing housing due to loss of income caused by the COVID-19 pandemic. Without this emergency rule, households may not be able to meet their housing obligations which will negatively impact both landlords and financial institutions securing mortgages.

The emergency rule is being enacted to allow assistance to be provided immediately while regular rulemaking is pursued.

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
Any fiscal impact on state budget revenues or expenditures were accounted for by the fiscal note to S.B. 5005, passed in the 2020 Fifth Special Session. This emergency rule 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 emergency rule. This emergency rule will not increase workload and can be carried out with the existing budget.
<b>B) Local governments:</b>
The emergency rule is not expected to have any fiscal impacts on local governments' revenues or expenditures because the program is federally-funded and does not rely on local governments for funding, administration, or enforcement.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
The emergency rule is expected to have a positive fiscal impact on small businesses by enabling residents to continue making timely payments of rent.
<b>D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
It is anticipated that this emergency rule will have a positive fiscal impact on other persons by allowing households to receive housing support payments.
<b>8. Compliance costs for affected persons:</b>
The emergency rule is not expected to cause any compliance costs for affected persons. There are no administrative fees with the emergency rule.
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>
After conducting a thorough analysis, it was determined that this emergency rule will result in a positive fiscal impact to businesses.
<b>B) Name and title of department head commenting on the fiscal impacts:</b>
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-8-2302		
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**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Jon Pierpont, Executive Director	<b>Date:</b>	06/24/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R990-400</b>	<b>Filing No. 52920</b>
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**Agency Information**

<b>1. Department:</b>	Workforce Services	
<b>Agency:</b>	Housing and Community Development	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 45244	
<b>City, state, zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda B. McPeck	801-517-4709	ampeck@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R990-400. Pandemic Housing Assistance
<b>3. Effective Date:</b>
07/06/2020
<b>4. Purpose of the new rule or reason for the change:</b>
This second emergency rule supersedes the previous emergency rule Filing No. 52887. One change has been made for clarity. The word "all" has been changed to "any" in Subsection R990-400-5(3). The emergency rule establishes criteria to administer funds received from the Coronavirus Aid, Relief and Economic Security Act (CARES Act), Pub. L. 116-136, and any funds appropriated by the Legislature, to assist individuals negatively impacted by the COVID-19 pandemic with retaining or obtaining housing.

(EDITOR'S NOTE: The first emergency rule filing for Rule R990-400 is under No. 52887 in this issue, July 15, 2020, of the Bulletin.)

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

This emergency rule explains how the Department of Workforce Services, Housing and Community Development will administer a housing program to assist state residents financially harmed by the COVID-19 pandemic. (EDITOR'S NOTE: A corresponding proposed new Rule R990-400 is under Filing No. 52888 in this issue, July 15, 2020, of the Bulletin.)

**6. Regular rulemaking would:**

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

**Specific reason and justification:**

Due to the COVID-19 pandemic, there are residents who have lost employment through no fault of their own and need immediate assistance to retain or obtain housing. New programs are needed to support individuals who are at risk of losing housing due to loss of income caused by the COVID-19 pandemic. Without this emergency rule, households may not be able to meet their housing obligations which will negatively impact both landlords and financial institutions securing mortgages. This emergency rule is being enacted to allow assistance to be provided immediately while regular rulemaking is pursued.

**Fiscal Information****7. Aggregate anticipated cost or savings to:****A) State budget:**

Any fiscal impact on state budget revenues or expenditures were accounted for by the fiscal note to S.B. 5005, passed in the 2020 Fifth Special Session. This emergency rule is not expected to have any fiscal impact on state revenues or expenditures. There are no additional state employees or resources needed to oversee this new emergency rule. This emergency rule will not increase workload and can be carried out with the existing budget.

**B) Local governments:**

This 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.

NOTICES OF 120-DAY (EMERGENCY) RULES

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

This emergency rule is expected to have a positive fiscal impact on small businesses, by enabling residents to continue making timely payments of rent.

**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 have a positive fiscal impact on other persons by allowing households to receive housing support payments.

**8. Compliance costs for affected persons:**

This emergency rule is not expected to cause any compliance costs for affected persons. There are no administrative fees with this emergency rule.

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

After conducting a thorough analysis, it was determined that this emergency rule will result in a positive fiscal impact to businesses.

**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-8-2302		
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**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Jon Pierpont, Executive Director	<b>Date:</b>	07/06/2020
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**End of the Notices of 120-Day (Emergency) Rules Section**



## FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <https://rules.utah.gov/>. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

**REVIEWS** are governed by Section 63G-3-305.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R251-301	Filing No. 50364

### Agency Information

<b>1. Department:</b>	Corrections	
<b>Agency:</b>	Administration	
<b>Street address:</b>	14717 S Minuteman Dr	
<b>City, state, zip:</b>	Draper, UT 84020	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gehrke	385-237-8040	sgehrke@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule catchline:</b>
R251-301. Employment, Educational or Vocational Training for Community Correctional Center Offenders
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized by Sections 63G-3-201, 64-13-10, and 64-13-14.5 of the Utah Code. The purpose of this rule is to provide the requirements for employers who employ offenders. This rule also provides the requirements for offenders' participation in an educational or vocational training program.

<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments on this rule have been received since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The purpose of this rule is to provide the requirements for employers who employ offenders and the requirements for offenders' participation in education or vocational training program. Therefore, this rule should be continued.

### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Mike Haddon, Executive Director	<b>Date:</b>	06/10/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R251-709	Filing No. 50367

### Agency Information

<b>1. Department:</b>	Corrections
<b>Agency:</b>	Administration
<b>Street address:</b>	14717 S Minuteman Dr
<b>City, state, zip:</b>	Draper, UT 84020

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gehrke	385-237-8040	sgehrke@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R251-709. Transportation of Inmates
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized under Sections 63G-3-201 and 64-13-10 of the Utah Code. This rule addresses requirements regarding the transportation of inmates in order to provide for public safety and the security of inmates under the jurisdiction of the Department of Corrections (Department).
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments on this rule have been received since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The purpose of this rule is to address transportation requirements for inmates in order to provide for public safety and the security of inmates under the jurisdiction of the Department. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mike Haddon, Executive Director	<b>Date:</b>	06/30/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	R277-303	<b>Filing No.</b>	50393
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**Agency Information**

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

<b>Mailing address:</b>	PO Box 144200	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Angie Stallings	801-538-7656	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R277-303. Educator Preparation Programs
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized by Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the State Board of Education (Board); Subsection 53E-3-401(4) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; Subsection 53E-6-201(3)(a) allows the Board to establish the criteria for obtaining licenses; and Section 53E-6-302 requires the Board to establish standards for approval of educator preparation programs.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There were no written comments received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is still necessary because it establishes criteria for educator preparation programs in the . Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	06/05/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	R477-16	<b>Filing No.</b>	51166
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**Agency Information**

<b>1. Department:</b>	Human Resource Management
<b>Agency:</b>	Administration

<b>Building:</b>	State Office Building	
<b>Street address:</b>	2120 State Office Building	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	2120 State Office Building	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Bryan Embley	801-618-6720	Bkembley@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R477-16. Abusive Conduct Prevention
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 67-19-44(4) requires the Department of Human Resource Management (DHRM) to "amend" administrative rules to govern abusive conduct prevention as follow up to the original statutory requirement from 2015 to create the rule.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments have been received by DHRM regarding this rule since its propagation in 2015.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
Since Section 67-19-44 is still in effect and requires DHRM to maintain this rule in order to implement the statutory abusive conduct requirements in the executive branch of state government, therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryan Embley, HR Strategy Consultant	<b>Date:</b>	06/22/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	R497-100	<b>Filing No. 51178</b>
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**Agency Information**

<b>1. Department:</b>	Human Services	
<b>Agency:</b>	Administration, Administrative Hearings	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jonah Shaw	801-538-4219	jshaw@utah.gov
Sonia Sweeney	801-538-8241	ssweeney@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R497-100. Adjudicative Proceedings
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Authority granted through Section 62A-1-111, and the Administrative Procedures Act established in Section 63G-4-103, the Department of Human Services and the Office of Administrative Hearings have establish the standards of adjudicative proceedings through this rule.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No written comments have been received during and since the last five-year review of this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The continuation of this rule is justifiable as it establishes the Office of Administrative Hearings adjudicative proceedings; specifically, the form of proceedings, exceptions, commencement, availability, procedures for informal proceedings, declaratory orders, agency review, reconsideration, scope, and applicability.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mark Brasher, Deputy Director	<b>Date:</b>	06/19/2020
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FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R698-6	Filing No. 51860

**Agency Information**

<b>1. Department:</b>	Public Safety	
<b>Agency:</b>	Administration	
<b>Building:</b>	Calvin Rampton Complex	
<b>Street address:</b>	4501 S 2700 W 1st Floor	
<b>City, state, zip:</b>	Salt Lake City, UT 84119-5994	
<b>Mailing address:</b>	PO Box 141775	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-1775	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R698-6. Honoring Heroes Restricted Account

**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 Section 53-1-118, which provides that the commissioner shall make rules providing procedures for an organization to apply to receive funds from the account.

**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:**

This rule is required under Section 53-1-118, and is necessary in order to outline the procedures for an organization to apply for and be awarded funds from the Public Safety Honoring Heroes Restricted Account. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Jess L. Anderson, Commissioner	<b>Date:</b>	06/30/2020
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**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.):	R277-418	Filing No. 50417

### Agency Information

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

### General Information

<b>2. Rule catchline:</b>
R277-418. Distance, Blended, Online, or Competency Based Learning Program
<b>3. Reason for requesting the extension and the new deadline date:</b>
This extension would provide Utah State Board of Education (USBE) enough time to decide whether to repeal (and file the repeal and make it effective) or continue the rule, based on the Board's decision to repeal the rule during the 07/09/2020 Board meeting. The new deadline is 11/05/2020.

### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	06/24/2020
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### NOTICE OF FIVE-YEAR REVIEW EXTENSION

Utah Admin. Code Ref (R no.):	R356-2	Filing No. 50850
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### Agency Information

<b>1. Department:</b>	Governor	
<b>Agency:</b>	Criminal and Juvenile Justice (State Commission on)	
<b>Room no.:</b>	Suite 330	
<b>Building:</b>	Senate Building	
<b>Street address:</b>	350 N State Street	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	PO Box 142330	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2330	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Cordova	801-598-14312	kimcordova@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule catchline:</b>
R356-2. Judicial Nominating Commissions

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

**3. Reason for requesting the extension and the new deadline date:**

Due to a change in personnel, the review was not ready by the deadline. The Commission requests an extension to get the five-year review done. The new deadline is 10/24/2020.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Kim Cordova, Executive Director	<b>Date:</b>	06/30/2020
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**End of the Notices of Five-Year Review Extensions Section**

## NOTICES OF RULE EFFECTIVE DATES

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State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

**NOTICES OF EFFECTIVE DATE** are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

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### Administrative Services

#### Debt Collection

No. 52679 (Amendment): R21-3 Debt Collection Through Administrative Offset  
Published: 05/15/2020  
Effective: 06/22/2020

#### 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

#### Animal Industry

No. 52706 (New Rule): R58-26 Custom Exempt Slaughter Verification of Ownership  
Published: 05/15/2020  
Effective: 07/07/2020

#### Chemistry Laboratory

No. 52729 (Repeal): R63-1 Fee Schedule  
Published: 05/15/2020  
Effective: 07/07/2020

### Commerce

#### Consumer Protection

No. 52767 (New Rule): R152-57 Maintenance Funding Practices Act Rule  
Published: 06/01/2020  
Effective: 07/09/2020

### 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

### Real Estate

No. 52654 (Amendment): R162-2c Justin Barney  
Published: 05/15/2020  
Effective: 07/08/2020

No. 52645 (Amendment): R162-2g Real Estate Appraiser Licensing and Certification Administrative Rules  
Published: 05/15/2020  
Effective: 06/30/2020

### Education

#### Administration

No. 52770 (Amendment): R277-101 Public Participation in Utah State Board of Education Meetings  
Published: 06/01/2020  
Effective: 07/09/2020

No. 52771 (Amendment): R277-301 Educator Licensing  
Published: 06/01/2020  
Effective: 07/09/2020

NOTICES OF RULE EFFECTIVE DATES

No. 52773 (New Rule): R277-302 Educator Licensing Renewal  
Published: 06/01/2020  
Effective: 07/09/2020

No. 52741 (Amendment): R277-304 Teacher Preparation Programs  
Published: 05/15/2020  
Effective: 06/22/2020

No. 52774 (Amendment): R277-306 Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers  
Published: 06/01/2020  
Effective: 07/09/2020

No. 52775 (New Rule): R277-326 Early Learning Professional Learning Grant Program  
Published: 06/01/2020  
Effective: 07/09/2020

No. 52776 (New Rule): R277-327 School Leadership Development Grant.  
Published: 06/01/2020  
Effective: 07/09/2020

No. 52777 (Amendment): R277-406 Early Literacy Program and Benchmark Reading Assessment  
Published: 06/01/2020  
Effective: 07/09/2020

No. 52742 (Amendment): R277-415 School Nurses Matching Funds  
Published: 05/15/2020  
Effective: 06/22/2020

No. 52769 (Amendment): R277-419 Pupil Accounting  
Published: 06/01/2020  
Effective: 07/09/2020

No. 52778 (New Rule): R277-476 Civics Engagement Pilot Program.  
Published: 06/01/2020  
Effective: 07/09/2020

No. 52779 (Amendment): R277-489 Kindergarten Entry and Exit Assessment - Early Intervention Program  
Published: 06/01/2020  
Effective: 07/09/2020

No. 52780 (Amendment): R277-490 Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)  
Published: 06/01/2020  
Effective: 07/09/2020

No. 52781 (Repeal): R277-493 Kindergarten Supplemental Enrichment Program  
Published: 06/01/2020  
Effective: 07/09/2020

No. 52782 (Repeal): R277-500 Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks  
Published: 06/01/2020  
Effective: 07/09/2020

No. 52783 (Amendment): R277-603 Autism Awareness Restricted Account Distribution  
Published: 06/01/2020  
Effective: 07/09/2020

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

Governor

Economic Development

No. 52785 (New Rule): R357-29 Rural County Grant Program Rule  
Published: 06/01/2020  
Effective: 07/09/2020

Health

Disease Control and Prevention, Health Promotion

No. 52772 (Amendment): R384-201 School-Based Vision Screening for Students in Public Schools  
Published: 06/01/2020  
Effective: 07/09/2020

Health Care Financing, Coverage and Reimbursement Policy

No. 52668 (Amendment): R414-60 Limitations  
Published: 05/01/2020  
Effective: 06/19/2020

No. 52745 (Amendment): R414-401 Assessment  
Published: 05/15/2020  
Effective: 07/01/2020

No. 52746 (Amendment): R414-506 Hospital Provider Assessments  
Published: 05/15/2020  
Effective: 07/01/2020

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

No. 52747 (Amendment): R414-517 Inpatient Hospital Provider Assessments  
Published: 05/15/2020  
Effective: 07/01/2020



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, Maternal and Child Health  
 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

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

Natural Resources

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

NOTICES OF RULE EFFECTIVE DATES

Public Service Commission

Administration

No. 52732 (Amendment): R746-8 Calculation and

Application of UUSF Surcharge

Published: 06/01/2020

Effective: 07/08/2020

Utility Facility Review Board

No. 52739 (New Rule): R747-1 Utility Facility Review Board Rule

Published: 06/01/2020

Effective: 07/09/2020

Tax Commission

Auditing

No. 52762 (Amendment): R865-19S-99 Sales and Use Taxes on Vehicles Purchased in Another State Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104

Published: 06/01/2020

Effective: 07/09/2020

No. 52763 (Amendment): R865-19S-85 Sales and Use Tax Exemptions for Certain Purchases by a Manufacturing Facility Pursuant to Utah Code Ann. Section 59-12-104

Published: 06/01/2020

Effective: 07/09/2020

No. 52764 (Amendment): R865-19S-35 Residential or Commercial Use of Gas, Electricity, Heat, Coal, Fuel Oils or Other Fuels Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104

Published: 06/01/2020

Effective: 07/09/2020

Motor Vehicle Enforcement

No. 52694 (Amendment): R877-23V-24 Advisory Board Procedures

Published: 05/15/2020

Effective: 07/09/2020

No. 52761 (Amendment): R877-23V-23 Secure Areas

Published: 06/01/2020

Effective: 07/09/2020

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