

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Sunnie Burningham, Managing Editor

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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## EDITOR'S NOTES

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### **Duplicate Filing on Rule R277-500**

The Utah State Board of Education (USBE) filed a repeal of Rule R277-500, Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks, under Filing No. 52782 that was published in the June 1, 2020, Bulletin. This was made effective on 07/09/2020.

Another repeal of Rule R277-500 was filed and was published under Filing No. 52856 in the July 1, 2020, Bulletin. This duplicate filing has no effect. USBE will let it lapse.

*Any questions should be directed to: Angie Stallings at 801-538-7830 or at [angie.stallings@schools.utah.gov](mailto:angie.stallings@schools.utah.gov)*

**End of the Editor's Notes Section**





# 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 2020-44

Adopting version 4.8 of the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation

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

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

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

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

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

**WHEREAS**, the Utah Department of Health has updated the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation to version 4.8;

**WHEREAS**, the Utah Department of Health has determined that the Utah COVID-19 Health Risk Status set forth in Executive Order 2020-40 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 4.8.
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 2020-40.

This Order is declared effective immediately and shall remain in effect until 11:59 p.m. on August 7, 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 17th day of July, 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/044/EO

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**EXECUTIVE ORDER**  
**2020-45**

Extending Face Coverings Requirement 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 or know that the individual is infected;

**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 continue to require individuals, including employees and members of the public, to wear face coverings while in state facilities 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 covering, without holes that can be seen through, that covers the nose and mouth, including a cloth mask or face shield.
  - b.i. "State facility" means a building or structure, or 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 owned, leased, occupied, or controlled exclusively 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 three years old; or
    - iii. is three 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;

EXECUTIVE DOCUMENTS

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, in which case a face shield or alternative protection such as a plexiglass barrier should be used;

d. an individual who is receiving or providing 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 actively engaged in any of the following activities while maintaining a physical distance of at least six feet from any other individual who is not from the same household or residence:

i. using an indoor recreational facility; or

ii. eating or drinking; or

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.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 2020-41.

This Order is declared effective immediately and shall remain in effect until 11:59 p.m. on August 7, 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 23rd day of July, 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/045/EO

**EXECUTIVE ORDER  
2020-46**

Adopting Version 4.9 of the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation

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

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

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

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

**WHEREAS**, the Utah Department of Health has released and updated the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation, which provide a color-coded health guidance system (hereinafter, "Utah COVID-19 Health Risk Status"), to guide economic engagement while still protecting public health;

**WHEREAS**, the Utah Department of Health has updated the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation to version 4.9;

**WHEREAS**, the Utah Department of Health has determined that the Utah COVID-19 Health Risk Status set forth in Executive Order 2020-44 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:
  - a. "Person" means the same as that term is defined in Utah Code § 68-3-12.5(18).
  - b. "Phased Guidelines" means the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation version 4.9.
2. The Utah COVID-19 Public Health Risk Status is:
  - a. Moderate Risk (Orange) in Salt Lake City;
  - b. New Normal Risk (Green) in Beaver County, Daggett County, Duchesne County, Emery County, Garfield County, Kane County, Millard County, Piute County, Uintah County, and Wayne County; and
  - c. Low Risk (Yellow) 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. Each person in an area identified in Subsection (2)(a) shall comply with the Moderate Risk (Orange) provisions of the Phased Guidelines;
  - b. Each person in an area identified in Subsection (2)(b) shall comply with the New Normal Risk (Green) provisions of the Phased Guidelines;
  - c. Each person in an area identified in Subsection (2)(c) shall comply with the Low Risk (Yellow) 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

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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 New Normal Risk (Green) 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 2020-44.

6. To the extent that any provision of this Order conflicts with a provision of Executive Order 2020-45 or Utah Public Health Order 2020-10, the provision of Executive Order 2020-45 or Utah Public Health Order 2020-10 shall control.

This Order is declared effective immediately and shall remain in effect until 11:59 p.m. on August 7, 2020, unless otherwise lawfully modified, amended, rescinded, or superseded.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 27th day of July, 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/046/EO

**End of the Executive Documents Section**

## NOTICES OF PROPOSED RULES

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between July 02, 2020, 12:00 a.m., and July 15, 2020, 11:59 p.m. are included in this, the August 01, 2020, issue of the *Utah State Digest*.

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

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least August 31, 2020. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through November 29, 2020, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

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

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	R25-7	Filing No. 52867

**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:</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. Purpose of the new rule or reason for the change:</b>
The reason for the repeal and reenactment is to clarify the language of the original rule and clean up some formatting issues. Also, there was an increase in some hotel costs for in-state travel. This change also has modifications to language that indicate this rule's application to political subdivisions.
<b>4. Summary of the new rule or change:</b>
The reenacted rule clarifies state travel and reimbursement for people traveling in-state, and out-of-state. This rule also allows the increase in costs for some in-state hotels. This rule change also has modifications to language that indicate the rule's application to political subdivisions. (EDITOR'S NOTE: There is a corresponding emergency (120-day) rule change to Rule R25-7 that is effective as of 07/01/2020 and was published under Filing No. 52914 in the July 15, 2020, issue of the Bulletin.)

**Fiscal Information****5. 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 a hotel that has 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 change clarifies the language in the original rule, and increases rates for some in-state hotels, but only deals with government travelers, small businesses will not be affected.

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

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

**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**):

Individuals being reimbursed for some in-state hotels, may notice a higher reimbursement, because some in-state hotels increased their rates.

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

Because the repeal and reenactment 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, there are no compliance costs.

**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>
<b>H) Department head approval of regulatory impact analysis:</b>			
I have reviewed the regulatory table, and there are not fiscal impacts associated with this rule update or change. Tani Pack Downing.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
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 their rate.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Tani Pack Downing, Executive Director			

## Citation Information

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

Section 63A-3-107    Section 63A-3-106

## 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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

## Agency Authorization Information

**Agency head or designee, and title:** John Reidhead, Director    **Date:** 07/08/2020

## NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

**Utah Admin. Code Ref (R no.):** R25-21    **Filing No.** 52932

## Agency Information

<b>1. Department:</b>	Administrative Services
<b>Agency:</b>	Finance
<b>Building:</b>	Taylorville State Office Building
<b>Street address:</b>	4315 S 2700 W Floor 3
<b>City, state:</b>	Taylorville, UT 84127-2128
<b>Mailing address:</b>	Division of Finance, 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>
R25-21. Medical Cannabis Payment Provider Standard
<b>3. Purpose of the new rule or reason for the change:</b>
After issuance of this rule, it was proven untenable for most payment providers in the medical cannabis industry to obtain a letter from a bank certifying as to requirements in Subsection R25-21-3(3)(b). This change removes the requirement.
<b>4. Summary of the new rule or change:</b>
The purpose of this change is to remove the language in Subsection R25-21-3 (3)(b) of this rule.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There are not anticipated costs to state governments because the change does not affect state government.
<b>B) Local governments:</b>
There are not anticipated costs to local governments because the change does not affect local governments.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
The relevant data is unavailable because affected businesses will be able to choose among authorized payment providers and costs are unknown and may vary. Costs are not estimable. Products affected by this rule are optional for businesses affected. Marijuana-related businesses choosing a payment provider would have similar costs with or without this rule.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
The relevant data is unavailable because affected businesses will be able to choose among authorized payment providers and costs are unknown and may vary. Costs are not estimable. Products affected by this rule are optional for businesses affected. Marijuana-related

businesses choosing a payment provider would have similar costs with or without this rule.

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

This proposed rule change applies only to participating payment providers for Utah cannabis-related businesses. There are not anticipated direct costs or savings to other persons. Costs incurred by Utah cannabis-related businesses will likely be passed on to their customers (indirect costs). However, the costs are not estimable because the relevant data necessary to determine how the costs will be allocated to customers is not available. The Division of Finance also expects customers would have similar costs passed on them with or without this rule.

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

The costs to payment providers cannot reasonably be estimated because the relevant data necessary to determine how the costs will be allocated to customers is not available. The cost to the payment providers would depend on the type of establishment and service each provider offers.

**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:**

I have reviewed the regulatory impact table, and agree there are no estimable fiscal impacts associated with this rule change due to the lack of relevant data. Tani Pack Downing, Executive Director

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

There is not an estimable impact on businesses.

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

Tani Pack Downing, Executive Director

**Citation Information**

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

Subsection 26-61a-603(2)(a)		
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	08/31/2020
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<b>10. This rule change MAY become effective on:</b>	09/07/2020
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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>	John Reidhead, Director	<b>Date:</b>	07/09/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R156-79</b>	<b>Filing No.</b>	<b>52950</b>
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**Agency Information**

<b>1. Department:</b>	Commerce		
<b>Agency:</b>	Occupational and Professional Licensing		
<b>Building:</b>	Heber M. Wells Building		
<b>Street address:</b>	160 E 300 S		
<b>City, state:</b>	Salt Lake City UT 84111-2316		
<b>Mailing address:</b>	PO Box 146741		
<b>City, state, zip:</b>	Salt Lake City UT 84114-6741		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Jana Johansen	801-530-6621	janajohansen@utah.gov	

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

**General Information**

**2. Rule or section catchline:**

R156-79. Hunting Guides and Outfitters Licensing Act Rule

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

The proposed amendments update this rule in accordance with statutory changes made by S.B. 149 and H.B. 290 passed in the 2020 General Session.

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

In Section R156-79-102, the proposed amendments remove obsolete definitions of components for licensure as the license has changed to a registration.

In Section R156-79-302a (renumbered to R156-79-302), the proposed amendments add insurance requirements for registration in accordance with Section 58-79-302 as amended by S.B. 149 and H.B. 290 (2020) and delete obsolete requirements for licensure.

Sections R156-79-302b through R156-79-302e, which contain requirements for licensure, are deleted as obsolete.

In Section R156-79-303, the proposed amendment

substitutes the term "registrants" for "licensees," as these licenses have changed to a registration.

In Section R156-79-502, the proposed amendments delete unprofessional conduct provisions based upon licensure and substitute the term "registrant" for "licensee".

In Section R156-79-601, the proposed amendments remove obsolete hunting guide training programs required for licensure as the license has changed to a registration.

In Section R156-79-602, the proposed amendments remove obsolete outfitter training programs required for licensure as the license has changed to a registration.

### Fiscal Information

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

##### A) State budget:

No state agencies will be directly or indirectly affected by this filing because the proposed amendments merely update and clarify provisions and conform this rule to statutory changes. Accordingly, the amendments are not expected to impact the state.

##### B) Local governments:

No local governments will be directly or indirectly affected by this filing because the proposed amendments merely update and clarify provisions and conform this rule to statutory changes.

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

There are approximately six small businesses in Utah owned by individuals in the hunting guide and outfitter industries (North American Industry Classification System (NAICS) 114210). No small businesses are expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform this rule to statutory changes.

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

There are no non-small businesses in Utah in the industries in question.

##### 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**):

In Utah there are 490 licensed hunting guides and 152 licensed outfitters, and the Division of Occupational and Professional Licensing (Division) averages 15 new applications per year. The Division does not anticipate any cost or savings to these persons from these proposed amendments over and above the enacted registration

requirements. In particular, although new applicants may experience a cost from the expense of acquiring liability insurance as required under renumbered Section R156-79-302, this level of liability insurance is already required of applicants by the Utah Division of Wildlife Resources, and the requirement of liability insurance was established in statute.

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

These proposed amendments are not expected to impose any compliance costs on any affected persons.

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

#### Regulatory Impact Table

Fiscal Cost	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 Commerce, Chris Parker, has reviewed and approved this fiscal analysis.

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

The Division proposes amendments to update this rule according to the statutory changes to Section 58-79-101 et seq. pursuant to S.B. 149 and H.B. 290 (2020). The amendments remove obsolete definitions, add liability insurance requirements for registration, and emphasize the term "registrant" versus "licensee".

Small Businesses (less than 50 employees): In Utah, there are approximately six small businesses in the hunting guide and outfitting industry (NAICS 114210). There are also 490 licensed hunting guides and 152 licensed outfitters. The Division averages 15 new applications per year and does not anticipate any cost or savings to these persons from these proposed amendments over and above the enacted registration requirements. The liability insurance requirement under Section R156-79-302 is already required of applicants by the Utah Division of Wildlife Resources. Accordingly, no fiscal impact is expected for small business over and above any fiscal impact described in the Legislative fiscal note as these costs are either inestimable or there is no fiscal impact.

Regulatory Impact to Non-Small Businesses (50 or more employees): the proposed amendments are not expected to impact non-small businesses because there are no non-small businesses in the hunting guide and outfitting industries (NAICS 114210) in Utah or for the same reasons as described above for small business as the costs are either inestimable, for the reasons stated, or there is not fiscal impact.

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

Chris Parker, Executive Director

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

Section 58-79-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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**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>	Removes the generally accepted and recognized standards and ethics of the profession, established by the Utah Guides and Outfitters Association
<b>Publisher</b>	Utah Guides and Outfitters Association

<b>Date Issued</b>	July 1, 2006
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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:** 08/31/2020

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

On:	At:	At:
08/17/2020	10:00 AM	Heber Wells Bldg, 160 E 300 S, Salt Lake City, UT. Electronic rule hearing only - join with Google Meet (meet.google.com/rf-c-fcu-zhm). Join by phone at +1 929-266-3411, PIN 415996459

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mark B. Steinagel, Director	<b>Date:</b>	07/14/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-310</b>	<b>Filing No.</b>	<b>52960</b>
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**Agency Information**

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

<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<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>
R277-310. International Guest Teachers
<b>3. Purpose of the new rule or reason for the change:</b>
Utah State Board of Education (Board) Rule R277-310 establishes procedures for local education agencies (LEAs) to place qualified individuals through International Guest Teacher agreements.
<b>4. Summary of the new rule or change:</b>
The new Board Rule R277-310 adopts the new numbering protocol for licensing rules, brings the rule into conformance with the new licensing structure, and makes other technical updates.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This proposed rule is not expected to have independent fiscal impact on state government revenues or expenditures. This rule brings licensing for international guest teachers into conformity with the state's new licensing systems.
<b>B) Local governments:</b>
This proposed rule is not expected to have independent fiscal impact on local governments' revenues or expenditures. This rule brings licensing for international guest teachers into conformity with the state's new licensing systems.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This proposed rule is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This rule brings licensing for international guest teachers into conformity with the state's new licensing systems.

**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 new rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This proposed rule is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This rule brings licensing for international guest teachers into conformity with the state's new licensing systems.

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

There are no significant compliance costs for affected persons. This rule brings licensing for international guest teachers into conformity with the state's new licensing systems.

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

**Regulatory Impact Table**

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

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-6-201(3)(a)
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**Public Notice Information**

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

not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

**A) Comments will be accepted until:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	07/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Repeal

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-418</b>	<b>Filing No.</b> <b>52961</b>
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**Agency Information**

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

**2. Rule or section catchline:**

R277-418. Distance, Blended, Online, or Competency Based Learning Program

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

The issues governed by Utah State Board of Education (Board) Rule R277-418 are now covered in other board rules.

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

The Board recommends this rule be repealed because it is no longer needed. This rule is repealed in its entirety.

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

This rule repeal is not expected to have independent fiscal impact on state government revenues or expenditures. The issues governed by this rule are covered in other board rules. Therefore, this rule is being repealed.

**B) Local governments:**

This rule repeal is not expected to have independent fiscal impact on local governments' revenues or expenditures. The issues governed by this rule are covered in other board rules. Therefore, this rule is being repealed.

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

This rule repeal is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The issues governed by this rule are covered in other board rules. Therefore, this rule is being repealed.

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

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

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

This rule repeal is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The issues governed by this rule are covered in other board rules. Therefore, this rule is being repealed.

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

There are no compliance costs for affected persons. The issues governed by this rule are covered in other board rules. Therefore, this rule is being repealed.

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

**Regulatory Impact Table**

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<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 proposed repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable large businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This rule repeal has no fiscal impact on local education



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

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	08/31/2020
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<b>10. This rule change MAY become effective on:</b>	09/07/2020
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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>	07/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-488</b>	<b>Filing No.</b> <b>52962</b>
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**Agency Information**

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<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>
R277-488. Dual Language Immersion Program

<b>3. Purpose of the new rule or reason for the change:</b>
Rule R277-488 establishes requirements for distribution of funds for the Dual Language Immersion Program.

<b>4. Summary of the new rule or change:</b>
The Utah State Board of Education (Board) Rule R277-488 updates include recommendations to update the application process and change the deadline for submission of annual reports to the Board and updated procedural requirements for funding.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
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**A) State budget:**

This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The amendments are minor and clarifying in nature.

**B) Local governments:**

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The amendments are minor and clarifying in nature.

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The amendments are minor and clarifying in nature.

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

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

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

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

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

There are no compliance costs for affected persons. The amendments are minor and clarifying in nature.

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

**Regulatory Impact Table**

<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	Section 53F-2-502	Subsection 53E-3-401(4)
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**Public Notice Information**

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

**A) Comments will be accepted until:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	07/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Repeal

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-527</b>	<b>Filing No.</b>	<b>52963</b>
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**Agency Information**

<b>1. Department:</b>	Education		
<b>Agency:</b>	Administration		
<b>Building:</b>	Board of Education		
<b>Street address:</b>	250 E 500 S		
<b>City, state:</b>	Salt Lake City, UT 84111		
<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****2. Rule or section catchline:**

R277-527. International Guest Teachers

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

The issues governed by State Board of Education (Board) Rule R277-527 are now covered in Board Rule R277-310. This rule is now obsolete. (EDITOR'S NOTE: The proposed new Rule R277-310 is under Filing No. 52960 in this issue, August 1, 2020, of the Bulletin.)

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

Board Rule R277-527 is no longer necessary and repealed in its entirety.

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

This rule repeal is not expected to have independent fiscal impact on state government revenues or expenditures. The issues governed by Board Rule R277-527 are now covered in Board Rule R277-310.

**B) Local governments:**

This rule repeal is not expected to have independent fiscal impact on local governments' revenues or expenditures. The issues governed by Board Rule R277-527 are now covered in Board Rule R277-310.

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

This rule repeal is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The issues governed by Board Rule R277-527 are now covered in Board Rule R277-310.

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

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

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

This rule repeal is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The issues governed by Board Rule R277-527 are now covered in Board Rule R277-310.

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

There are no compliance costs for affected persons. The issues governed by Board Rule R277-527 are now covered in Board Rule R277-310.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>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 repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53A-1-402(1)(a)
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**Public Notice Information**

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

**A) Comments will be accepted until:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

will require the agency to start the rulemaking process over.

#### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	07/15/2020
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#### NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-622</b>	<b>Filing No.</b>	<b>52965</b>
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#### Agency Information

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<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>
R277-622. School-based Mental Health Qualified Grant Program
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended to reflect the changes made to its authorizing law by House Bill (H.B.) 323, which passed in the 2020 General Session.
<b>4. Summary of the new rule or change:</b>
The rule is being updated to remove a match requirement for funds awarded to a local education agency (LEA) for a plan submitted after April 1, 2020. This rule is also modified to allow an LEA to use the LEA's Teacher and Student Success Account as a source of matching funds.

#### Fiscal Information

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

###### A) State budget:

This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The amendments reflect changes made in law by H.B. 323 (2020).

###### B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The amendments reflect changes made in law by H.B. 323 (2020).

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The amendments reflect changes made in law by H.B. 323 (2020).

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

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

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

This rule change is not expected to have independent fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments reflect changes made in law by H.B. 323 (2020).

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

There are no independent compliance costs for affected persons. The amendments reflect changes made in law by H.B. 323 (2020).

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

**Regulatory Impact Table**

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<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-2-415
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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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	07/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-701</b>	<b>Filing No.</b>	<b>52966</b>
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**Agency Information**

<b>1. Department:</b>	Education
<b>Agency:</b>	Administration

<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<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>
R277-701. Early College Programs
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being created to address edits to both programs made by S.B. 151, which passed in the 2020 General Session.
<b>4. Summary of the new rule or change:</b>
The bill splits the advanced placement/international baccalaureate (AP/IB) programs out from the Enhancement for Accelerated Students Program and creates the Early College Program which includes AP/IB programs.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This proposed rule is not expected to have independent fiscal impact on state government revenues or expenditures. This new rule is being created to address edits made by S.B. 151 (2020).
<b>B) Local governments:</b>
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. This new rule is being created to address edits made by S.B. 151 (2020).
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This new rule is being created to address edits made by S.B. 151 (2020).

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This new rule is being created to address edits made by S.B. 151 (2020).

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

There are no independent compliance costs for affected persons. This new rule is being created to address edits made by S.B. 151 (2020).

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

<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

## NOTICES OF PROPOSED RULES

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

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

Sydnee Dickson, State Superintendent

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

Article X, Section 3	Section 53F-2-409	Section 53F-2-408.5
Subsection 53E-3-401(4)		

**Public Notice Information**

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

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

**A) Comments will be accepted until:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	07/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-707</b>	<b>Filing No.</b> <b>52967</b>
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**Agency Information**

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<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****2. Rule or section catchline:**

R277-707. Enhancement for Accelerated Students Programs

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

This rule is being amended as a result of S.B. 151, which passed the 2020 General Session. The bill split out the



Gifted and Talented program from the AP/IB program and renamed the AP/IB the Early College Program.

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

This rule is being amended to remain named "Enhancement for Accelerated Students." But this rule will now only contain the Gifted and Talented Program because it is now statutorily its own part of Utah Code and is not a program that provides early college credits. This rule makes amendments to clarify the required elements of the Gifted and Talented Program.

### Fiscal Information

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

##### A) State budget:

This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. These amendments are a result of S.B. 151 (2020).

##### B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. These amendments are a result of S.B. 151 (2020).

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. These amendments are a result of S.B. 151 (2020).

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. These amendments are a result of S.B. 151 (2020).

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

There are no independent compliance costs for affected persons. These amendments are a result of S.B. (2020).

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

#### Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<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. These rule changes are 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. These rule changes have no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53F-2-408(2)
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**Public Notice Information**

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

**A) Comments will be accepted until:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	07/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Repeal

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-713</b>	<b>Filing No.</b>	<b>52968</b>
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**Agency Information**

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state, zip:</b>	Salt Lake, 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****2. Rule or section catchline:**

R277-713. Concurrent Enrollment of Students in College Courses

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

This rule is being merged with the new Rule R277-701, Early College Programs. (EDITOR'S NOTE: The proposed new Rule R277-701 is under Filing No. 52966 in this issue, August 1, 2020, of the Bulletin.)

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

Rule R277-713 is being repealed in its entirety.

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

This rule repeal is not expected to have independent fiscal impact on state government revenues or expenditures. This rule is being merged with the new Rule R277-701.

**B) Local governments:**

This rule repeal is not expected to have independent fiscal impact on local governments' revenues or expenditures. This rule is being merged with the new Rule R277-701.

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

This rule repeal is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This rule is being merged with the new Rule R277-701.

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

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

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

This rule repeal is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This rule is being merged with the new Rule R277-701.

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

There are no compliance costs for affected persons. This rule is being merged with the new Rule R277-701.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>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 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 repeal 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-2-409
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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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	07/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-723</b>	<b>Filing No.</b>	<b>52969</b>
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**Agency Information**

<b>1. Department:</b>	Education		
<b>Agency:</b>	Administration		
<b>Building:</b>	Board of Education		
<b>Street address:</b>	250 E 500 S		
<b>City, state:</b>	Salt Lake City, UT 84111		
<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****2. Rule or section catchline:**

R277-723. Start Smart Utah Program

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

This rule is being created as a result of the passage of H.B. 222 from the 2020 General Session. H.B. 222 requires the Utah State Board of Education to create a waiver process for the breakfast requirements listed in the legislation.

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

This rule creates a process for a local education agency (LEA) to seek a waiver from the requirements to serve alternative breakfast models if the LEA has taken the waiver request through an open meeting of the LEA's board. The request must then be reviewed by a review committee that will determine if the LEA has demonstrated a logistical or financial hardship that merits waiver from the new legal requirements listed in H.B. 222 (2020).

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

This proposed rule is not expected to have independent fiscal impact on state government revenues or expenditures. This new rule is a result of H.B. 222 (2020).

**B) Local governments:**

This proposed rule is not expected to have independent fiscal impact on local governments' revenues or expenditures. This new rule is a result of H.B. 222 (2020).

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

This proposed rule is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This new rule is a result of H.B. 222 (2020).

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

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

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

This proposed rule is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This new rule is a result of H.B. 222 (2020).

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

There are no independent compliance costs for affected persons. This new rule is a result of H.B. 222 (2020).

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

**Regulatory Impact Table**

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<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 proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This proposed rule has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53G-9-205.1(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.)

**A) Comments will be accepted until:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

## NOTICES OF PROPOSED RULES

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>	07/15/2020
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### NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-912</b>	<b>Filing No.</b>	<b>52970</b>
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### Agency Information

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<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>
R277-912. Law Enforcement Related Incident Reporting
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended as a result of S.B. 166, passed in the 2020 General Session. The current law requires law enforcement to provide and validate information necessary for the state board to complete a required report on incidents that occur on school grounds. The Board is required to begin producing this report July 1, 2020. S.B. 166 (2020) changes the date of the first required report to July 1, 2023.
<b>4. Summary of the new rule or change:</b>
This rule makes the updated date change to reflect the new required date of the initial report.

### Fiscal Information

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

##### A) State budget:

This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The changes in this rule are a result of S.B. 166 (2020).

##### B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The changes in this rule are a result of S.B. 166 (2020).

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The changes in this rule are a result of S.B. 166 (2020).

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The changes in this rule are a result of S.B. 166 (2020).

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

There are no independent compliance costs for affected persons. The changes in this rule are a result of S.B. 166 (2020).

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

**Regulatory Impact Table**

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<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-3-516(2)	Subsection 53E-3-516
Subsection 53E-3-401(4)		

**Public Notice Information**

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

**A) Comments will be accepted until:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	07/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R315-261</b>	<b>Filing No.</b>	<b>52923</b>
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**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Waste Management and Radiation Control, Waste Management	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 144880	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4880	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Thomas Ball	801-536-0251	tball@utah.gov
Rusty Lundberg	801-536-4257	rlundberg@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R315-261. General Requirements – Identification and Listing of Hazardous Waste
<b>3. Purpose of the new rule or reason for the change:</b>
Under the current rules for management of hazardous waste, a small portion of pharmaceuticals are regulated as hazardous wastes when disposed. Hospitals, clinics, nursing homes, and other facilities that generate hazardous waste pharmaceuticals have experienced difficulty complying with the framework of the hazardous waste rules. To respond to these concerns and facilitate compliance among healthcare facilities, the Environmental Protection Agency (EPA) has finalized a tailored, sector-specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and reverse distributors (facilities that receive and accumulate prescription pharmaceuticals for the purpose of facilitating manufacturer credit). On February 22, 2019, the EPA published the final rule in the Federal Register (84 FR 5816). The final rule entitled, Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, applies to healthcare facilities that generate, accumulate, or otherwise handle hazardous waste pharmaceuticals and reverse distributors engaged in the management of prescription hazardous waste pharmaceuticals.
As stated above the rule provides a new set of sector-specific standards for healthcare facilities (for both humans and animals) and reverse distributors for management of their hazardous waste pharmaceuticals in lieu of the existing hazardous waste generator regulations. The final rule promulgates Sections R315-266-500 through R315-266-510. Healthcare facilities and reverse

distributors must manage their hazardous waste pharmaceuticals under this new set of rules in lieu of operating under Rule R315-262 as they have been. These operating standards include a prohibition on disposing of hazardous waste pharmaceuticals in the sewer, called sewerage. The new rules also include a conditional exemption for hazardous waste pharmaceuticals that are also identified as controlled substances by the Drug Enforcement Administration (DEA). Further, the rules redefine when containers that held hazardous waste pharmaceuticals are considered empty. Healthcare facilities that are very small quantity generators (VSQGs) must comply with the sewer prohibition for their hazardous waste pharmaceuticals under the new rules and have the option of complying with Sections R315-266-500 through R315-266-510 in lieu of operating under the conditional exemption found in Section R315-262-14. Additionally, the final rule amends the P075 acute hazardous waste listing for nicotine and salts to indicate that U.S. Food and Drug Administration (FDA)-approved over-the-counter (OTC) nicotine replacement therapies (NRTs) are not included in the listing.

These rule changes became effective at the Federal level on August 21, 2019. (EDITOR'S NOTE: The proposed amendment to Rule R315-262 is under Filing No. 52924 and the proposed amendment to Rule R315-266 is under Filing No. 52927 in this issue, August 1, 2020, of the Bulletin.)

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

Subsection R315-261-4(a)(1)(ii) is amended to include the prohibition on sewerage of hazardous waste pharmaceuticals found in the new Section R315-266-505.

Subsection R315-261-6(a)(2) is amended to remove references to several rules that do not exist in Rule R315-266.

Subsection R315-261-7(c) is added. This subsection refers the reader to the new Section R315-266-507 for the requirements for determining if containers of hazardous waste pharmaceuticals are considered empty.

Subsection R315-261-33(c) is amended to include reference to the new Section R315-266-507 for the requirements for an empty container that once held hazardous waste pharmaceuticals.

The listing for Nicotine, P075, in the Table in Subsection R315-261-33(e) was amended to exclude patches, gums, and lozenges that are FDA approved over-the-counter nicotine replacement therapies from the listing.

In addition to the amendments listed above, nonsubstantive changes were made to correct typographical errors and to the format and the wording throughout the amended rule to correct format and wording that was not consistent with the current Rulewriting Manual for Utah Rulewriters.



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

The operates one hospital. This hospital is not currently listed as a generator of hazardous waste which could mean that the hospital does not generate any hazardous waste or is a VSQG of hazardous waste. However, this hospital could be subject to the new rules because it falls under the definition of healthcare facility as contained in the rules.

Adoption of these new rules could result in no change to the state budget if the hospital does not generate any hazardous waste.

If the hospital were to generate hazardous waste, then the estimated cost due to the adoption of this rule is approximately \$85 per year. The estimated savings due to the adoption of this rule is approximately \$245 per year and would result in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

**B) Local governments:**

It is not anticipated that adoption of these rule changes will have any effect on local governments because no local governments in the operate healthcare facilities or reverse distributors.

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

There are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 6,956 of these facilities are small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 904 of these facilities are generators of hazardous waste. The estimated cost to small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

As stated previously, there are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 476 of these facilities are non-small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 62 of these facilities are generators of hazardous waste. The estimated cost to non-small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to non-small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

The Division believes that all facilities that could be impacted fiscally by this rule are captured in the four previous categories. It is anticipated if there are any persons other than small businesses, non-small businesses, state, or local governments that are healthcare facilities or reverse distributors, that these persons would see a cost savings with the adoption of this rule similar to the savings discussed previously.

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

It is not anticipated that there will be any additional compliance costs for affected persons due to the adoption of this rule other than those mentioned above.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$85	\$85	\$85
Local Governments	\$0	\$0	\$0
Small Businesses	\$76,840	\$76,840	\$76,840

## NOTICES OF PROPOSED RULES

Non-Small Businesses	\$5,270	\$5,270	\$5,270
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$82,195</b>	<b>\$82,195</b>	<b>\$82,195</b>
<b>Fiscal Benefits</b>			
State Government	\$245	\$245	\$245
Local Governments	\$0	\$0	\$0
Small Businesses	\$221,480	\$221,480	\$221,480
Non-Small Businesses	\$15,190	\$15,190	\$15,190
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$236,915</b>	<b>\$236,915</b>	<b>\$236,915</b>
<b>Net Fiscal Benefits</b>	<b>\$154,720</b>	<b>\$154,720</b>	<b>\$154,720</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:**

It is not anticipated that these rule changes will have a negative fiscal impact on any healthcare facility or reverse distributor involved in the management of hazardous waste pharmaceuticals. This rule simplifies requirements and provides regulatory flexibilities and thereby improves regulatory clarity for healthcare facilities and provides more regulatory certainty for reverse distributors. The simplification and clarity provided by these rule changes will reduce the regulatory burden on these facilities, increase compliance, and result in better protection of human health and the environment.

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

L. Scott Baird, Executive Director

**Citation Information**

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

Section 19-6-104	Section 19-6-105	Section 19-6-106
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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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

**Agency head or designee, and title:** Ty L. Howard, Director  
**Date:** 07/09/2020

**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

**Utah Admin. Code Ref (R no.):** R315-262  
**Filing No.** 52924

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Waste Management and Radiation Control, Waste Management	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 144880	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4880	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Thomas Ball	801-536-0251	tball@utah.gov
Rusty Lundberg	801-536-4257	rlundberg@utah.gov

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

## General Information

### 2. Rule or section catchline:

R315-262. Hazardous Waste Generator Requirements

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

Under the current rules for management of hazardous waste, a small portion of pharmaceuticals are regulated as hazardous wastes when disposed. Hospitals, clinics, nursing homes, and other facilities that generate hazardous waste pharmaceuticals have experienced difficulty complying with the framework of the hazardous waste rules. To respond to these concerns and facilitate compliance among healthcare facilities, the Environmental Protection Agency (EPA) has finalized a tailored, sector-specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and reverse distributors (facilities that receive and accumulate prescription pharmaceuticals for the purpose of facilitating manufacturer credit). On February 22, 2019, the EPA published the final rule in the Federal Register (84 FR 5816). The final rule entitled, Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, applies to healthcare facilities that generate, accumulate, or otherwise handle hazardous waste pharmaceuticals and reverse distributors engaged in the management of prescription hazardous waste pharmaceuticals.

As stated above the rule provides a new set of sector-specific standards for healthcare facilities (for both humans and animals) and reverse distributors for management of their hazardous waste pharmaceuticals in lieu of the existing hazardous waste generator regulations. The final rule promulgates Sections R315-266-500 through R315-266-510. Healthcare facilities and reverse distributors must manage their hazardous waste pharmaceuticals under this new set of rules in lieu of operating under Rule R315-262 as they have been. These operating standards include a prohibition on disposing of hazardous waste pharmaceuticals in the sewer, called sewerage. The new rules also include a conditional exemption for hazardous waste pharmaceuticals that are also identified as controlled substances by the Drug Enforcement Administration (DEA). Further, the rules redefine when containers that held hazardous waste pharmaceuticals are considered empty. Healthcare facilities that are very small quantity generators (VSQGs) must comply with the sewer prohibition for their hazardous waste pharmaceuticals under the new rules and have the option of complying with Sections R315-266-500 through R315-266-510 in lieu of operating under the conditional exemption found in Section R315-262-14. Additionally, the final rule amends the P075 acute hazardous waste listing for nicotine and salts to indicate that U.S. Food and Drug Administration (FDA)-approved over-the counter (OTC) nicotine replacement therapies (NRTs) are not included in the listing.

These rule changes became effective at the Federal level on August 21, 2019. (EDITOR'S NOTE: The proposed amendment to Rule R315-266 is under Filing No. 52927 in this issue, August 1, 2020, of the Bulletin.)

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

Subsection R315-262-10(n) is added. This rule states that reverse distributors are subject to Sections R315-266-500 through R315-266-510 for the management of hazardous waste pharmaceuticals in lieu of Rule R315-262.

Subsection R315-262-10(o) is added. This rule requires healthcare facilities determine whether they are subject to Sections R315-266-500 through R315-266-510 and if they are, the rule states that healthcare facilities are subject to Sections R315-266-500 through R315-266-510 for the management of hazardous waste pharmaceuticals in lieu of Rule R315-262. The rule also exempts healthcare facilities that are very small quantity generators from most of Sections R315-266-500 through R315-266-510.

Subsection R315-262-13(c)(9) is added. This rule excludes hazardous waste pharmaceuticals that are managed in accordance with Sections R315-266-500 through R315-266-510 or that are also a Drug Enforcement Administration controlled substance from being counted by a generator as part of the amount of hazardous waste generated each month.

Subsection R315-262-14(a)(5)(ix) is amended and is no longer reserved. This amendment allows healthcare facilities that are VSQGs to ship potentially creditable hazardous waste pharmaceuticals to a reverse distributor.

Subsection R315-262-14(a)(5)(x) is amended and is no longer reserved. This amendment allows healthcare facilities that are VSQGs to ship hazardous waste pharmaceuticals to another healthcare facility that meets the conditions in new Subsections R315-266-502(l) and R315-266-503(b).

In addition to the amendments listed above, nonsubstantive changes were made to correct typographical errors and to the format and the wording throughout the amended rule to correct format and wording that was not consistent with the current Rulewriting Manual for Utah Rulewriters.

## Fiscal Information

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

#### A) State budget:

The operates one hospital. This hospital is not currently listed as a generator of hazardous waste which could mean that the hospital does not generate any hazardous waste or is a VSQG of hazardous waste. However, this hospital could be subject to the new rules because it falls under the definition of healthcare facility as contained in the rules.

Adoption of these new rules could result in no change to the state budget if the hospital does not generate any hazardous waste.

If the hospital were to generate hazardous waste, then the estimated cost due to the adoption of this rule is approximately \$85 per year. The estimated savings due to the adoption of this rule is approximately \$245 per year and would result in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

#### **B) Local governments:**

It is not anticipated that adoption of these rule changes will have any effect on local governments because no local governments in the operate healthcare facilities or reverse distributors.

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

There are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 6,956 of these facilities are small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 904 of these facilities are generators of hazardous waste. The estimated cost to small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

As stated previously, there are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 476 of these facilities are non-small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is

estimated that approximately 62 of these facilities are generators of hazardous waste. The estimated cost to non-small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to non-small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

The Division believes that all facilities that could be impacted fiscally by this rule are captured in the four previous categories. It is anticipated if there are any persons other than small businesses, non-small businesses, state, or local governments that are healthcare facilities or reverse distributors, that these persons would see a cost savings with the adoption of this rule similar to the savings discussed previously.

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

It is not anticipated that there will be any additional compliance costs for affected persons due to the adoption of this rule other than those mentioned above.

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

#### **Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$85	\$85	\$85
Local Governments	\$0	\$0	\$0
Small Businesses	\$76,840	\$76,840	\$76,840
Non-Small Businesses	\$5,270	\$5,270	\$5,270
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$82,195</b>	<b>\$82,195</b>	<b>\$82,195</b>
<b>Fiscal Benefits</b>			
State Government	\$245	\$245	\$245

Local Governments	\$0	\$0	\$0
Small Businesses	\$221,480	\$221,480	\$221,480
Non-Small Businesses	\$15,190	\$15,190	\$15,190
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$236,915</b>	<b>\$236,915</b>	<b>\$236,915</b>
<b>Net Fiscal Benefits</b>	<b>\$154,720</b>	<b>\$154,720</b>	<b>\$154,720</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:**

It is not anticipated that these rule changes will have a negative fiscal impact on any healthcare facility or reverse distributor involved in the management of hazardous waste pharmaceuticals. This rule simplifies requirements and provides regulatory flexibilities and thereby improves regulatory clarity for healthcare facilities and provides more regulatory certainty for reverse distributors. The simplification and clarity provided by these rule changes will reduce the regulatory burden on these facilities, increase compliance, and result in better protection of human health and the environment.

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

L. Scott Baird, Executive Director

**Citation Information**

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

Section 19-6-104	Section 19-6-105	Section 19-6-106
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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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/14/2020

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>	Ty L. Howard, Director	<b>Date:</b>	07/09/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R315-264-1</b>	<b>Filing No.</b>	<b>52925</b>
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**Agency Information**

<b>1. Department:</b>	Environmental Quality		
<b>Agency:</b>	Waste Management and Radiation Control, Waste Management		
<b>Building:</b>	MASOB		
<b>Street address:</b>	195 N 1950 W		
<b>City, state:</b>	Salt Lake City, UT		
<b>Mailing address:</b>	PO Box 144880		
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4880		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Thomas Ball	801-536-0251	tball@utah.gov	
Rusty Lundberg	801-536-4257	rlundberg@utah.gov	

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

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

R315-264-1. General – Purpose, Scope and Applicability

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

Under the current rules for management of hazardous waste, a small portion of pharmaceuticals are regulated as hazardous wastes when disposed. Hospitals, clinics,

nursing homes, and other facilities that generate hazardous waste pharmaceuticals have experienced difficulty complying with the framework of the hazardous waste rules. To respond to these concerns and facilitate compliance among healthcare facilities, the Environmental Protection Agency (EPA) has finalized a tailored, sector-specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and reverse distributors (facilities that receive and accumulate prescription pharmaceuticals for the purpose of facilitating manufacturer credit). On February 22, 2019, the EPA published the final rule in the Federal Register (84 FR 5816). The final rule entitled, Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, applies to healthcare facilities that generate, accumulate, or otherwise handle hazardous waste pharmaceuticals and reverse distributors engaged in the management of prescription hazardous waste pharmaceuticals.

As stated above the rule provides a new set of sector-specific standards for healthcare facilities (for both humans and animals) and reverse distributors for management of their hazardous waste pharmaceuticals in lieu of the existing hazardous waste generator regulations. The final rule promulgates Sections R315-266-500 through R315-266-510. Healthcare facilities and reverse distributors must manage their hazardous waste pharmaceuticals under this new set of rules in lieu of operating under Rule R315-262 as they have been. These operating standards include a prohibition on disposing of hazardous waste pharmaceuticals in the sewer, called sewerage. The new rules also include a conditional exemption for hazardous waste pharmaceuticals that are also identified as controlled substances by the Drug Enforcement Administration (DEA). Further, the rules redefine when containers that held hazardous waste pharmaceuticals are considered empty. Healthcare facilities that are very small quantity generators (VSQGs) must comply with the sewer prohibition for their hazardous waste pharmaceuticals under the new rules and have the option of complying with Sections R315-266-500 through R315-266-510 in lieu of operating under the conditional exemption found in Section R315-262-14. Additionally, the final rule amends the P075 acute hazardous waste listing for nicotine and salts to indicate that U.S. Food and Drug Administration (FDA)-approved over-the counter (OTC) nicotine replacement therapies (NRTs) are not included in the listing.

These rule changes became effective at the Federal level on August 21, 2019. (EDITOR'S NOTE: The proposed amendment to Rule R315-262 is under Filing No. 52924 and the proposed amendment to Rule R315-266 is under Filing No. 52927 in this issue, August 1, 2020, of the Bulletin.)

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

Subsection R315-264-1(g)(13) is added. This rule states that the requirements of Rule R315-264 do not apply to reverse distributors accumulating potentially creditable

hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals. The rule states that these reverse distributors are subject to Sections R315-266-500 through R315-266-510.

In addition to the amendments listed above, nonsubstantive changes were made to correct typographical errors and to the format and the wording throughout the amended rule to correct format and wording that was not consistent with the current Rulewriting Manual for Utah Rulewriters.

#### Fiscal Information

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

###### A) State budget:

The operates one hospital. This hospital is not currently listed as a generator of hazardous waste which could mean that the hospital does not generate any hazardous waste or is a VSQG of hazardous waste. However, this hospital could be subject to the new rules because it falls under the definition of healthcare facility as contained in the rules.

Adoption of these new rules could result in no change to the state budget if the hospital does not generate any hazardous waste.

If the hospital were to generate hazardous waste, then the estimated cost due to the adoption of this rule is approximately \$85 per year. The estimated savings due to the adoption of this rule is approximately \$245 per year and would result in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

###### B) Local governments:

It is not anticipated that adoption of these rule changes will have any effect on local governments because no local governments in the operate healthcare facilities or reverse distributors.

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

There are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 6,956 of these facilities are small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 904 of these facilities are generators of hazardous waste. The

estimated cost to small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

As stated previously, there are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 476 of these facilities are non-small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 62 of these facilities are generators of hazardous waste. The estimated cost to non-small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to non-small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

The Division believes that all facilities that could be impacted fiscally by this rule are captured in the four previous categories. It is anticipated if there are any persons other than small businesses, non-small businesses, state, or local governments that are healthcare facilities or reverse distributors, that these persons would see a cost savings with the adoption of this rule similar to the savings discussed previously.

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

It is not anticipated that there will be any additional compliance costs for affected persons due to the adoption of this rule other than those mentioned above.

**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	\$85	\$85	\$85
Local Governments	\$0	\$0	\$0
Small Businesses	\$76,840	\$76,840	\$76,840
Non-Small Businesses	\$5,270	\$5,270	\$5,270
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$82,195</b>	<b>\$82,195</b>	<b>\$82,195</b>
<b>Fiscal Benefits</b>			
State Government	\$245	\$245	\$245
Local Governments	\$0	\$0	\$0
Small Businesses	\$221,480	\$221,480	\$221,480
Non-Small Businesses	\$15,190	\$15,190	\$15,190
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$236,915</b>	<b>\$236,915</b>	<b>\$236,915</b>
<b>Net Fiscal Benefits</b>	<b>\$154,720</b>	<b>\$154,720</b>	<b>\$154,720</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:**

It is not anticipated that these rule changes will have a negative fiscal impact on any healthcare facility or reverse distributor involved in the management of hazardous waste pharmaceuticals. This rule simplifies requirements and provides regulatory flexibilities and thereby improves regulatory clarity for healthcare facilities and provides more regulatory certainty for reverse distributors. The simplification and clarity provided by these rule changes will reduce the regulatory burden on these facilities, increase compliance, and result in better protection of human health and the environment.

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

L. Scott Baird, Executive Director

**Citation Information**

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

Section 19-6-104	Section 19-6-105	Section 19-6-106
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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>	08/31/2020
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<b>10. This rule change MAY become effective on:</b>	09/07/2020
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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>	Ty L. Howard, Director	<b>Date:</b>	07/09/2020
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**NOTICE OF PROPOSED RULE****TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R315-265-1</b>	<b>Filing No.</b>	<b>52926</b>
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**Agency Information**

<b>1. Department:</b>	Environmental Quality
<b>Agency:</b>	Waste Management and Radiation Control, Waste Management
<b>Building:</b>	MASOB
<b>Street address:</b>	195 N 1950 W
<b>City, state:</b>	Salt Lake City, UT

<b>Mailing address:</b>	PO Box 144880	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4880	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Thomas Ball	801-536-0251	tball@utah.gov
Rusty Lundberg	801-536-4257	rlundberg@utah.gov
Please address questions regarding information on this notice to the agency.		

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

R315-265-1. Incorporation, General – Purpose, Scope, and Applicability

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

Under the current rules for management of hazardous waste, a small portion of pharmaceuticals are regulated as hazardous wastes when disposed. Hospitals, clinics, nursing homes, and other facilities that generate hazardous waste pharmaceuticals have experienced difficulty complying with the framework of the hazardous waste rules. To respond to these concerns and facilitate compliance among healthcare facilities, the Environmental Protection Agency (EPA) has finalized a tailored, sector-specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and reverse distributors (facilities that receive and accumulate prescription pharmaceuticals for the purpose of facilitating manufacturer credit). On February 22, 2019, the EPA published the final rule in the Federal Register (84 FR 5816). The final rule entitled, Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, applies to healthcare facilities that generate, accumulate, or otherwise handle hazardous waste pharmaceuticals and reverse distributors engaged in the management of prescription hazardous waste pharmaceuticals.

As stated above the rule provides a new set of sector-specific standards for healthcare facilities (for both humans and animals) and reverse distributors for management of their hazardous waste pharmaceuticals in lieu of the existing hazardous waste generator regulations. The final rule promulgates Sections R315-266-500 through R315-266-510. Healthcare facilities and reverse distributors must manage their hazardous waste pharmaceuticals under this new set of rules in lieu of operating under Rule R315-262 as they have been. These operating standards include a prohibition on disposing of hazardous waste pharmaceuticals in the sewer, called sewerage. The new rules also include a conditional exemption for hazardous waste pharmaceuticals that are also identified as controlled substances by the Drug Enforcement Administration (DEA). Further, the rules



redefine when containers that held hazardous waste pharmaceuticals are considered empty. Healthcare facilities that are very small quantity generators (VSQGs) must comply with the sewer prohibition for their hazardous waste pharmaceuticals under the new rules and have the option of complying with Sections R315-266-500 through R315-266-510 in lieu of operating under the conditional exemption found in Section R315-262-14. Additionally, the final rule amends the P075 acute hazardous waste listing for nicotine and salts to indicate that U.S. Food and Drug Administration (FDA)-approved over-the counter (OTC) nicotine replacement therapies (NRTs) are not included in the listing.

These rule changes became effective at the Federal level on August 21, 2019. (EDITOR'S NOTE: The proposed amendment to Rule R315-262 is under Filing No. 52924 and the proposed amendment to Rule R315-266 is under Filing No. 52927 in this issue, August 1, 2020, of the Bulletin.)

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

Subsection R315-265-1(c)(16) is added. This rule states that the requirements of Rule R315-265 do not apply to reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals. The rule states that these reverse distributors are subject to Sections R315-266-500 through R315-266-510.

In addition to the amendments listed above, nonsubstantive changes were made to correct typographical errors and to the format and the wording throughout the amended rule to correct format and wording that was not consistent with the current Rulewriting Manual for Utah Rulewriters.

### **Fiscal Information**

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

##### **A) State budget:**

The operates one hospital. This hospital is not currently listed as a generator of hazardous waste which could mean that the hospital does not generate any hazardous waste or is a VSQG of hazardous waste. However, this hospital could be subject to the new rules because it falls under the definition of healthcare facility as contained in the rules.

Adoption of these new rules could result in no change to the state budget if the hospital does not generate any hazardous waste.

If the hospital were to generate hazardous waste, then the estimated cost due to the adoption of this rule is approximately \$85 per year. The estimated savings due to the adoption of this rule is approximately \$245 per year and would result in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

##### **B) Local governments:**

It is not anticipated that adoption of these rule changes will have any effect on local governments because no local governments in the operate healthcare facilities or reverse distributors.

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

There are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 6,956 of these facilities are small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 904 of these facilities are generators of hazardous waste. The estimated cost to small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

As stated previously, there are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 476 of these facilities are non-small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 62 of these facilities are generators of hazardous waste. The estimated cost to non-small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to non-small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

The Division believes that all facilities that could be impacted fiscally by this rule are captured in the four previous categories. It is anticipated if there are any persons other than small businesses, non-small businesses, state, or local governments that are healthcare facilities or reverse distributors, that these persons would see a cost savings with the adoption of this rule similar to the savings discussed previously.

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

It is not anticipated that there will be any additional compliance costs for affected persons due to the adoption of this rule other than those mentioned above.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$85	\$85	\$85
Local Governments	\$0	\$0	\$0
Small Businesses	\$76,840	\$76,840	\$76,840
Non-Small Businesses	\$5,270	\$5,270	\$5,270
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$82,195</b>	<b>\$82,195</b>	<b>\$82,195</b>
<b>Fiscal Benefits</b>			
State Government	\$245	\$245	\$245
Local Governments	\$0	\$0	\$0
Small Businesses	\$221,480	\$221,480	\$221,480
Non-Small Businesses	\$15,190	\$15,190	\$15,190

Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$236,915</b>	<b>\$236,915</b>	<b>\$236,915</b>
<b>Net Fiscal Benefits</b>	<b>\$154,720</b>	<b>\$154,720</b>	<b>\$154,720</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:**

It is not anticipated that these rule changes will have a negative fiscal impact on any healthcare facility or reverse distributor involved in the management of hazardous waste pharmaceuticals. This rule simplifies requirements and provides regulatory flexibilities and thereby improves regulatory clarity for healthcare facilities and provides more regulatory certainty for reverse distributors. The simplification and clarity provided by these rule changes will reduce the regulatory burden on these facilities, increase compliance, and result in better protection of human health and the environment.

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

L. Scott Baird, Executive Director

**Citation Information**

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

Section 19-6-104	Section 19-6-105	Section 19-6-106
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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>	08/31/2020
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<b>10. This rule change MAY become effective on:</b>	09/07/2020
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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>	Ty L. Howard, Director	<b>Date:</b>	07/09/2020
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#### NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R315-266</b>	<b>Filing No.</b>	<b>52927</b>
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#### Agency Information

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Waste Management and Radiation Control, Waste Management	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 144880	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4880	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Thomas Ball	801-536-0251	tball@utah.gov
Rusty Lundberg	801-536-4257	rlundberg@utah.gov

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

#### General Information

##### 2. Rule or section catchline:

R315-266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

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

Under the current rules for management of hazardous waste, a small portion of pharmaceuticals are regulated as hazardous wastes when disposed. Hospitals, clinics, nursing homes, and other facilities that generate hazardous waste pharmaceuticals have experienced difficulty complying with the framework of the hazardous waste rules. To respond to these concerns and facilitate compliance among healthcare facilities, the Environmental Protection Agency (EPA) has finalized a tailored, sector-

specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and reverse distributors (facilities that receive and accumulate prescription pharmaceuticals for the purpose of facilitating manufacturer credit). On February 22, 2019, the EPA published the final rule in the Federal Register (84 FR 5816). The final rule entitled, Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, applies to healthcare facilities that generate, accumulate, or otherwise handle hazardous waste pharmaceuticals and reverse distributors engaged in the management of prescription hazardous waste pharmaceuticals.

As stated above the rule provides a new set of sector-specific standards for healthcare facilities (for both humans and animals) and reverse distributors for management of their hazardous waste pharmaceuticals in lieu of the existing hazardous waste generator regulations. The final rule promulgates Sections R315-266-500 through R315-266-510. Healthcare facilities and reverse distributors must manage their hazardous waste pharmaceuticals under this new set of rules in lieu of operating under Rule R315-262 as they have been. These operating standards include a prohibition on disposing of hazardous waste pharmaceuticals in the sewer, called sewerage. The new rules also include a conditional exemption for hazardous waste pharmaceuticals that are also identified as controlled substances by the Drug Enforcement Administration (DEA). Further, the rules redefine when containers that held hazardous waste pharmaceuticals are considered empty. Healthcare facilities that are very small quantity generators (VSQGs) must comply with the sewer prohibition for their hazardous waste pharmaceuticals under the new rules and have the option of complying with Sections R315-266-500 through R315-266-510 in lieu of operating under the conditional exemption found in Section R315-262-14. Additionally, the final rule amends the P075 acute hazardous waste listing for nicotine and salts to indicate that U.S. Food and Drug Administration (FDA)-approved over-the counter (OTC) nicotine replacement therapies (NRTs) are not included in the listing.

These rule changes became effective at the Federal level on August 21, 2019. (EDITOR'S NOTE: The proposed amendment to Rule R315-262 is under Filing No. 52924 in this issue, August 1, 2020, of the Bulletin.)

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

Sections R315-266-500 through R315-266-510 are added. These sections contain new rules for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors.

To facilitate the addition of Sections R315-266-500 through R315-266-510, Sections R315-266-203 through R315-266-214 were renumbered as Sections R315-266-600 through R315-266-611. These sections contain appendices to Rule R315-266 and need to remain at the end of the rule.

In addition to the amendments listed above, nonsubstantive changes were made to correct typographical errors and to the format and the wording throughout the amended rule to correct format and wording that was not consistent with the current Rulewriting Manual for Utah Rulewriters.

## Fiscal Information

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

#### A) State budget:

The operates one hospital. This hospital is not currently listed as a generator of hazardous waste which could mean that the hospital does not generate any hazardous waste or is a VSQG of hazardous waste. However, this hospital could be subject to the new rules because it falls under the definition of healthcare facility as contained in the rules.

Adoption of these new rules could result in no change to the state budget if the hospital does not generate any hazardous waste.

If the hospital were to generate hazardous waste the estimated cost due to the adoption of this rule is approximately \$85 per year. The estimated savings due to the adoption of this rule is approximately \$245 per year and would result in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

#### B) Local governments:

It is not anticipated that adoption of these rule changes will have any effect on local governments because no local governments in the operate healthcare facilities or reverse distributors.

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

There are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 6,956 of these facilities are small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 904 of these facilities are generators of hazardous waste. The estimated cost to small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost

savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

As stated previously, there are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 476 of these facilities are non-small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 62 of these facilities are generators of hazardous waste. The estimated cost to non-small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to non-small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

The Division believes that all facilities that could be impacted fiscally by this rule are captured in the four previous categories. It is anticipated if there are any persons other than small businesses, non-small businesses, state, or local governments that are healthcare facilities or reverse distributors, that these persons would see a cost savings with the adoption of this rule similar to the savings discussed previously.

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

It is not anticipated that there will be any additional compliance costs for affected persons due to the adoption of this rule other than those mentioned above.

#### 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	\$85	\$85	\$85
Local Governments	\$0	\$0	\$0
Small Businesses	\$76,840	\$76,840	\$76,840
Non-Small Businesses	\$5,270	\$5,270	\$5,270
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$82,195</b>	<b>\$82,195</b>	<b>\$82,195</b>
<b>Fiscal Benefits</b>			
State Government	\$245	\$245	\$245
Local Governments	\$0	\$0	\$0
Small Businesses	\$221,480	\$221,480	\$221,480
Non-Small Businesses	\$15,190	\$15,190	\$15,190
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$236,915</b>	<b>\$236,915</b>	<b>\$236,915</b>
<b>Net Fiscal Benefits</b>	<b>\$154,720</b>	<b>\$154,720</b>	<b>\$154,720</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Environmental Quality, L. Scott Baird, 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>			
It is not anticipated that these rule changes will have a negative fiscal impact on any healthcare facility or reverse distributor involved in the management of hazardous waste pharmaceuticals. This rule simplifies requirements and provides regulatory flexibilities and thereby improves regulatory clarity for healthcare facilities and provides more regulatory certainty for reverse distributors. The simplification and clarity provided by these rule changes will reduce the regulatory burden on these facilities, increase compliance, and result in better protection of human health and the environment.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
L. Scott Baird, Executive Director			

## Citation Information

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

Section 19-6-104	Section 19-6-105	Section 19-6-106
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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>	08/31/2020
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<b>10. This rule change MAY become effective on:</b>	09/07/2020
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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>	Ty L. Howard, Director	<b>Date:</b>	07/09/2020
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## NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R315-268</b>	<b>Filing No.</b>	<b>52928</b>
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## Agency Information

<b>1. Department:</b>	Environmental Quality
<b>Agency:</b>	Waste Management and Radiation Control, Waste Management
<b>Building:</b>	MASOB
<b>Street address:</b>	195 N 1950 W
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 144880
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4880

<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Thomas Ball	801-536-0251	tball@utah.gov
Rusty Lundberg	801-536-4257	rlundberg@utah.gov
Please address questions regarding information on this notice to the agency.		

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

R315-268. Land Disposal Restrictions

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

Under the current rules for management of hazardous waste, a small portion of pharmaceuticals are regulated as hazardous wastes when disposed. Hospitals, clinics, nursing homes, and other facilities that generate hazardous waste pharmaceuticals have experienced difficulty complying with the framework of the hazardous waste rules. To respond to these concerns and facilitate compliance among healthcare facilities, the Environmental Protection Agency (EPA) has finalized a tailored, sector-specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and reverse distributors (facilities that receive and accumulate prescription pharmaceuticals for the purpose of facilitating manufacturer credit). On February 22, 2019, the EPA published the final rule in the Federal Register (84 FR 5816). The final rule entitled, Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, applies to healthcare facilities that generate, accumulate, or otherwise handle hazardous waste pharmaceuticals and reverse distributors engaged in the management of prescription hazardous waste pharmaceuticals.

As stated above the rule provides a new set of sector-specific standards for healthcare facilities (for both humans and animals) and reverse distributors for management of their hazardous waste pharmaceuticals in lieu of the existing hazardous waste generator regulations. The final rule promulgates Sections R315-266-500 through R315-266-510. Healthcare facilities and reverse distributors must manage their hazardous waste pharmaceuticals under this new set of rules in lieu of operating under Rule R315-262 as they have been. These operating standards include a prohibition on disposing of hazardous waste pharmaceuticals in the sewer, called sewerage. The new rules also include a conditional exemption for hazardous waste pharmaceuticals that are also identified as controlled substances by the Drug Enforcement Administration (DEA). Further, the rules redefine when containers that held hazardous waste pharmaceuticals are considered empty. Healthcare facilities that are very small quantity generators (VSQGs) must comply with the sewer prohibition for their hazardous

waste pharmaceuticals under the new rules and have the option of complying with Sections R315-266-500 through R315-266-510 in lieu of operating under the conditional exemption found in Section R315-262-14. Additionally, the final rule amends the P075 acute hazardous waste listing for nicotine and salts to indicate that U.S. Food and Drug Administration (FDA)-approved over-the counter (OTC) nicotine replacement therapies (NRTs) are not included in the listing.

These rule changes became effective at the Federal level on August 21, 2019. (EDITOR'S NOTE: The proposed amendment to Rule R315-262 is under Filing No. 52924 and the proposed amendment to Rule R315-266 is under Filing No. 52927 in this issue, August 1, 2020, of the Bulletin.)

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

The headings to Section R315-268-7 and Subsection R315-268-7(a) are amended to include reverse distributors.

Subsection R315-268-50(a)(4) is added. This rule allows a healthcare facility to accumulate waste on site solely for the purpose of accumulating enough hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal as long as the facility complies with Sections R315-266-500 through R315-266-510.

Subsection R315-268-50(a)(5) is added. This rule allows a reverse distributor to accumulate waste on site solely for the purpose of accumulating enough hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal as long as the reverse distributor complies with Section R315-266-510.

In addition to the amendments listed above, nonsubstantive changes were made to correct typographical errors and to the format and the wording throughout the amended rule to correct format and wording that was not consistent with the current Rulewriting Manual for Utah Rulewriters.

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

The operates one hospital. This hospital is not currently listed as a generator of hazardous waste which could mean that the hospital does not generate any hazardous waste or is a VSQG of hazardous waste. However, this hospital could be subject to the new rules because it falls under the definition of healthcare facility as contained in the rules.

Adoption of these new rules could result in no change to the state budget if the hospital does not generate any hazardous waste.

If the hospital were to generate hazardous waste, then the estimated cost due to the adoption of this rule is approximately \$85 per year. The estimated savings due to the adoption of this rule is approximately \$245 per year and would result in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

#### **B) Local governments:**

It is not anticipated that adoption of these rule changes will have any effect on local governments because no local governments in the operate healthcare facilities or reverse distributors.

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

There are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 6,956 of these facilities are small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 904 of these facilities are generators of hazardous waste. The estimated cost to small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

As stated previously, there are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 476 of these facilities are non-small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 62 of these facilities are generators of hazardous waste. The estimated cost to non-small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to non-small businesses due to the adoption of this rule is

approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

The Division believes that all facilities that could be impacted fiscally by this rule are captured in the four previous categories. It is anticipated if there are any persons other than small businesses, non-small businesses, state, or local governments that are healthcare facilities or reverse distributors, that these persons would see a cost savings with the adoption of this rule similar to the savings discussed previously.

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

It is not anticipated that there will be any additional compliance costs for affected persons due to the adoption of this rule other than those mentioned above.

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

#### **Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$85	\$85	\$85
Local Governments	\$0	\$0	\$0
Small Businesses	\$76,840	\$76,840	\$76,840
Non-Small Businesses	\$5,270	\$5,270	\$5,270
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$82,195</b>	<b>\$82,195</b>	<b>\$82,195</b>
<b>Fiscal Benefits</b>			
State Government	\$245	\$245	\$245
Local Governments	\$0	\$0	\$0
Small Businesses	\$221,480	\$221,480	\$221,480

## NOTICES OF PROPOSED RULES

Non-Small Businesses	\$15,190	\$15,190	\$15,190
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$236,915</b>	<b>\$236,915</b>	<b>\$236,915</b>
<b>Net Fiscal Benefits</b>	<b>\$154,720</b>	<b>\$154,720</b>	<b>\$154,720</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:**

It is not anticipated that these rule changes will have a negative fiscal impact on any healthcare facility or reverse distributor involved in the management of hazardous waste pharmaceuticals. This rule simplifies requirements and provides regulatory flexibilities and thereby improves regulatory clarity for healthcare facilities and provides more regulatory certainty for reverse distributors. The simplification and clarity provided by these rule changes will reduce the regulatory burden on these facilities, increase compliance, and result in better protection of human health and the environment.

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

L. Scott Baird, Executive Director

**Citation Information**

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

Section 19-6-104	Section 19-6-105	Section 19-6-106
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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>	08/31/2020
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<b>10. This rule change MAY become effective on:</b>	09/07/2020
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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>	Ty L. Howard, Director	<b>Date:</b>	07/09/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R315-270-1</b>	<b>Filing No.</b>	<b>52929</b>
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**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Waste Management and Radiation Control, Waste Management	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 144880	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4880	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Thomas Ball	801-536-0251	tball@utah.gov
Rusty Lundberg	801-536-4257	rlundberg@utah.gov

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

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

R315-270-1. Hazardous Waste Permit Program – Purpose and Scope of These Rules

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

Under the current rules for management of hazardous waste, a small portion of pharmaceuticals are regulated as hazardous wastes when disposed. Hospitals, clinics, nursing homes, and other facilities that generate hazardous waste pharmaceuticals have experienced difficulty complying with the framework of the hazardous waste rules. To respond to these concerns and facilitate compliance among healthcare facilities, the Environmental



Protection Agency (EPA) has finalized a tailored, sector-specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and reverse distributors (facilities that receive and accumulate prescription pharmaceuticals for the purpose of facilitating manufacturer credit). On February 22, 2019, the EPA published the final rule in the Federal Register (84 FR 5816). The final rule entitled, Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, applies to healthcare facilities that generate, accumulate, or otherwise handle hazardous waste pharmaceuticals and reverse distributors engaged in the management of prescription hazardous waste pharmaceuticals.

As stated above the rule provides a new set of sector-specific standards for healthcare facilities (for both humans and animals) and reverse distributors for management of their hazardous waste pharmaceuticals in lieu of the existing hazardous waste generator regulations. The final rule promulgates Sections R315-266-500 through R315-266-510. Healthcare facilities and reverse distributors must manage their hazardous waste pharmaceuticals under this new set of rules in lieu of operating under Rule R315-262 as they have been. These operating standards include a prohibition on disposing of hazardous waste pharmaceuticals in the sewer, called sewerage. The new rules also include a conditional exemption for hazardous waste pharmaceuticals that are also identified as controlled substances by the Drug Enforcement Administration (DEA). Further, the rules redefine when containers that held hazardous waste pharmaceuticals are considered empty. Healthcare facilities that are very small quantity generators (VSQGs) must comply with the sewer prohibition for their hazardous waste pharmaceuticals under the new rules and have the option of complying with Sections R315-266-500 through R315-266-510 in lieu of operating under the conditional exemption found in Section R315-262-14. Additionally, the final rule amends the P075 acute hazardous waste listing for nicotine and salts to indicate that U.S. Food and Drug Administration (FDA)-approved over-the counter (OTC) nicotine replacement therapies (NRTs) are not included in the listing.

These rule changes became effective at the Federal level on August 21, 2019. (EDITOR'S NOTE: The proposed amendment to Rule R315-262 is under Filing No. 52924 and the proposed amendment to Rule R315-266 is under Filing No. 52927 in this issue, August 1, 2020, of the Bulletin.)

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

Subsection R315-270-1(c)(2)(ix) is added. This rule exempts reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals from having to obtain a hazardous waste permit. The rule states that these reverse distributors are subject to Sections R315-266-500 through R315-266-510.

References to parts of 40 CFR 265 that were adopted and incorporated by reference that have now been adopted into Rule R315-265 were amended to reference the appropriate rules found in Rule R315-265. (EDITOR'S NOTE: The proposed amendment to Section R315-265-1 is under Filing No. 52926 in this issue, August 1, 2020, of the Bulletin.)

In addition to the amendments listed above, nonsubstantive changes were made to correct typographical errors and to the format and the wording throughout the amended rule to correct format and wording that was not consistent with the current Rulewriting Manual for Utah Rulewriters.

#### **Fiscal Information**

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

###### **A) State budget:**

The operates one hospital. This hospital is not currently listed as a generator of hazardous waste which could mean that the hospital does not generate any hazardous waste or is a VSQG of hazardous waste. However, this hospital could be subject to the new rules because it falls under the definition of healthcare facility as contained in the rules.

Adoption of these new rules could result in no change to the state budget if the hospital does not generate any hazardous waste.

If the hospital were to generate hazardous waste, then the estimated cost due to the adoption of this rule is approximately \$85 per year. The estimated savings due to the adoption of this rule is approximately \$245 per year and would result in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

###### **B) Local governments:**

It is not anticipated that adoption of these rule changes will have any effect on local governments because no local governments in the operate healthcare facilities or reverse distributors.

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

There are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 6,956 of these facilities are small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be

affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 904 of these facilities are generators of hazardous waste. The estimated cost to small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

As stated previously, there are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 476 of these facilities are non-small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 62 of these facilities are generators of hazardous waste. The estimated cost to non-small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to non-small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

The Division believes that all facilities that could be impacted fiscally by this rule are captured in the four previous categories. It is anticipated if there are any persons other than small businesses, non-small businesses, state, or local governments that are healthcare facilities or reverse distributors, that these persons would see a cost savings with the adoption of this rule similar to the savings discussed previously.

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

It is not anticipated that there will be any additional compliance costs for affected persons due to the adoption of this rule other than those mentioned above.

**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	\$85	\$85	\$85
Local Governments	\$0	\$0	\$0
Small Businesses	\$76,840	\$76,840	\$76,840
Non-Small Businesses	\$5,270	\$5,270	\$5,270
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$82,195</b>	<b>\$82,195</b>	<b>\$82,195</b>
<b>Fiscal Benefits</b>			
State Government	\$245	\$245	\$245
Local Governments	\$0	\$0	\$0
Small Businesses	\$221,480	\$221,480	\$221,480
Non-Small Businesses	\$15,190	\$15,190	\$15,190
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$236,915</b>	<b>\$236,915</b>	<b>\$236,915</b>
<b>Net Fiscal Benefits</b>	<b>\$154,720</b>	<b>\$154,720</b>	<b>\$154,720</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:**

It is not anticipated that these rule changes will have a negative fiscal impact on any healthcare facility or reverse distributor involved in the management of hazardous waste pharmaceuticals. This rule simplifies requirements and provides regulatory flexibilities and thereby improves regulatory clarity for healthcare facilities and provides more regulatory certainty for reverse distributors. The simplification and clarity provided by these rule changes will reduce the regulatory burden on these facilities, increase compliance, and result in better protection of human health and the environment.

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

L. Scott Baird, Executive Director

**Citation Information**

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

Section 19-6-104	Section 19-6-105	Section 19-6-106
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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>	08/31/2020
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<b>10. This rule change MAY become effective on:</b>	09/07/2020
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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>	Ty L. Howard, Director	<b>Date:</b>	07/09/2020
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**NOTICE OF PROPOSED RULE****TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R315-273-80</b>	<b>Filing No.</b> <b>52930</b>
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**Agency Information**

<b>1. Department:</b>	Environmental Quality
<b>Agency:</b>	Waste Management and Radiation Control, Waste Management
<b>Building:</b>	MASOB
<b>Street address:</b>	195 N 1950 W
<b>City, state:</b>	Salt Lake City, UT

<b>Mailing address:</b> PO Box 144880		
<b>City, state, zip:</b> Salt Lake City, UT 84114-4880		
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Thomas Ball	801-536-0251	tball@utah.gov
Rusty Lundberg	801-536-4257	rlundberg@utah.gov
Please address questions regarding information on this notice to the agency.		

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

R315-273-80. Standards for Universal Waste Management, Petitions to Include Other Wastes Under Rule R315-273 -- General

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

Under the current rules for management of hazardous waste, a small portion of pharmaceuticals are regulated as hazardous wastes when disposed. Hospitals, clinics, nursing homes, and other facilities that generate hazardous waste pharmaceuticals have experienced difficulty complying with the framework of the hazardous waste rules. To respond to these concerns and facilitate compliance among healthcare facilities, the Environmental Protection Agency (EPA) has finalized a tailored, sector-specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and reverse distributors (facilities that receive and accumulate prescription pharmaceuticals for the purpose of facilitating manufacturer credit). On February 22, 2019, the EPA published the final rule in the Federal Register (84 FR 5816). The final rule entitled, Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, applies to healthcare facilities that generate, accumulate, or otherwise handle hazardous waste pharmaceuticals and reverse distributors engaged in the management of prescription hazardous waste pharmaceuticals.

As stated above the rule provides a new set of sector-specific standards for healthcare facilities (for both humans and animals) and reverse distributors for management of their hazardous waste pharmaceuticals in lieu of the existing hazardous waste generator regulations. The final rule promulgates Sections R315-266-500 through R315-266-510. Healthcare facilities and reverse distributors must manage their hazardous waste pharmaceuticals under this new set of rules in lieu of operating under Rule R315-262 as they have been. These operating standards include a prohibition on disposing of hazardous waste pharmaceuticals in the sewer, called sewerage. The new rules also include a conditional exemption for hazardous waste pharmaceuticals that are also identified as controlled substances by the Drug

Enforcement Administration (DEA). Further, the rules redefine when containers that held hazardous waste pharmaceuticals are considered empty. Healthcare facilities that are very small quantity generators (VSQGs) must comply with the sewer prohibition for their hazardous waste pharmaceuticals under the new rules and have the option of complying with Sections R315-266-500 through R315-266-510 in lieu of operating under the conditional exemption found in Section R315-262-14. Additionally, the final rule amends the P075 acute hazardous waste listing for nicotine and salts to indicate that U.S. Food and Drug Administration (FDA)-approved over-the-counter (OTC) nicotine replacement therapies (NRTs) are not included in the listing.

These rule changes became effective at the Federal level on August 21, 2019. (EDITOR'S NOTE: The proposed amendment to Rule R315-262 is under Filing No. 52924 and the proposed amendment to Rule R315-266 is under Filing No. 52927 in this issue, August 1, 2020, of the Bulletin.)

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

Subsection R315-273-80(e) is added. This rule states that hazardous waste pharmaceuticals are regulated in Sections R315-266-500 through R315-266-510 and prohibits the addition of hazardous waste pharmaceuticals for management under Rule R315-273.

In addition to the amendments listed above, nonsubstantive changes were made to correct typographical errors and to the format and the wording throughout the amended rule to correct format and wording that was not consistent with the current Rulewriting Manual for Utah Rulewriters.

### **Fiscal Information**

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

##### **A) State budget:**

The operates one hospital. This hospital is not currently listed as a generator of hazardous waste which could mean that the hospital does not generate any hazardous waste or is a VSQG of hazardous waste. However, this hospital could be subject to the new rules because it falls under the definition of healthcare facility as contained in the rules.

Adoption of these new rules could result in no change to the state budget if the hospital does not generate any hazardous waste.

If the hospital were to generate hazardous waste, then the estimated cost due to the adoption of this rule is approximately \$85 per year. The estimated savings due to the adoption of this rule is approximately \$245 per year and would result in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

##### **B) Local governments:**

It is not anticipated that adoption of these rule changes will have any effect on local governments because no local governments in the operate healthcare facilities or reverse distributors.

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

There are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 6,956 of these facilities are small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 904 of these facilities are generators of hazardous waste. The estimated cost to small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

As stated previously, there are approximately 7,437 facilities in the that are healthcare facilities and reverse distributors as defined by this rule. Approximately 476 of these facilities are non-small businesses that would potentially be affected by this rule. Not all healthcare facilities and reverse distributors are generators of hazardous waste so it is not possible to determine exactly how many of these businesses will be affected by this rule adoption. Based on information obtained from EPA, it is estimated that approximately 62 of these facilities are generators of hazardous waste. The estimated cost to non-small businesses due to the adoption of this rule is approximately \$85 per year. The estimated savings to non-small businesses due to the adoption of this rule is approximately \$245 per year resulting in an overall cost savings of approximately \$160 per year.

Data to assist in making this determination was obtained from the EPA document entitled "Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals" dated October 2018.

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

The Division believes that all facilities that could be impacted fiscally by this rule are captured in the four previous categories. It is anticipated if there are any persons other than small businesses, non-small businesses, state, or local governments that are healthcare facilities or reverse distributors, that these persons would see a cost savings with the adoption of this rule similar to the savings discussed previously.

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

It is not anticipated that there will be any additional compliance costs for affected persons due to the adoption of this rule other than those mentioned above.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$85	\$85	\$85
Local Governments	\$0	\$0	\$0
Small Businesses	\$76,840	\$76,840	\$76,840
Non-Small Businesses	\$5,270	\$5,270	\$5,270
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$82,195</b>	<b>\$82,195</b>	<b>\$82,195</b>
<b>Fiscal Benefits</b>			
State Government	\$245	\$245	\$245
Local Governments	\$0	\$0	\$0
Small Businesses	\$221,480	\$221,480	\$221,480
Non-Small Businesses	\$15,190	\$15,190	\$15,190

Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$236,915</b>	<b>\$236,915</b>	<b>\$236,915</b>
<b>Net Fiscal Benefits</b>	<b>\$154,720</b>	<b>\$154,720</b>	<b>\$154,720</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:**

It is not anticipated that these rule changes will have a negative fiscal impact on any healthcare facility or reverse distributor involved in the management of hazardous waste pharmaceuticals. This rule simplifies requirements and provides regulatory flexibilities and thereby improves regulatory clarity for healthcare facilities and provides more regulatory certainty for reverse distributors. The simplification and clarity provided by these rule changes will reduce the regulatory burden on these facilities, increase compliance, and result in better protection of human health and the environment.

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

L. Scott Baird, Executive Director

**Citation Information**

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

Section 19-6-104	Section 19-6-105	Section 19-6-106
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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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the

date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

#### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Ty L. Howard, Director	<b>Date:</b>	07/09/2020
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#### NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R382-10-22</b>	<b>Filing No.</b>	<b>52938</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, Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 143102	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov

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

#### General Information

<b>2. Rule or section catchline:</b>
R382-10-22. Public Health Emergency Provisions
<b>3. 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>4. Summary of the new rule or change:</b>
This amendment allows income exclusions for recovery rebates, employer payments of student loans, qualified charitable contributions, and federal pandemic employment payments.

#### Fiscal Information

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

###### A) State budget:

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) Local governments:

There is no impact on local governments because they neither fund CHIP nor make CHIP 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 helps members of CHIP to remain eligible during the COVID-19 public health emergency period. It neither increases business revenue nor costs.

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

There is no impact on non-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.

###### 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**):

About 16,184 members of CHIP may collectively see out-of-pocket savings up to \$4,541,400 during the COVID-19 public health emergency period.

###### F) 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 members of CHIP to remain eligible during the COVID-19 public health emergency period.

**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	\$4,541,400	\$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>\$4,541,400</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$4,541,400	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$4,541,400</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:**

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

Joseph K. Miner, MD, Executive Director

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

Section 26-1-5	Section 26-18-3	Pub. L. No. 116-136
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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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R386-702</b>	<b>Filing No.</b>	<b>52934</b>
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**Agency Information**

<b>1. Department:</b>	Health
<b>Agency:</b>	Disease Control and Prevention, Epidemiology
<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 142104
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2104

**Contact person(s):**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Cindy Burnett	801-538-6692	cburnett@utah.gov
Rachelle Boulton	801-538-6185	rboulton@utah.gov
Bree Barbeau	801-538-6300	bbarbeau@utah.gov

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

## General Information

### 2. Rule or section catchline:

R386-702. Communicable Disease Rule

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

The purpose of this change is to amend the list of reportable diseases and clarify language to improve interpretation of rule requirements.

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

COVID-19 is added to the Communicable Disease Rule as an immediately reportable condition, and all test results for COVID-19 are reportable by electronic reporters. Language is clarified in the "Required Information" section to specify that all patient demographic information must be submitted to a performing laboratory for appropriate reporting to public health.

## Fiscal Information

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

#### A) State budget:

This rule amendment will result in a cost to the Utah Department of Health of \$2,000 to pay for personnel time to configure surveillance systems and establish electronic laboratory reporting.

#### B) Local governments:

This rule change will have no fiscal impact on local governments. Changes to Utah's disease surveillance system and working with labs and health care facilities to ensure compliance occur are the responsibility of the Utah Department of Health.

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

Affected industries include healthcare systems and laboratories performing COVID-19 testing. A search of small businesses using the Department of Workforce Services (DWS) Firm Find did not identify any small businesses that would be impacted by this rule change.

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

Affected industries include healthcare systems and laboratories performing COVID-19 testing. Using DWS Firm Find, information from the Utah Public Health Laboratory, and information from the Utah's EpiTrax database, the Department of Health (Department) identified 35 healthcare facilities and laboratories that are currently conducting COVID-19 testing. Additional healthcare facilities are laboratories that are planning to bring on

COVID-19 testing in the near future. The Department estimates a total of 50 healthcare facilities and labs will be impacted by this rule. The Department estimates it will take 5 hours of programming time at \$75/hour to configure electronic reporting systems (total \$18,750).

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

No other specific persons will be affected by this rule. There are no compliance costs associated with this rule change for any other specific persons.

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

Affected persons are as follows:

State: Utah Department of Health. It will cost \$2,000 to configure systems and establish electronic laboratory reporting (ELR) feeds (as outlined above). Once ELR is established there are no ongoing costs for state entities.

Non-small businesses: The cost of coming into compliance for affected businesses is estimated to be \$18,750. Once ELR feeds are established, there are no on-going costs to comply with this rule change.

**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	\$2,000	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$18,750	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$20,750</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 Utah 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 are no small businesses that will be fiscally impacted by this change. Each of the identified 50 non-small businesses will likely see a cost for 5 hours to configure electronic reporting systems at \$75 per hours, a total impact of \$18,750 for all 50 facilities.

The need for COVID-19 testing and reporting during this public health emergency justifies the minimum fiscal impact on businesses.

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

Joseph K. Miner, MD, Executive Director

**Citation Information**

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

Section 26-1-30	Section 26-6-3	Title 26, Chapter 23b
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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>	08/31/2020
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<b>10. This rule change MAY become effective on:</b>	09/07/2020
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NOTE: The date above is the date on which this rule MAY

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-1-12</b>	<b>Filing No.</b>	<b>52948</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>
R414-1-12. Utilization Review
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this change is to clarify utilization review policy and to implement a contract provision to obtain utilization review through a state procurement process.
<b>4. Summary of the new rule or change:</b>
This amendment clarifies that utilization review must be in accordance with the Utah Medicaid Hospital Services Provider Manual and an evidence-based criteria tool approved by the Department of Health (Department). It also includes a provision for review to be obtained via contract and procurement, lists exceptions to the criteria tool, and makes other technical changes.

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

There is no impact to the state budget as utilization review falls within appropriations set forth by the Legislature.

**B) Local governments:**

There is no impact on local governments because they neither fund nor provide utilization review under the Medicaid program.

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

There is no impact to small businesses as utilization review falls within appropriations set forth by the Legislature.

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

There is no impact on non-small businesses as utilization review fall within appropriations set forth by the Legislature.

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

There is no impact on Medicaid providers and Medicaid members as utilization review falls within appropriations set forth by the Legislature.

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

There are no compliance costs to a single Medicaid provider or to a Medicaid member as utilization review falls within appropriations set forth by the Legislature.

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

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

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

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

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

Businesses will see neither revenue nor cost as utilization review falls within appropriations set forth by the Legislature.

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

Joseph K. Miner, MD, Executive Director

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

Section 26-1-5	Section 26-18-3	Section 26-34-2
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**Public Notice Information****9. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	08/31/2020
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<b>10. This rule change MAY become effective on:</b>	09/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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**NOTICE OF PROPOSED RULE****TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-1C</b>	<b>Filing No.</b>	<b>52936</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>
R414-1C. Coronavirus Public Health Emergency Period
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this new 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, Centers for Medicare & Medicaid Services (CMS), the Governor, or the State Legislature during the Coronavirus (COVID-19) public health emergency period.

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

This new 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. (EDITOR'S NOTE: There is a corresponding emergency (120-day) change to Rule R414-1C that is effective as of 06/24/2020 and was published under Filing No. 52878 in the July 15, 2020, issue of the Bulletin.)

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

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) Local governments:**

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.

**C) Small businesses ("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.

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

There is no impact on non-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.

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

There is no impact on Medicaid providers and 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.

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

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.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>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 Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

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

Businesses will see neither revenue nor costs as this rule only ensures COVID-19 emergency compliance.

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

Joseph K. Miner, MD, Executive Director

**Citation Information**

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

Section 26-1-5	Section 26-18-3	Section 63G-3-304
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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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-2A-7</b>	<b>Filing No.</b>	<b>52949</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>
R414-2A-7. Limitations
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this change is to clarify Medicaid policy for inpatient detoxification services.
<b>4. Summary of the new rule or change:</b>
This amendment clarifies that policy for inpatient detoxification is based on the Department of Health's evidence-based criteria tool, and in accordance with Section R414-1-12. (EDITOR'S NOTE: The proposed amendment to Section R414-1-12 is under Filing No. 52948 in this issue, August 1, 2020, of the Bulletin.)

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no impact to the state budget as inpatient detoxification falls 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 inpatient detoxification 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 inpatient detoxification fall within appropriations set forth by the Legislature.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There is no impact on non-small businesses as inpatient detoxification falls within appropriations set forth by the Legislature

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

There is no impact on Medicaid providers and Medicaid members as inpatient detoxification falls within appropriations set forth by the Legislature.

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

There are no compliance costs to a single Medicaid provider or to a Medicaid member as inpatient detoxification falls within appropriations set forth by the Legislature.

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

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

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

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

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

Businesses will see neither revenue nor cost as inpatient detoxification falls within appropriations set forth by the Legislature.

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

Joseph K. Miner, MD, Executive Director

**Citation Information**

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

Section 26-1-5	Section 26-18-3	Section 26-18-3.5
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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.)

<b>A) Comments will be accepted until:</b>	08/31/2020
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<b>10. This rule change MAY become effective on:</b>	09/07/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-303-13</b>	<b>Filing No.</b> <b>52939</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:**

R414-303-13. Coronavirus (COVID-19) Testing Coverage

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

The purpose of this change is to implement provisions for testing coverage during the Coronavirus (COVID-19) public health emergency period.

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

This amendment adds a section to the 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. (EDITOR'S NOTE: There is a corresponding emergency (120-day) change to Section R414-303-13 that is effective as of 06/24/2020 and was published under Filing No. 52879 in the July 15, 2020, issue of the Bulletin.)

**Fiscal Information**

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

**A) State budget:**

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) 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 uninsured individuals to receive COVID-19 testing during the public health emergency period. It neither increases business revenue nor costs.

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

There is no impact on non-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.

**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**):

More than 1,000 uninsured individuals are expected to sign up for COVID-19 testing coverage. These individuals may collectively see out-of-pocket savings up to \$10,600,000 during the COVID-19 public health emergency period.

**F) 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 uninsured individuals to receive COVID-19 testing during the public health emergency period.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$10,600,000	\$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>\$10,600,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$10,600,00	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$10,600,00</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:**

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

Joseph K. Miner, MD, Executive Director

**Citation Information**

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

Section 26-1-5	Section 26-18-3	Pub. L. No. 116-127
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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.)

## NOTICES OF PROPOSED RULES

<b>A) Comments will be accepted until:</b>	08/31/2020
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<b>10. This rule change MAY become effective on:</b>	09/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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**NOTICE OF PROPOSED RULE****TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-304-17</b>	<b>Filing No.</b>	<b>52940</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>
R414-304-17. Public Health Emergency Income Provisions
<b>3. 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>4. Summary of the new rule or change:</b>
This amendment allows income exclusions for recovery rebates, employer payments of student loans, qualified

charitable contributions, and federal pandemic employment payments. (EDITOR'S NOTE: There is a corresponding emergency (120-day) change to Section R414-304-17 that is effective as of 06/24/2020 and was published under Filing No. 52880 in the July 15, 2020, issue of the Bulletin.)

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

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) 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 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.

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

There is no impact on non-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.

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

There is no impact on Medicaid providers and 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.

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

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.

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

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

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

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

Businesses will see neither revenue nor costs as 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**

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

Section 26-1-5	Section 26-18-3	Pub. L. No. 116-136
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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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-308-11</b>	<b>Filing No.</b>	<b>52941</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

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

**General Information**

<b>2. Rule or section catchline:</b>
R414-308-11. Public Health Emergency Provisions
<b>3. 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>4. Summary of the new rule or change:</b>
This amendment 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. (EDITOR'S NOTE: There is a corresponding emergency (120-day) change to Section R414-308-11 that is effective as of 06/24/2020 and was published under Filing No. 52881 in the July 15, 2020, issue of the Bulletin.)

**Fiscal Information**

<b>5. 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</b> ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as this rule simply helps Medicaid families receive coverage through the public health emergency period.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There is no impact on non-small businesses as this rule simply helps Medicaid families receive coverage through the public health emergency period.

**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**):

About 298,386 Medicaid families may collectively see out-of-pocket savings up to \$109,403,800 during the COVID-19 public health emergency period.

**F) 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.

**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	\$109,403,800	\$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>\$109,403,800</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$109,403,800	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$109,403,800</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:**

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

Section 26-1-5	Section 26-18-3	Pub. L. No. 116-127
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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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-311-7</b>	<b>Filing No. 52942</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. 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.

**4. 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: There is a corresponding emergency (120-day) change to Section R414-311-7 that is effective as of 06/24/2020 and was published under Filing No. 52882 in the July 15, 2020, issue of the Bulletin. The proposed amendment to Section R414-304-17 is under Filing No. 52940 and the proposed amendment to Section R414-308-11 is under Filing No. 52941 in this issue, August 1, 2020, of the Bulletin.)

**Fiscal Information****5. 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) 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 TAM Program during the COVID-19 public health emergency period. It neither increases business revenue nor costs.

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

There is no impact on non-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.

**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**):

About 6,075 TAM members may collectively see out-of-pocket savings up to \$3,829,500 during the COVID-19 public health emergency period.

**F) 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 TAM Program during the COVID-19 public health emergency period.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$3,829,500	\$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>\$3,829,500</b>	<b>\$0</b>	<b>\$0</b>

<b>Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$3,829,500	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$3,829,500</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:**

Businesses will see neither revenue nor costs as this rule simply assists the TAM 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**

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

Section 26-1-5	Section 26-18-3	Pub. L. No. 116-136
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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:** 08/31/2020

<b>10. This rule change MAY become effective on:</b>	09/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b>	Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-312-7</b>	<b>Filing No.</b>	<b>52943</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. Purpose of the new rule or reason for the change:</b>
The purpose of this change is to incorporate coverage and income provisions for adult Medicaid members set forth during the Coronavirus (COVID-19) public health emergency period.
<b>4. Summary of the new rule or change:</b>
This amendment adds a section to the 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: There is a corresponding emergency (120-day) change to Section R414-312-7 that is effective as of 06/24/2020 and was published under Filing No. 52883 in the July 15, 2020, issue of the Bulletin. The proposed amendment to Section R414-304-17 is under Filing No. 52940 and the proposed amendment to Section R414-308-11 is under Filing No. 52941 in this issue, August 1, 2020, of the Bulletin.)

**Fiscal Information****5. 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 adult Medicaid members during the COVID-19 public health emergency period. It neither increases business revenue nor costs.

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

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

**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*):**

About 54,156 adult Medicaid members may collectively see out-of-pocket savings up to \$14,779,900 during the COVID-19 public health emergency period.

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

There are no compliance costs to a single Medicaid provider or to an adult Medicaid member as this rule simply assists Medicaid members during the COVID-19 public health emergency period.

**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	\$14,779,900	\$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>\$14,779,900</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$14,779,900	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$14,779,900</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
Businesses will see neither revenue nor costs as this rule as this rule simply assists adult Medicaid members 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

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

Section 26-1-5	Section 26-18-3	Pub. L. No. 116-136
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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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

## Agency Authorization Information

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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## NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-320-17</b>	<b>Filing No.</b>	<b>52944</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>
R414-320-17. Public Health Emergency Provisions
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this change is to incorporate coverage and income provisions for Utah's Premium Partnership for Health Insurance Program (UPP) set forth during the Coronavirus (COVID-19) public health emergency period.
<b>4. Summary of the new rule or change:</b>
This amendment adds a section to the 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: There is a corresponding emergency (120-day) change to Section R414-320-17 that is effective as of 06/24/2020 and was published under Filing No. 52886 in the July 15, 2020, issue of the Bulletin. The proposed amendment to Section R414-304-17 is under Filing No. 52940 and the proposed amendment to Section R414-308-11 is under Filing No. 52941 in this issue, August 1, 2020, of the Bulletin.)

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
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>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 UPP Program during the COVID-19 public health emergency period. It neither increases business revenue nor costs.

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

There is no impact on non-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.

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

There is no impact on Medicaid providers and 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.

**F) 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.

**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	\$107,400	\$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>\$107,400</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

## NOTICES OF PROPOSED RULES

<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:**

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

Section 26-1-5	Section 26-18-3	Pub. L. No. 116-136
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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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-502-3</b>	<b>Filing No.</b>	<b>52945</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:**

R414-502-3. Approval of Level of Care

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

The purpose of this change 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.

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

This amendment includes provisions to allow individuals infected by COVID-19 to receive nursing facility level of care. It also includes other admission criteria. (EDITOR'S NOTE: There is a corresponding emergency (120-day) change to Section R414-502-3 that is effective as of 06/24/2020 and was published under Filing No. 52884 in the July 15, 2020, issue of the Bulletin.)

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

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) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
There is no impact on non-small businesses as nursing facility level of care falls within current appropriations.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
There is no impact on Medicaid providers and Medicaid members as nursing facility level of care falls within current appropriations.			
<b>F) 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>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>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
Businesses will 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>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Section 26-1-5	Section 26-18-3	Pub. L. No. 116-136

**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>	08/31/2020

<b>10. This rule change MAY become effective on:</b>	09/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a	

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

#### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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#### NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-510-2</b>	<b>Filing No.</b>	<b>52946</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. Purpose of the new rule or reason for the change:</b>
The purpose of this change 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>4. Summary of the new rule or change:</b>
This amendment 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. (EDITOR'S NOTE: There is a corresponding emergency (120-day) change to Section R414-510-2 that is effective as of 06/24/2020 and was published under Filing No. 52883 in the July 15, 2020, issue of the Bulletin.)

#### Fiscal Information

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

###### A) State budget:

There is no impact to the state budget as waiver services fall within appropriations set forth by the Legislature.

###### B) Local governments:

There is no impact on local governments because they neither fund nor provide waiver services under the Medicaid program.

###### C) Small businesses ("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.

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

There is no impact on non-small businesses as waiver services fall within appropriations set forth by the Legislature.

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

There is no impact on Medicaid providers and Medicaid members as waiver services fall within appropriations set forth by the Legislature.

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

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.

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

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

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

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

Businesses will see neither revenue nor costs as waiver services fall within appropriations set forth by the Legislature.

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

Joseph K. Miner, MD, Executive Director

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

Section 26-1-5	Section 26-18-3	Pub. L. No. 116-136
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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>	08/31/2020
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**10. This rule change MAY become effective on:**

09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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**NOTICE OF PROPOSED RULE****TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-525</b>	<b>Filing No.</b>	<b>52947</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:**

R414-525. Interpretive Services Invoice Requirements

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

The purpose of this new rule is to implement invoice procedures for providers of Medicaid interpretive services.

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

This new rule spells out invoice requirements for providers of Medicaid interpretive services. It also requires providers to execute a business associate agreement with the

Department before providing these services, and to comply with other applicable policies and laws.

### Fiscal Information

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

##### A) State budget:

There is no impact to the state budget as Medicaid interpretive services fall within appropriations set forth by the Legislature.

##### B) Local governments:

There is no impact on local governments because they neither fund nor provide interpretive services to members under the Medicaid program.

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

There is no impact on small businesses as Medicaid interpretive services fall within appropriations set forth by the Legislature.

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

There is no impact on non-small businesses as Medicaid interpretive services fall within appropriations set forth by the Legislature.

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

There is no impact on Medicaid providers and Medicaid members as Medicaid interpretive services fall within appropriations set forth by the Legislature.

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

There are no compliance costs to a single Medicaid provider or to a Medicaid member, as Medicaid interpretive services fall within appropriations set forth by the Legislature.

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

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

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

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

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

Businesses will see neither revenue nor cost as Medicaid interpretive services fall within appropriations set forth by the Legislature.

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

Joseph K. Miner, MD, Executive Director

### Citation Information

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

Section 26-1-5	Section 26-18-3	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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

#### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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#### NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R432-270</b>	<b>Filing No.</b>	<b>52937</b>
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#### Agency Information

<b>1. Department:</b>	Health		
<b>Agency:</b>	Family Health and Preparedness, Licensing		
<b>Room no.:</b>	100		
<b>Building:</b>	Highland		
<b>Street address:</b>	3760 S Highland Drive		
<b>City, state:</b>	Salt Lake City, UT 84106		
<b>Mailing address:</b>	PO Box 144103		
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4103		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Kristi Grimes	801-273-2821	kristigrimes@utah.gov	
Joel Hoffman	801-273-2804	jhoffman@utah.gov	

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

#### General Information

##### 2. Rule or section catchline:

R432-270. Assisted Living Facilities

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

The purpose of this amendment is to modify the rules regulating the staff training for licensed Assisted Living Facilities. The requirement that all caregivers in an assisted living level II facility be certified nurse aides (CNAs), was removed in August 2019. This amendment increases staff training requirements to ensure health and welfare of residents in all licensed assisted living facilities. It also defines a "vulnerable adult" and allows for respite care for these individuals through Adult Protective Services. The Health Facility Committee reviewed and approved this rule amendment on 02/19/2020.

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

This amendment adds training and core competency requirements for all direct care staff in Assisted Living facilities. It also adds one-on-one training hours in dementia care for Level II facilities with secured units. A definition of "vulnerable adult" was added, along with respite services for individuals through Adult Protective Services.

#### Fiscal Information

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

###### A) State budget:

State government assisted living facility survey process was thoroughly reviewed. This change will not impact the current process. There will be no fiscal impact to the state budget.

###### B) Local governments:

Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures. Assisted living facilities are regulated by the state health department and not local governments. There will be no change in local business licensing or any other item(s) with which local government is involved.

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

After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for small business Licensed Assisted Living facilities. There are 87 small businesses, as determined by the Department's licensing data system. (North American Industry Classification System (NAICS) codes used – Homes for the Elderly 623312, reports 121 small businesses). The small business assisted living facilities will still need the same amount of staffing to operate. Costs for care staff will remain the same. Costs for staff training may increase for facilities that provide minimal training. As a whole, the

industry reports no difference in costs for training due to this rule, as most facilities currently provide the proposed level of training.

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

After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for non-small business Licensed Assisted Living facilities. There are 149 non-small businesses, as determined by the Department's licensing data system. (NAICS codes used - Homes for the Elderly 623312, reports 26 non-small businesses). The non-small business assisted living facilities will still need the same amount of staffing to operate. Costs for care staff will remain the same. Costs for staff training may increase for facilities that provide minimal training. As a whole, the industry reports no difference in costs for training due to this rule, as most facilities currently provide the proposed level of training.

**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**):

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to affected persons because this amendment modifies health care facility requirements and therefore, would not add cost for persons, businesses, or local government entities.

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

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to affected persons because this amendment modifies health care facility requirements and therefore, would not add cost for persons, businesses, or local government entities.

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

**Regulatory Impact Table**

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 Department of Health Executive Director, 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:**

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

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

Joseph K. Miner, MD, Executive Director

**Citation Information**

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

Title 26, Chapter 21		
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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:** 08/31/2020

<b>10. This rule change MAY become effective on:</b>	09/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	06/30/2020
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**NOTICE OF PROPOSED RULE**

TYPE OF RULE: New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R450-4</b>	<b>Filing No.</b>	<b>52959</b>
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**Agency Information**

<b>1. Department:</b>	Heritage and Arts		
<b>Agency:</b>	Administration		
<b>Building:</b>	Rio Grande Depot		
<b>Street address:</b>	300 S Rio Grande St		
<b>City, state:</b>	Salt Lake City, UT		
<b>Mailing address:</b>	PO Box 147110		
<b>City, state, zip:</b>	Salt Lake City, UT 84114-7110		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Josh Loftin	801-386-4755	jloftin@utah.gov	
Nubia Peña		npena@utah.gov	
Please address questions regarding information on this notice to the agency.			

**General Information**

<b>2. Rule or section catchline:</b>
R450-4. Utah Multicultural Commission
<b>3. Purpose of the new rule or reason for the change:</b>
This proposed new rule is required by H.B. 224, passed during the 2019 General Session. This rule supports the statutory authorization (Subsection 9-21-301(9)) of this commission by providing an administrative framework for membership.

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

This rule will provide clarity for the public about how the commissioners are appointed, the roles they play, membership duties, and procedures for the Multicultural Commission (Commission). Many of the commissioners are appointed based on their title so this is important for the public to understand.

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

None--The commissioners are not paid, and meetings are held in the Capitol, so there are no fees. Meals are not typically provided, and administrative support is provided as part of the normal duties for staff in the Division of Multicultural Affairs. It does not generate revenue.

**B) Local governments:**

None--The Commission is an advisory body within state government and doesn't have authority or influence over local government activities.

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

None--The Commission is an advisory body within state government and doesn't have authority or influence over small businesses.

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

None--The Commission is an advisory body within state government and doesn't have authority or influence over business.

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

None--The Commission is an advisory body within state government.

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

None--The Commission is an advisory body within state government and doesn't regulate any person or organization.

**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>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Heritage and Arts, Jill Love, has reviewed and approved this fiscal impact.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
After reviewing this rule, there is no discernible impact on businesses in Utah.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Jill Love, 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>		
Subsection 9-21-301(9)		

**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>	08/31/2020

<b>10. This rule change MAY become effective on:</b>	09/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Josh Loftin, Public Information Officer	<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>	R597-3	<b>Filing No.</b> 52954

**Agency Information**

<b>1. Department:</b>	Judicial Performance Evaluation Commission	
<b>Agency:</b>	Administration	
<b>Building:</b>	State Capitol Building	
<b>Street address:</b>	350 N State Street	
<b>City, state:</b>	Salt Lake City, UT 84103	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b> <b>Email:</b>	
Jennifer Yim		jyim@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R597-3. Judicial Performance Evaluations



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

The reason for this filing is to make the following changes: to make permanent the emergency rule that was previously filed, to add courtroom observation training requirements, to clarify Judicial Performance Evaluation Commission (JPEC) actions related to judicial retirement notifications, and to bring JPEC into full compliance with Sections 78A-12-205 regarding consideration of judicial discipline. (EDITOR'S NOTE: The emergency filing on Section R597-3-3 that is effective as of 05/12/2020 is under Filing No. 52759 in the June 1, 2020, issue of the Bulletin.)

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

The rule was amended to allow for alternative courtroom observation options and to clarify evaluation duties with respect to judicial retirement notifications and judicial discipline

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

The only amendments that will impact state budgets are those made to courtroom observation. This change to alternative courtroom observation options will save state monies paid to courtroom observers to reimburse travel. Total savings will depend on the ability of the court system to return to in-person hearings, both percentage of return and time of return. At its current rate, at the current in-person court hearing rate, savings is approximately \$53.42 per observation. Estimated cost-savings are based on the anticipation that courts will not return to a normal state of in-person hearings until then end of 2020. After that point in time, JPEC estimates that electronic observations may continue to account for approximately 1/4 of all observations.

FY2021:

Average observations per year = 203; per month = 17  
July through December 2020 = 6 months at 17  
observations = 102 Observations

Pandemic-missed observations in March and April = 17 x  
2 make-up observations to complete = 34

Projected savings: 102 + 34 = 136 electronic observations  
(136 x \$53.42 = \$7,265.12 *subtotal*)

January – June 2021 assume non-COVID environment.  
Estimate 1/4 of observations will be electronic and 3/4 in  
person (3/4 x 17 = 12.75 a month); 6 months at 12.75 visits  
at \$53.42 a visit = \$4,086.63; 6 full months is \$7,265.12

Projected savings: \$7,265.12 - \$4,086.63 = \$3,178.49  
(*subtotal*)

Add two subtotals = \$7,265.12 + \$3,178.49 = \$10,443.61  
FY2020 savings

FY2022 and FY2023

Assume FY22 matches last half of FY21, where 1/4 of the  
visits for JPEC will be completed electronically. 6 months  
= \$3,178.49 cost savings x 2 = \$6,356.98 each year.

**B) Local governments:**

There are no anticipated costs or savings to local governments. Local governments have been given access to the technology required to conduct online hearings and make them available to the public electronically by the Utah State Courts.

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

There are no anticipated costs or savings to small businesses. Small businesses do not participate in this process.

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

There are no anticipated costs or savings to non-small businesses. Non-small businesses do not participate in this process.

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

There are no anticipated costs or savings to persons other than small businesses, non-small business, state or local government entities. Persons other than those listed do not participate in this process.

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

There are no anticipated compliance costs for affected persons. Local governments have been given access to the technology required to conduct online hearings and make them available to the public electronically by the Utah State Courts.

**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

## NOTICES OF PROPOSED RULES

<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$10,443.61	\$6,356.98	\$6,356.98
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>\$10,443.61</b>	<b>\$6,356.98</b>	<b>\$6,356.98</b>
<b>Net Fiscal Benefits</b>	<b>\$10,443.61</b>	<b>\$6,356.98</b>	<b>\$6,356.98</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Judicial Performance Evaluation Commission, Jennifer Yim, 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 anticipated fiscal impacts that this rule may have on businesses. Businesses do not participate in this process.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Jennifer Yim, 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 78A-12-201	Section 78A-12-204	Section 78A-12-203
Section 78A-12-202	Section 78A-12-205	Section 78A-12-206

## 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.)
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See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	09/02/2020

<b>10. This rule change MAY become effective on:</b>	09/09/2020
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>	Gil Miller, Chairperson	<b>Date:</b>	07/15/2020
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## NOTICE OF PROPOSED RULE

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R597-4-2</b>	<b>Filing No.</b> <b>52955</b>

## Agency Information

<b>1. Department:</b>	Judicial Performance Evaluation Commission
<b>Agency:</b>	Administration
<b>Building:</b>	State Capitol Building
<b>Street address:</b>	350 N State Street
<b>City, state:</b>	Salt Lake City, UT 84103
<b>Contact person(s):</b>	
<b>Name:</b>	<b>Phone:</b> <b>Email:</b>
Jennifer Yim	jyim@utah.gov
Please address questions regarding information on this notice to the agency.	

## General Information

<b>2. Rule or section catchline:</b>
R597-4-2. Mid-level Evaluation of Justice Court Judges
<b>3. Purpose of the new rule or reason for the change:</b>
The reason for the filing is to make permanent the COVID-19 modifications previously filed as an emergency rule. (EDITOR'S NOTE: The emergency filing on Section R597-4-2 that is effective as of 05/12/2020 is under Filing No. 52760 in the June 1, 2020, issue of the Bulletin.)

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

Due to the physical restrictions created by COVID-19, mid-level evaluations for justice court judges are currently not available. The emergency rule modifications to mid-level evaluations also have substantive value, including more thorough evaluations, increased internal flexibility to respond to changing environments, and cost savings.

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

Judicial Performance Evaluation Commission (JPEC) estimates that there will be temporary and permanent cost savings. Assuming that in-person court hearings do not resume statewide until January 1, 2021, JPEC will save travel costs by substituting courtroom observation for approximately 1/2 of all its travel visits. After September 30, 2021, JPEC would encounter a permanent annual cost savings (\$950) by substituting courtroom observation any time a third interview visit would otherwise be required due to low numbers of interviews collected across the first two visits.

**B) Local governments:**

There are no anticipated costs or savings to local governments. Local governments have been given access to the technology required to conduct online hearings and make them available to the public electronically by the Utah State Courts.

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

There are no anticipated costs or savings to small businesses. Small businesses do not participate in this process.

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

There are no anticipated costs or savings to non-small businesses. Non-small businesses do not participate in this process.

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

There are no anticipated costs or savings to persons other than small businesses, non-small business, state or local government entities. Persons other than listed above do not participate in this process.

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

There are no anticipated compliance costs for affected persons. Local governments have been given access to

the technology required to conduct online hearings and make them available to the public electronically by the Utah State Courts.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>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	\$1,340	\$1,610	\$950
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>\$1,340</b>	<b>\$1,610</b>	<b>\$950</b>
<b>Net Fiscal Benefits</b>	<b>\$1,340</b>	<b>\$1,610</b>	<b>\$950</b>

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

The Executive Director of the Judicial Performance Evaluation Commission, Jennifer Yim, 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 anticipated fiscal impacts that this rule may have on businesses. Businesses do not participate in this process.

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

Jennifer Yim, 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 78A-12-201	Section 78A-12-204	Section 78A-12-203
Section 78A-12-202	Section 78A-12-205	Section 78A-12-206

**Public Notice Information**

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

**A) Comments will be accepted until:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Gil Miller, Chairperson	<b>Date:</b>	07/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R597-5</b>	<b>Filing No.</b>	<b>52958</b>
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**Agency Information**

<b>1. Department:</b>	Judicial Performance Evaluation Commission
<b>Agency:</b>	Administration

<b>Building:</b>	State Capitol Building	
<b>Street address:</b>	350 N State Street	
<b>City, state:</b>	Salt Lake City, UT 84103	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jennifer Yim		jyim@utah.gov
Please address questions regarding information on this notice to the agency.		

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

R597-5. Electronic Meetings

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

The Utah Public Notice Website needed to be added to the rule.

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

The change adds that notice shall also be provided to the Utah Public Notice Website.

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

There are no anticipated cost or savings to the state budget. The amendment is simply adding location notice of the meeting.

**B) Local governments:**

There are no anticipated costs or savings to local governments. The amendment is simply adding location notice of the meeting.

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

There are no anticipated costs or savings to small businesses. The amendment is simply adding location notice of the meeting.

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

There are no anticipated costs or savings to non-small businesses. The amendment is simply adding location notice of the meeting.

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

There are no anticipated costs or savings to persons other than small businesses, non-small business, state or local government entities. The amendment is simply adding location notice of the meeting.

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

There are no anticipated compliance costs for affected persons.

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

**Regulatory Impact Table**

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<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 Judicial Performance Evaluation Commission, Jennifer Yim, 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 anticipated fiscal impacts that this rule may have on businesses.

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

Jennifer Yim, 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 52-4-207

**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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Gil Miller, Chairperson	<b>Date:</b>	07/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Repeal and Reenact

<b>Utah Admin. Code Ref (R no.):</b>	<b>R657-56</b>	<b>Filing No.</b>	<b>52844</b>
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**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R657-56. Recreational Lease of Private Lands for Free Public Walk-in Access
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being repealed and reenacted pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to the walk-in access program.
<b>4. Summary of the new rule or change:</b>
The proposed changes to this rule: 1) repeals the current rule, and 2) reenacts the proposed rule amendments. Due to the amount of changes a repeal and reenact was the best option. The Walk in Access program in Utah provides hunters and anglers access to privately held lands and waters for the purpose of hunting, trapping, and fishing. Approximately 82,000 acres of land, 55 miles of stream, and 200 acres of ponds are made available for free public access through this program. The proposed rule amendments simplify the program, update administrative procedures, clarify rule requirements and expectations, and expand opportunities. Substantive changes are as follows: in Section R657-56-3, provides more definitive requirements for proof of ownership of property; in Section R657-56-4, simplifies acreage requirements to expand new opportunities for smaller properties and discontinue option for multiple owners to form landowner association Walk in Access property; adds emphasis to the quality of the habitat and wildlife for program participation; in Section R657-56-5, clarifies how an agreement is established and basic terms of all Walk in Access agreements; in Section R657-56-6, clarifies factors that may affect compensation; in Section R657-56-7, clarifies landowner responsibilities; discontinue use of registration boxes; discontinue landowner requirement for

individual permission for each public access; in Section R657-56-8, clarifies DWR responsibilities; in Section R657-56-9, clarifies terms and conditions for termination of agreements; in Section R657-56-11, standardizes open seasons and clarify exceptions, and special provisions; in Section R657-56-12, updates process of obtaining authorization and clarify its purposes; in Section R657-56-13, clarifies restriction of individuals from Walk in Access properties; and in Section R657-56-15, adds section to enable current agreements to continue under the terms and conditions which pertained at the time they were established.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The proposed rule amendments simplify the program, update administrative procedures and clarify the rule requirements and expectations, these changes can be initiated within the current workload and resources. The DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.
<b>B) Local governments:</b>
Since the proposed amendments only clarify and simplify a program already in place, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
The proposed rule amendments will not directly impact small businesses because a service is not required of them.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.
<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> ):
These amendments do not have the potential to create a cost impact to those individuals wishing to participate in the Walk in Access program.

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

DWR has determined that this amendment will not create additional costs for those participating in the Walk in Access program.

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

**Regulatory Impact Table**

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

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

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

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

Brian Steed, Executive Director

**Citation Information**

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

Section 23-14-18    Section 23-14-19

**Public Notice Information**

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

**A) Comments will be accepted until:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mike Fowlks, DWR Director	<b>Date:</b>	07/10/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R657-60</b>	<b>Filing No.</b>	<b>52843</b>
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**Agency Information**

<b>1. Department:</b>	Natural Resources
<b>Agency:</b>	Wildlife Resources
<b>Room no.:</b>	Suite 2110
<b>Building:</b>	Department of Natural Resources
<b>Street address:</b>	1594 W North Temple

<b>City, state:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 146301	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6301	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R657-60. Aquatic Invasive Species Interdiction
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to aquatic invasive species.
<b>4. Summary of the new rule or change:</b>
The proposed amendments to this rule: 1) create the process and protocol for use of the "Aquatic Invasive Species Interdiction Account" which was created in H.B. 255 that was passed in the 2020 General Session; 2) set the criteria for a non-resident fee that was set pursuant to Section 23-27-308 to fund AIS prevention and containment efforts; 3) require the removal of the drain plug in all watercraft during transportation in Utah as set by the newly created Drain Plug Law; 4) add a new definition of "Vessel"; 5) set the requirements for the mandatory education course and proof of fee payment; 6) prohibit the alteration of an attached seal to an inspected vessel; 7) clarify the mandatory 30-day dry time for watercraft with complex mechanical or water systems; and 8) rule clarifications and technical changes as needed.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The proposed rule amendments will be implemented using funds from the "Aquatic Invasive Species Interdiction Account" as set in statute, therefore, DWR has determined that these amendments do not create a cost or savings impact to the current state budget or the DWR's budget, however, it will increase the AIS account by \$20 per watercraft that is launched by a non-resident in Utah. It is estimated that 15,000 watercrafts are launched each year, resulting in a possible increase of \$300,000. It is impossible to predict year to year exactly how many watercrafts may be launched by non-residents, so these are estimates based on previous years.

**B) Local governments:**

The proposed amendments do not directly nor indirectly impact local governments therefore, this filing does not create any direct cost or savings impact to local governments.

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

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

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

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

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

These amendments do have the potential to create a cost impact to those non-residents of Utah wishing to launch watercrafts in bodies of water in Utah. It is estimated that 15,000 non-residents launch watercrafts in Utah each year with an additional fee of \$20 per watercraft to launch, the increased estimated amount could be \$300,000.

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

DWR has determined that this amendment will create an additional cost of \$20 per watercraft for those non-residents participating in launching watercrafts in Utah.

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

<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	\$300,000	\$300,000	\$300,000
<b>Total Fiscal Cost</b>	<b>\$300,000</b>	<b>\$300,000</b>	<b>\$300,000</b>



<b>Fiscal Benefits</b>			
State Government	\$300,000	\$300,000	\$300,000
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>\$300,000</b>	<b>\$300,000</b>	<b>\$300,000</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 Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

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

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

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

Brian Steed, Executive Director

**Citation Information**

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

Section 23-14-18	Section 23-14-19	Section 23-27-401
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**Public Notice Information**

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

**A) Comments will be accepted until:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mike Fowlks, DWR Director	<b>Date:</b>	07/10/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R926-11</b>	<b>Filing No.</b>	<b>52931</b>
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**Agency Information**

<b>1. Department:</b>	Transportation
<b>Agency:</b>	Program Development
<b>Room no.:</b>	Administration Suite
<b>Building:</b>	Calvin Rampton Building
<b>Street address:</b>	4501 S 2700 W
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 148455
<b>City, state, zip:</b>	Salt Lake City, UT 84114-8455

**Contact person(s):**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

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

**General Information**

**2. Rule or section catchline:**

R926-11. Clean Fuel Vehicle Decal Program

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

The rule is being changed to align the state's clean fuel vehicle program with federal statutes and regulations that changed.

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

The federal statutes that permitted gasoline hybrids to qualify as clean fuel vehicles expired in 2019. This proposed rule change will only allow electric, plug-in-hybrid, and alternative fuel vehicles to qualify for a clean vehicle permit.

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

The Department of Transportation (Department) does not anticipate this proposed rule change will lead to any material change in the state's budget. The state's clean vehicle program will remain essentially the same. This proposed change only reduces the number of qualifying vehicles by eliminating eligibility for hybrids.

**B) Local governments:**

The Department does not anticipate this proposed rule change will lead to any material change for local governments. The clean vehicle program is a state-run program, local governments have no direct involvement.

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

The Department anticipates the proposed changes may have a fiscal impact on small businesses if they choose to continue to access the high occupancy vehicle lane as a single occupant vehicle. The state's clean vehicle program is voluntary. Some small businesses may have been availing themselves of the benefits provided by the state's clean vehicle program for their eligible vehicles, including their hybrid vehicles. Small business owners that have been taking advantage of the state's clean vehicle program by enrolling their hybrid vehicles will no longer be able to do so, and those small businesses may see an impact.

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

The Department anticipates the proposed changes may have a fiscal impact on non-small businesses if they choose to continue to access the high occupancy vehicle lane as a single occupant vehicle. The state's clean vehicle program is voluntary. Some non-small businesses may have been availing themselves of the benefits provided by the state's clean vehicle program for their eligible vehicles, including their hybrid vehicles.

Non-small business owners that have been taking advantage of the state's clean vehicle program by enrolling their hybrid vehicles will no longer be able to do so. Those non-small businesses may see an impact.

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

The Department anticipates the proposed changes may have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities if those persons choose to continue to access the high occupancy vehicle lane as a single occupant vehicle. Some of these non-commercial, non-governmental persons may have been availing themselves of the benefits provided by the state's voluntary clean vehicle program for their hybrid vehicles. This proposed change will cost each person approximately \$175 per year for each hybrid vehicle a person has enrolled in the program.

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

This proposed rule change will remove a total of 4,545 hybrid vehicles from the state's clean vehicle program. Hybrid vehicle owners who utilize the Express Lanes used the lane an average of 13 times per month. The average value of for each tolled trip that they would have been charged if using an Express Pass is \$1.51. This equates to \$14.51 each month, or a savings of approximately \$175 each. Vehicle owners will incur that same cost each year if they choose to continue accessing the HOV lane as a single occupant vehicle at the same rate of 13 times per month. Vehicle owners could choose to reduce the cost by reducing the number of times they access the HOV lane as a single occupant vehicle, or save all costs by carpooling to access the HOV lane for free or drive for free as a single occupant vehicle in the general purpose lanes. These figures are estimates based on historical data and provided for informational purposes 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.)

**Regulatory Impact Table**

Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
I approve the regulatory analysis as set forth above. Carlos M. Braceras, Executive Director			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
This proposed rule change may have a fiscal impact on businesses of \$175 per year per hybrid vehicle that they will no longer be able to enroll in the state's clean vehicle program if they choose to continue to access the high occupancy vehicle lane as a single occupant vehicle.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Carlos M. Braceras, 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):**

23 CFR, Subsection 166(b)	Section 41-6a-702	Section 72-6-121
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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:** 08/31/2020

**10. This rule change MAY become effective on:** 09/07/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Carlos M. Braceras, Executive Director	<b>Date:</b>	07/10/2020
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**End of the Notices of Proposed Rules Section**



## NOTICES OF CHANGES IN PROPOSED RULES

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

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

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

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

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

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

**NOTICE OF CHANGE IN PROPOSED RULE**

Utah Admin. Code Ref (R no.):	R523-21	Filing No. 52768
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**Agency Information**

<b>1. Department:</b>	Human Services	
<b>Agency:</b>	Substance Abuse and Mental Health	
<b>Room no.:</b>	Second Floor	
<b>Building:</b>	Multi Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state, zip:</b>	Salt Lake City, UT	
<b>Mailing 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>
Thom Dunford	801-538-4181	tdunford@utah..gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>		
R523-21. Behavioral Health Receiving Centers Standards		
<b>3. Change in Proposed Rule:</b>		
Changes Name, Publication date of prior filing:	FILING	Behavioral Health Receiving Centers Standards, Filing No. 52768, Published 06/01/2020
<b>4. Reason for this change:</b>		
The Division has received several comments that were considered to be useful clarifications, and reasonable requests for change.		
<b>5. Summary of this change:</b>		
This Change to Proposed Rule (CPR): 1) adds additional clarification to the types of assessments that are provided to all individuals entering a Behavioral Crisis Receiving Center (BCRC), 2) provides expected staff to client ratios for all shifts, and 3) provides additional guidance on the exacted availability of a licensed mental health clinician.		

**Fiscal Information****6. Aggregate anticipated cost or savings to:****A) State budget:**

The changes proposed in this CPR are clarifying and will not place additional financial burdens or savings on state budgets beyond that which has already been identified in the proposed new rule submission.

**B) Local government:**

The changes proposed in this CPR are clarifying and will not place additional financial burdens or savings on local governments for counties that build a BCRC, beyond that which has already been identified in the proposed new rule submission.

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

The changes proposed in this CPR are clarifying and do not change the role small businesses play in the contracting or delivery of BCRC services, and will not place additional financial burdens or savings on small businesses beyond that which has already been identified in the proposed new rule submission.

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

The changes proposed in this CPR are clarifying and do not change the role non-small businesses play in the contracting or delivery of BCRC services, and will not place additional financial burdens or savings on non-small businesses beyond that which has already been identified in the proposed new rule submission.

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

The changes proposed in this CPR are clarifying and do not change the role persons other than small businesses, non-small businesses, or state or local government entities play in the contracting or delivery of BCRC services, and will not place additional financial burdens or savings on persons other than small businesses, non-small businesses, or state or local government entities beyond that which has already been identified in the proposed new rule submission.

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

No compliance costs are associated with this CPR.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>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 Services, Ann Williamson, has reviewed and approved this fiscal analysis.

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

Businesses will not be financially impacted by this CPR.

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

Ann Williamson, Executive Director

**Citation Information**

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

Section  
62A-15-118

**Public Notice Information**

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

**A) Comments will be accepted until:** 08/30/2020

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

**11. This rule change MAY become effective on:** 09/07/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 11, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mark Brasher, Deputy Director	<b>Date:</b>	07/14/2020
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**End of the Notices of Changes in Proposed Rules Section**





## NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R414-42	Filing No. 52935

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

### General Information

<b>2. Rule or section catchline:</b>
R414-42. Telemedicine
<b>3. Effective Date:</b>
07/13/2020

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

This emergency rule filing supersedes the previous Filing No. 52797 that was effective 05/27/2020. The purpose of this change is to allow easier access to Medicaid services during the Coronavirus (COVID-19) Pandemic. (EDITOR'S NOTE: The emergency filing on Rule R414-42 that was effective on 05/27/2020 was published under Filing No. 52797 in the June 15, 2020, issue of the Bulletin.)

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

This emergency rule filing provides members easier access to services through teledentistry and synchronous telehealth. It further specifies that coverage for telehealth is the same as coverage for any given service, changes the title to "telehealth", includes new definitions, and makes other technical changes.

### 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 filing is necessary to provide Medicaid members access to services during the COVID-19 Pandemic, and to supersede the emergency filing that became effective 05/27/2020, as funding for "asynchronous telehealth" has been removed from the original building block for telehealth services.

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is an estimated total cost of \$78,900 through statewide utilization.
<b>B) Local governments:</b>
There is no impact on local governments because they neither fund nor provide telehealth under the Medicaid program.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
Small businesses may see a share of revenue through statewide utilization based on the total amount of \$78,900.
<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> ):
Medicaid providers may see a share of revenue through statewide utilization based on the total amount of \$78,900. Medicaid members, however, will not see a fiscal impact as their services will remain the same even with the change in venue.

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

There are no compliance costs to a single Medicaid member because services will remain the same even with the change in venue.

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

Businesses may see a share of revenue through their use of the new telehealth services.

**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	Section 26-18-13
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**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	07/12/2020
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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

<b>Utah Admin. Code Ref (R no.):</b>	<b>R131-15</b>	<b>Filing No. 50226</b>
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### Agency Information

<b>1. Department:</b>	Capitol Preservation Board (State)	
<b>Agency:</b>	Administration	
<b>Building:</b>	State Capitol	
<b>Street address:</b>	350 N State Street	
<b>City, state, zip:</b>	Salt Lake City, UT 84103	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Michael Kelley		mkelley@agutah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule catchline:</b>	R131-15. State Construction Contracts and Drug and Alcohol Testing
<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>	The purpose of this rule is to comply with the provisions of Section 63G-6a-1303. This rule is authorized under Subsection 63C-9-301(3)(a).

## 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:

The statutes listed above mandates the rule. Therefore, this rule should be continued.

### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Allyson Gamble, Executive Director	<b>Date:</b> 06/10/2020
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## FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

<b>Utah Admin. Code Ref (R no.):</b>	<b>R156-60d</b>	<b>Filing No. 50298</b>
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### Agency Information

<b>1. Department:</b>	Commerce
<b>Agency:</b>	Occupational and Professional Licensing
<b>Building:</b>	Heber M. Wells Building
<b>Street address:</b>	160 E 300 S

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

<b>City, state, zip:</b>	Salt Lake City UT 84111-2316	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state, zip:</b>	Salt Lake City UT 84114-6741	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jennifer Falkenrath	801-530-7632	jzaelit@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R156-60d. Substance Use Disorder Counselor Act Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 58, Chapter 60, Part 5, provides for the licensure and regulation of various classifications of substance use disorder counselor. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing may adopt and enforce rules to administer Title 58. Subsection 58-60-503(3) provides that the Substance Use Disorder Counselor Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that the Substance Use Disorder Counselor Board's duties, functions, and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 60, Part 5, with respect to various classifications of substance use disorder counselor.
<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>
Since this rule was last reviewed in January 2016, the Division has received no written comments with respect to this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 60, Part 5, with respect to various classifications of substance use disorder counselor. This rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mark B. Steinagel, Director	<b>Date:</b>	07/14/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-100</b>	<b>Filing No. 50371</b>
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**Agency Information**

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state, zip:</b>	Salt Lake, 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>
R277-100. Definitions for Utah State Board of Education (Board) Rules
<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 of public education in the Board; and Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
<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 continues to be necessary because it provides definitions that are used in the Board rules beginning with Title R277. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	07/14/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-602</b>	<b>Filing No. 50502</b>
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**Agency Information**

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state, 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>
R277-602. Carson Smith Scholarships -- Funding and Procedures
<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 of the public school system under the Board; Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Section 53F-4-305, which authorizes the Board to make rules establishing: the eligibility of students to participate in the scholarship program; and the application process for the scholarship 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>
There were no written comments received.

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

This rule continues to be necessary because it outlines responsibilities of a parent, a local education agency (LEA), an eligible private school, and the Board in providing choice for a parent of a special needs student who chooses to have a student served in a private school; and provides accountability for the citizenry in the administration and distribution of the scholarship funds. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	07/14/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-606</b>	<b>Filing No. 50500</b>
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**Agency Information**

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state, 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>
R277-606. Dropout Prevention and Recovery Program
<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 Board; and Section 53A-15-1903, which requires the Board to develop rules to set policies related to a dropout prevention and recovery program; Section 53A-1-401, which allows the Board to make rules to execute the

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Board's duties and responsibilities under the Utah Constitution and state law.

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

There were no written comments received.

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

This rule continues to be necessary because it develops policies related to a local education agencies (LEA's) dropout prevention and recovery program; and sets reporting requirements for LEAs with a dropout prevention and recovery program. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	07/14/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-707</b>	<b>Filing No. 50526</b>
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**Agency Information**

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state, zip:</b>	Salt Lakce 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>
R277-707. Enhancement for Accelerated Students Program
<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 Board; Section 53F-2-408 which requires the Board to establish a distribution formula for the expenditure of funds appropriated for the Enhancement for Accelerated Students Program; and Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

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

There were no written comments received.

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

This rule continues to be necessary because it specifies the procedures for distributing funds appropriated under Section 53F-2-408 to local education agencies (LEAs). The intent of this appropriation is to provide resources to LEAs to enhance the academic growth of students whose academic achievement is accelerated. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Director	<b>Date:</b>	07/14/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R356-1</b>	<b>Filing No. 50847</b>
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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>	330	
<b>Building:</b>	Senate Building	
<b>Street address:</b>	Utah State Capitol Complex, 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	801-425-7346	kimcordova@utah.gov
Please address questions regarding information on this notice to the agency.		

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

R356-1. Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates

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

Subsection 64-13e-104(5)(b) establishes calculations to reimburse counties for incarcerating inmates.

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

No written comments have been received.

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

The ability to house state inmates in county correctional facilities is a necessary and crucial function of the criminal justice system. Due to the infrastructure of this system, state and local governments must support and collaborate with each other to maintain the work of the courts, county jails, and the Department of Corrections. Our communities, as well as the administration of justice rely in this system and it must be maintained. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Kim Cordova, Executive Director	<b>Date:</b>	07/09/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R434-45</b>	<b>Filing No. 51092</b>
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**Agency Information**

<b>1. Department:</b>	Health
<b>Agency:</b>	Family Health and Preparedness, Primary Care and Rural Health
<b>Room no.:</b>	361
<b>Street address:</b>	3760 S Highland Drive
<b>City, state, zip:</b>	Salt Lake City, UT 84106
<b>Mailing address:</b>	PO Box 142005
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2005

**Contact person(s):**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Ashley Moretz	801-273-6605	amoretz@utah.gov

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

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

R434-45. Rural Physician Loan Repayment Program Rules

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

This rule is required by Subsection 26-46a-103(6)(a) and is promulgated under the authority of Sections 26-1-5 and 26-1-17. Rule R434-45 implements the Rural Physician Loan Repayment Program, which governs the award of funds to rural physicians to repay eligible bona fide loans taken for educational expenses.

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

No written comments have been received since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

This rule should be continued because it has met the requirements of its authorizing statute and this rule has facilitated a well-administered program that meets the statutory purposes of Sections 26-1-5 and 26-1-17, awarding funds to rural physicians to repay eligible bona fide loans taken for educational expenses.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph Miner, MD, 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>	<b>R628-15</b>	<b>Filing No. 51521</b>
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**Agency Information**

<b>1. Department:</b>	Money Management Council
<b>Agency:</b>	Administration

<b>Room no.:</b>	Room 180	
<b>Building:</b>	State Capitol	
<b>Street address:</b>	350 N State Street	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	PO Box 2315	
<b>City, state, zip:</b>	Salt Lake City, Utah 84114-2315	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Ann Pedroza	801-538-1883	Apedroza@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R628-15. Certification as an Investment Adviser
<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>
The definition of a certified investment adviser under Section 51-7-3 requires that any adviser wishing to become certified to do business with Utah public treasurers must meet criteria of Money Management Council (Council) rule. Section 51-7-11.5 requires certified investment advisers to meet requirements of Council rule. In addition, Subsection 51-7-18(2) gives the authority to make rules governing certified investment advisers and provides requirements for the regulation and qualification of certified investment advisers.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There have been no written comments received on this rule 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>
This rule needs to be continued to provide requirements for certification which include insurance coverage, minimum accounting standards, forum and methods for dispute resolution and requiring Investment advisers to be familiar with the Act and rules of the Council, to help protect and safeguard public funds as there are millions of dollars being invested by Certified Investment Advisers on behalf of public entities in the . The Council reviewed this rule in the last meeting and agreed that the requirements for certification are needed and that the rule is up to date.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Douglas L. DeFries, Chairman	<b>Date:</b>	07/10/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R895-5</b>	<b>Filing No. 52088</b>
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**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, zip:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	1 State Office Building, 6th Floor	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<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 catchline:</b>
R895-5. Acquisition of Information Technology
<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>
The rule is issued by the Chief Information Officer under the authority of Sections 63F-1-205 and 63F-1-206 of the Utah Technology Governance Act, and Section 63G-3-201 of the Utah Rulemaking Act.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No written comments were received during and since the last five-year review of this rule from interested persons supporting or opposing the rule.



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

The purpose of this rule is to identify the standards under which an agency of the executive branch must obtain approval from the Chief Information Officer before acquiring information technology and technology related services. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Michael Hussey, Executive Director and CIO	<b>Date:</b>	07/07/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R920-8</b>	<b>Filing No. 52124</b>
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**Agency Information**

<b>1. Department:</b>	Transportation	
<b>Agency:</b>	Operations, Traffic and Safety	
<b>Room no.:</b>	First Floor Administration Suite	
<b>Building:</b>	Calvin Rampton	
<b>Street address:</b>	4501 S 2700 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84129	
<b>Mailing address:</b>	PO Box 148455	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-8455	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov

Lori Edwards	801-965-4048	loriedwards@agutah.gov
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Please address questions regarding information on this notice to the agency.

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

R920-8. Flashing Light Usage on Highway Construction or Maintenance Vehicles

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

Section 41-6a-1617 requires the Department of Transportation (Department) to, "make rules providing specifications governing the design and use of special flashing lights on vehicles engaged in highway construction or maintenance operations." This rule satisfies that requirement.

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

The Department has received no written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

Section 41-6a-1617, which requires the Department to maintain this rule, is still effective law. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Carlos M. Bracerias, Executive Director	<b>Date:</b>	07/08/2020
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**End of the Five-Year Notices of Review and Statements of Continuation Section**



## NOTICES OF FIVE-YEAR EXPIRATIONS

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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). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. 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 EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

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### NOTICE OF EXPIRED RULE

Utah Admin. Code Ref (R no.):	R357-10	Filing No. 50851
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### Agency Information

1. Department:	Governor
Agency:	Economic Development
Room no.:	Third Floor
Street address:	60 E South Temple
City, state, zip:	Salt Lake City, UT 84111
Mailing address:	60 E South Temple, Third Fl
City, state, zip:	Salt Lake City, UT 84111

### Contact person(s):

Name:	Phone:	Email:
Nancy Lancaster	801-957-7102	nllancaster@utah.gov

### General Information

<b>2. Title of rule (catchline):</b>	
R357-10. Small Business Jobs Act or Utah New Market Tax Credit	
<b>3. Effective Date:</b>	07/09/2020
<b>4. Summary:</b>	
The five-year review was not filed by the deadline so the rule has expired and will be removed from the Administrative Code.	

**End of the Notices of Notices of Five Year Expirations 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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### Agriculture and Food

#### Animal Industry

No. 52706 (New Rule): R58-26 Custom Exempt Slaughter  
Verification of Ownership  
Published: 5/15/2020  
Effective: 7/7/2020

#### Chemistry Laboratory

No. 52729 (Repeal): R63-1 Fee Schedule  
Published: 5/15/2020  
Effective: 7/7/2020

### Commerce

#### Consumer Protection

No. 52767 (New Rule): R152-57 Maintenance Funding  
Practices Act Rule  
Published: 6/1/2020  
Effective: 7/9/2020

#### Real Estate

No. 52654 (Amendment): R162-2c Justin Barney  
Published: 5/15/2020  
Effective: 7/8/2020

### Education

#### Administration

No. 52770 (Amendment): R277-101 Public Participation in  
Utah State Board of Education Meetings  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52771 (Amendment): R277-301 Educator Licensing  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52773 (New Rule): R277-302 Educator Licensing  
Renewal  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52774 (Amendment): R277-306 Educator Preparation  
Programs for School Psychologists, Audiologists, Speech-  
Language Pathologists, Speech-Language Technicians,  
Counselors, and School Social Workers  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52803 (Amendment): R277-309 Appropriate Licensing  
and Assignment of Teachers  
Published: 6/15/2020  
Effective: 7/23/2020

No. 52775 (New Rule): R277-326 Early Learning  
Professional Learning Grant Program  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52776 (New Rule): R277-327 School Leadership  
Development Grant.  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52777 (Amendment): R277-406 Early Literacy  
Program and Benchmark Reading Assessment  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52769 (Amendment): R277-419 Pupil Accounting  
Published: 6/1/2020  
Effective: 7/9/2020

## NOTICES OF RULE EFFECTIVE DATES

No. 52778 (New Rule): R277-476 Civics Engagement Pilot Program.  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52779 (Amendment): R277-489 Kindergarten Entry and Exit Assessment - Early Intervention Program  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52780 (Amendment): R277-490 Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52781 (Repeal): R277-493 Kindergarten Supplemental Enrichment Program  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52782 (Repeal): R277-500 Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52783 (Amendment): R277-603 Autism Awareness Restricted Account Distribution  
Published: 6/1/2020  
Effective: 7/9/2020

### Financial Institutions

#### Nondepository Lenders

No. 52788 (Repeal): R343-10 Title Lenders Registration with the Nationwide Database  
Published: 6/15/2020  
Effective: 7/23/2020

### Governor

#### Economic Development

No. 52785 (New Rule): R357-29 Rural County Grant Program Rule  
Published: 6/1/2020  
Effective: 7/9/2020

### Health

#### Disease Control and Prevention, Health Promotion

No. 52772 (Amendment): R384-201 School-Based Vision Screening for Students in Public Schools  
Published: 6/1/2020  
Effective: 7/9/2020

#### Health Care Financing, Coverage and Reimbursement Policy

No. 52745 (Amendment): R414-401 Assessment  
Published: 5/15/2020  
Effective: 7/1/2020

No. 52746 (Amendment): R414-506 Hospital Provider Assessments  
Published: 5/15/2020  
Effective: 7/1/2020

No. 52747 (Amendment): R414-517 Inpatient Hospital Provider Assessments  
Published: 5/15/2020  
Effective: 7/1/2020

### Insurance

#### Administration

No. 52794 (Amendment): R590-131 Accident and Health Coordination of Benefits Rule  
Published: 6/15/2020  
Effective: 7/22/2020

No. 52802 (Amendment): R590-237 Access to Health Care Providers in Rural Counties

Published: 6/15/2020  
Effective: 7/22/2020

### Natural Resources

#### Oil, Gas and Mining; Oil and Gas

No. 52804 (Amendment): R649-1 Definitions  
Published: 6/15/2020  
Effective: 7/27/2020

No. 52805 (Amendment): R649-2 General Rules  
Published: 6/15/2020  
Effective: 7/27/2020

No. 52806 (Amendment): R649-3 Drilling and Operating Practices  
Published: 6/15/2020  
Effective: 7/27/2020

### Navajo Trust Fund

#### Trustees

No. 52699 (Amendment): R661-6 Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program  
Published: 5/15/2020  
Effective: 7/17/2020

No. 52700 (Amendment): R661-7 Utah Navajo Trust Fund Housing Projects Program  
Published: 5/15/2020  
Effective: 7/17/2020

No. 52701 (Amendment): R661-9 Funding  
Published: 5/15/2020  
Effective: 7/17/2020

No. 52702 (Amendment): R661-10 UNTF STT Funding  
Published: 5/15/2020  
Effective: 7/17/2020

No. 52703 (Amendment): R661-13 Veterans' Housing Program Policy  
Published: 5/15/2020  
Effective: 7/17/2020

Public Service Commission

Administration

No. 52732 (Amendment): R746-8 Calculation and Application of UUSF Surcharge  
Published: 6/1/2020  
Effective: 7/8/2020

Utility Facility Review Board

No. 52739 (New Rule): R747-1 Utility Facility Review Board Rule  
Published: 6/1/2020  
Effective: 7/9/2020

Tax Commission

Auditing

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: 6/1/2020  
Effective: 7/9/2020

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: 6/1/2020  
Effective: 7/9/2020

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: 6/1/2020  
Effective: 7/9/2020

Motor Vehicle Enforcement

No. 52761 (Amendment): R877-23V-23 Secure Areas  
Published: 6/1/2020  
Effective: 7/9/2020

No. 52694 (Amendment): R877-23V-24 Advisory Board Procedures  
Published: 5/15/2020  
Effective: 7/9/2020

Transportation Commission

Administration

No. 52798 (Repeal and Reenact): R940-3 Procedures for Transportation Infrastructure Loan Fund Assistance  
Published: 6/15/2020  
Effective: 7/25/2020

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