

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Kylie Cone, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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EXECUTIVE DOCUMENTS

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

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

EXECUTIVE ORDER 2020-47

Wildland Fire Management

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

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

WHEREAS, fire restrictions and wildfire warnings are in place across the State;

WHEREAS, extreme dry conditions have occurred and are forecasted throughout the State;

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

WHEREAS, we have seen fires that are not immediately extinguished soon after ignition have grown to large fires;

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

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

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

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

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

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

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/047/EO

EXECUTIVE ORDER
2020-48

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;
 - 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.

This Order is declared effective immediately and shall remain in effect until 11:59 p.m. on August 20, 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 8th day of August, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/048/EO

EXECUTIVE ORDER
2020-49

Extending the Utah COVID-19 Public Health Risk Status

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

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

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

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

WHEREAS, 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 determined that the Utah COVID-19 Health Risk Status set forth in Executive Order 2020-46 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
 - 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. To the extent that any provision of this Order conflicts with a provision of Executive Order 2020-48 or Utah Public Health Order 2020-10, the provision of Executive Order 2020-48 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 20, 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 8th day of August, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/049/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between July 16, 2020, 12:00 a.m., and July 31, 2020, 11:59 p.m. are included in this, the August 15, 2020, issue of the *Utah State Digest*.

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

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least September 14, 2020. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through December 13, 2020, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R36-1	Filing No. 52975

Agency Information

1. Department:	Administrative Services	
Agency:	Records Management Committee	
Building:	State Archives	
Street address:	346 S Rio Grande St	
City, state:	Salt Lake City, UT 84101	
Mailing address:	346 S. Rio Grande St	
City, state, zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Kendra Yates	801-531-3856	kendrayates@utah.gov

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

General Information

2. Rule or section catchline:
R36-1. Records Management Committee
3. Purpose of the new rule or reason for the change:
The purpose of the new rule is to establish procedures for Records Management Committee meetings, particularly when held electronically, and retention schedule review and approval.
4. Summary of the new rule or change:
Rule R36-1 outlines the processes used to prepare, hold, and document a Records Management Committee meeting, including provisions for holding a meeting electronically, pursuant to Section 52-4-207. It also establishes procedures for authorizing retention schedules. (EDITOR'S NOTE: A corresponding 120-day emergency Rule R36-1, that is effective as of 07/20/2020, is under Filing No. 52972 in this issue, August 15, 2020, of the Bulletin.)

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule has no fiscal impact on the state government budget because it is administrative in nature and does not increase required resources.

B) Local governments:

This rule has no fiscal impact on local governments because it is administrative in nature and does not increase required resources.

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

This rule has no fiscal impact on small businesses because it is administrative and internal in nature.

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

This rule has no fiscal impact on non-small businesses because it is administrative and internal in nature.

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 has no fiscal impact on persons because it is only administrative and internal in nature.

F) Compliance costs for affected persons:

There is no cost for complying with this rule.

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

Regulatory Impact Table

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

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Administrative Services, Tani Downing, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
This rule will not have a fiscal impact on businesses, as it is only administrative in nature, and clarifies processes utilizing staff as they are in their current roles and equipment already in place.			
B) Name and title of department head commenting on the fiscal impacts:			
Tani 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-12-112	Section 63A-12-113	Section 52-4-203
Section 63G-2-604		

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:	09/15/2020

10. This rule change MAY become effective on:	09/22/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a	

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

Agency Authorization Information

Agency head or designee, and title:	Kenneth R. Williams, Director	Date:	05/18/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R68-31	Filing No. 52992

Agency Information

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

General Information

2. Rule or section catchline:
R68-31. Cannabis Licensing Process
3. Purpose of the new rule or reason for the change:
These changes are needed to allow for the Cannabis Production Establishment Licensing Board to meet electronically, add circumstances that require facilities to go before the Board, add an annual Board meeting in December, and remove a member from the Board.
4. Summary of the new rule or change:
These changes provide guidelines for electronic meetings of the Cannabis Production Establishment Licensing Board, adds additional circumstances that require facilities

to go before the Board, adds an annual Board meeting in December, and removes a member from the Board. They also make changes that will make the rule more consistent with the Utah Rulemaking Manual.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The changes do not create any new costs or generate savings for the Department of Agriculture and Food (Department). The Department currently possesses the equipment needed to hold electronic Board meetings. Additionally, the Cannabis Production Establishment Licensing Board has the ability to meet as needed without incurring additional costs. The change in Board membership does not affect costs or savings.

B) Local governments:

These rule changes should not affect any local governments because they do not operate as or regulate cannabis production establishments.

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

The rule changes do not create additional costs for small businesses because the licensing fees charged by the Department for cannabis production establishments are not changing. Additionally, establishments will be able to attend electronic meetings in the same manner they would in person meetings.

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

The rule changes do not create additional costs for non-small businesses because the licensing fees charged by the Department for cannabis production establishments are not changing. Additionally, establishments will be able to attend electronic meetings in the same manner they would in person meetings.

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**):

Other persons are not affected by these changes. As members of the public, they will still have the option to attend Cannabis Production Establishment Licensing Board meetings if they are electronic.

F) Compliance costs for affected persons:

No additional compliance costs are created 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	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Agriculture and Food, R. Logan Wilde, has reviewed and approves this fiscal analysis.

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

These rule changes will not have any fiscal impact on businesses. The Department currently maintains the equipment necessary to hold electronic meetings. The additional changes will allow the Cannabis Production Establishment Licensing Board to operate more effectively but do not create additional costs for businesses that operate as cannabis production establishments.

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

R. Logan Wilde, Commissioner

Citation Information

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

Subsection 4-41a-201(2)(iii)	Section 4-2-103
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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:	09/14/2020
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10. This rule change MAY become effective on:	09/21/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	R. Logan Wilde, Commissioner	Date:	07/30/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R70-530	Filing No.	52987
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Agency Information

1. Department:	Agriculture and Food
Agency:	Regulatory Services
Street address:	350 N Redwood Road
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146500
City, state, zip:	Salt Lake City, UT 84114-6500
Contact person(s):	

Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

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

R70-530. Food Protection

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

This change is needed to update the incorporation by reference to a more recent version of 21 CFR Sections 1-200 and to update the authority citation in this rule.

4. Summary of the new rule or change:

The changes change the text in Section R70-530-3 to incorporate 21 CFR Sections 1-200 as of April 1, 2019, as well as corrects the authority referenced in Section R70-530-1.

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

This change just updates citations in this rule and does not impact the state budget.

B) Local governments:

This change does not affect local governments because they are not regulated under the food protection program.

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

The change does not impact small businesses because the fees charged by the Department have not changed.

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

The change does not impact non-small businesses because the fees charged by the Department have not changed.

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 change does not affect other individuals because it only updates an authority reference and incorporation by reference in this rule.

F) Compliance costs for affected persons:

The change does not affect compliance costs for affected persons because the fees charged under the food protection program remain the same.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Agriculture and Food, R. Logan Wilde, has reviewed and approves this

regulatory impact analysis.

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

This change updates the incorporation in the rule to a more recent version of the Code of Federal Regulations (CFR) and does not have a fiscal impact on business in the .

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

R. Logan Wilde, Commissioner

Citation Information

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

Section 4-5-104

Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	21 CFR 1-200
Publisher	US Federal Government
Date Issued	April 1, 2019
Issue, or version	April 1, 2019

Public Notice Information

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

A) Comments will be accepted until: 09/15/2020

10. This rule change MAY become effective on: 09/22/2020

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

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

Agency Authorization Information

Agency head or designee, and title:	R. Logan Wilde, Commissioner	Date:	07/28/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R156-55a	Filing No.	52921
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Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state, zip:	Salt Lake City, UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Chris Rogers	801-530-6720	crogers@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-55a. Utah Construction Trades Licensing Act Rule
3. Purpose of the new rule or reason for the change:
The purpose of this rule filing is to comply with the changes established by S.B. 23 (2020), S.B. 201 (2020), S.B. 153 (2020), H.B. 297 (2020), and S.B. 153 (2019), and to make substantive and other technical changes as approved by the Construction Services Commission.
4. Summary of the new rule or change:
In Section R156-55a-102, the changes make technical changes to the definitions that are no longer used in the rules and corrects cross-references.
In Section R156-55a-301, the changes make technical changes to the classifications, including elimination of superfluous language, clarifying scopes of practice, and correction of cross-references. More substantive changes are detailed as follows:

E100 contractor classification is clarified to include the scope of practice of the B100 classification.

B100 contractor classification is clarified to include the scope of practice of the E100 classification.

The AARST-NRPP certification is not statutorily required and its reference is removed from the section and applicable scopes of practice. The NABCEP certification is a certification that is not statutorily required and its reference is removed from the section and applicable scopes of practice.

The S220 Carpentry and Flooring contractor classification is clarified that it includes aluminum, polyethylene, thermoplastics, trim and rubber and rubber composites.

The S280 Roofing contractor classification is clarified to include any material attached to the roof.

The S310 Foundation, Excavation, and Demolition contractor classification is clarified to include rock, smashing, and crushing.

The S330 Landscape and Recreation Contractor classification is clarified to include flag poles, pergola, bowling alley, playground equipment, rock climbing walls, shooting ranges, scoreboards, incidental excavation, and that the S330 contractor may hire and subcontract with an RMGA-certified contractor for any gas related work. The S330 Landscape and Recreation Contractor classification is also clarified to include installation of a backflow prevention device provided that the contractor completes 2 hours of CE related to backflow preventer installation every renewal cycle.

The S410 Boiler, Pipeline, Waste Water, and Water Conditioner contractor classification is clarified to include non-culinary water and gasses except for natural gas that requires an RMGA certificate. The S410 Boiler, Pipeline, Waste Water, and Water Conditioner contractor classification is also clarified to include installation of a backflow prevention device provided that the contractor completes 2 hours of CE related to backflow preventer installation every renewal cycle.

Clarify that the B100 primary classification includes the B200 and R200 subclassifications.

The definition of activities that do not significantly impact the public health, safety, and welfare and therefore do not require a contractor license is expanded to include: installation of a satellite dish or communication devices on or within a building, installation of blinds, shutters, or other window coverings, vinyl sheet tile, vinyl plank flooring, cleaning of duct work, dustless blasting, lock-smithing, door locks, door access controls, or other door or cabinetry hardware, yurt or membrane-covered frame structures, and installation of art or sculptures under 20 feet in height.

Section R156-55a-302b includes experience working for a railroad corporation as experience in the construction industry. The AARST-NRPP and NABCEP certification is not statutorily required and its reference is removed from the section and applicable scopes of practice.

In Section R156-55a-302d, the changes eliminate superfluous language in the rule.

In Section R156-55a-302f, the changes clarify that the preclicensure course program reporting sheets are not

provided by the Division of Occupational and Professional Licensing (Division) but are instead approved by the Division. Eliminates the disciplinary proceedings related to the precicensure course providers as they are named in statute and not subject to discipline by the Division. Clarifies the exemptions from the precicensure course to include a person that is or has been on an active and unrestricted Utah contractor's license.

In Section R156-55a-303b, the changes add requirements that the S330 Landscape & Recreation Contractor and the S410 Boiler, Pipeline, Waste Water, and Water Conditioner contractor classification must complete at least 2 of their 6 hours of CE in CE related to backflow preventer installation and repair every renewal cycle. Clarifies that the contractors whose renewal cycles end after January 1, 2020, are the contractors who must complete at least 1 of their 6 CE hours in energy conservation. Clarifies that CE monitoring by the Division is not limited to a random basis.

In Section R156-55a-305a, the changes clarify that the handyman exemption registration requires answering qualifying questions in addition to identity of applicant and signed statement.

In Section R156-55a-306, the changes clarify that financial responsibility requirement of contractors includes but is not limited to the items identified in the rule. Expands the review to include child support obligations and restitution orders. Eliminates unnecessary credit report language and simplifies the requirement to provide a credit report acceptable to the Division.

In Section R156-55a-311, the changes clarify that the conversion from one entity to another for contractor license purposes includes articles of conversion, which cannot merely be filed but must be approved by the Division of Corporations.

In Section R156-55a-312, the changes make technical changes to update cross-references, and clarify that the requirements for reactivating a contractor license include completing all continuing education requirements that are not satisfied at the prior renewal, and clarifying that the contractor laws and rules exam is not required to be taken again each time a license is changed from inactive to active.

In Section R156-55a-501, the changes provide that it is unprofessional conduct for a licensee to fail to provide an interview to the Division within 30 days of a request for an interview to determine compliance with Title 58, Chapter 55, or Title 58, Chapter 1, of the Utah Code. Clarifies that an owner, qualifier, or licensee that is a subject matter expert for an exam review may instruct a person or applicant on the contractor business and law exam only if they obtain permission from the Division. Amends unprofessional conduct to include failure of employees of a licensee to properly identify the name of their employer when requested by the Division and that it is unprofessional conduct to reproduce or transmit any Division required test content in any form to any person without Division permission.

In Section R156-55a-503, the changes eliminate the administrative fine schedule as unnecessary because the fine amounts are established in statute with the recently passed legislation of S.B. 23 (2020).

In Section R156-55a-602, the changes clarify the current practice of determining the contractor bond amount for financial responsibility as either the greater of 30% of the outstanding obligations or certain minimum bond requirements already in rule.

In Section R156-55a-700, the changes pursuant to S.B. 23 (2020), establish conditions for emergency contractor licensure in the event of a declared emergency.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

No state agencies shall be directly or indirectly affected by these rule changes because the proposed changes will not result in any significant increase or decrease in administrative costs or revenue compared to the currently anticipated costs and revenues. Additionally, there are no state government entities acting as businesses that will be significantly impacted by these changes.

B) Local governments:

Local governments will neither enforce nor be affected by the processes and requirements implemented by these rules, nor will local governments be indirectly impacted because none of the amendments create a situation requiring services from local governments. Therefore, no costs or savings to local government are anticipated.

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

The changes that are grammatical or nonsubstantive are estimated to have no impact on small businesses. As for the substantive changes, the U.S. Census North American Industry Classification System (NAICS) was searched and several relevant NAICS codes were identified including: 236115, 236116, 236117, 236118, 236210, 236220, 237120, 237990, 238111, 238112, 238121, 238122, 238131, 238132, 238141, 238142, 238151, 238152, 238161, 238162, 238171, 238172, 238191, 238211, 238212, 238221, 238222, 238311, 238312, 238321, 238322, 238331, 238332, 238341, 238342, 238351, 238352, 238381, 238392, 238911, 238912, 238991, 238992. DWS Firm Find was referenced in compiling this information. DWS Firm Find indicates that a total of 216 medium and large businesses and 9,781 small businesses in Utah will be covered by these rule changes. Notwithstanding the number of small businesses, based on the NAICS codes, the analysis herein does not change. With respect to the substantive changes:

First, small businesses may be impacted by the expanded or clarified scope of practice for the various classifications.

These impacts are impossible to determine because the clarification and expansion of the applicable classifications does not necessarily result in a net increase or decrease of cost or value to the licensee or applicant as there is no way to determine if they will actual practice in the expanded or clarified scope beyond their current work.

Second, small businesses may be impacted by the clarified classifications and expanded scopes of practice, which may reduce the number of potential fines to small businesses for practicing beyond the scope of licensure.

However, since it is impossible to determine whether the clarified classifications or expanded scopes of practice will increase compliance with the unprofessional conduct provisions, there is no direct cost attributable to these changes. Future violations of unprofessional conduct cannot be quantified. Although the administrative fine schedule has been modified, the statute has not significantly changed from the maximum fines allowed. Based on the fiscal note from the Legislature, no cost increase was attributed to any individuals or business. Some contractor license classifications included expansions of their scope of practice, creating more opportunities for licensed companies to practice their trade. There were only two instances where the scope of practice was negatively affected: landscape contractors having to take CE regarding a plumbing practice, and contractors working with gas to comply with statutory Rocky Mountain Gas Association (RMGA) training. Each of these scenarios were an attempt to comply with existing statutes and shouldn't affect the economics of these professionals other than requiring a relatively small amount of training.

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

The impact to non-small business will be the same as the impact to small business because contractor licensing under Title 58, Chapter 55, and Utah Administrative Code Rule R156-55a does not differentiate between these types of businesses for licensing or enforcement purposes. Based on the fiscal note from the Legislature, no cost increase was attributed to any individuals or 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**):

With respect to the changes that are grammatical or non-substantive, those changes will have no impact on persons other than small businesses, non-small businesses, state, or local government entities. With respect to other changes, there is no perceivable impact of these rule amendments on small businesses, non-small businesses, state, or local government entities. Based on the fiscal note from the Legislature, no cost increase was attributed to any individuals or business.

F) Compliance costs for affected persons:

This rule is not expected to impact affected persons beyond what was already described in the underlying fiscal notes for the underlying statutory enactments.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

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

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

The Division and the Construction Services Commission is proposing multiple substantive and clarifying amendments to the Utah Construction Trades Licensing Act Rule to comply with the changes established by the 2020 Utah General Legislative Bills.

Small Businesses (less than 50 employees):

In Utah, there are 216 medium and large businesses and 9,781 small businesses that will be affected by these rule amendments (NACIS Codes 236115, 236116, 236117, 236118, 236210, 236220, 237120, 237990, 238111, 238112, 238121, 238122, 238131, 238132, 238141, 238142, 238151, 238152, 238161, 238162, 238171, 238172, 238191, 238211, 238212, 238221, 238222, 238311, 238312, 238321, 238322, 238331, 238332, 238341, 238342, 238351, 238352, 238381, 238392, 238911, 238912, 238991, 238992). Small businesses may be impacted however the impacts are impossible to determine because the clarification and expansion of the applicable classifications does not necessarily result in a net increase or decrease of cost, or value to the licensee or applicant, as there is no way to determine if they will actual practice in the broadened scope beyond their current work. Further, small businesses may be impacted by the classifications and expanded scopes of practice, which may reduce the number of potential fines to small businesses for practicing beyond the scope of licensure. The Division notes two instances where the scope of practice may be negatively affected by the expansion of scope in 1) landscape contractors having to take continuing education ("CE") regarding plumbing practice, and 2) contractors working with gas to comply with statutory Rocky Mountain Gas Association ("RMGA") training. Each of these are an attempt to comply with existing statutes and should not affect the economics of these professionals other than requiring a relatively small amount of training. No other impact to the state is expected beyond a minimal cost to the Division to disseminate the rules once the proposed amendments are made effective. Accordingly, no fiscal impact is expected for small businesses over and above any fiscal impact described in the fiscal note from the Legislature as these costs are either inestimable or there is no fiscal impact.

Regulatory Impact to Non-Small Businesses (50 or more employees)

The proposed rules for the Utah Construction Trades Licensing Act Rule are expected to impact non-small businesses in the same manner as mentioned for small business. Based on the fiscal note from the Legislature, no cost increase was attributed to any individuals or business as to the costs being inestimable for the reasons stated, or there is no fiscal impact.

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

Chris Parker, Executive Director

Citation Information

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

Subsection 58-5-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-55-101
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Subsection 58-55-308(1)(a)	Subsection 58-55-102(39)(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: 09/14/2020

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

On:	At:	At:
08/26/2020	9:00 AM	Heber Wells Bldg, 160 E 300 S via electronic meeting only with the Construction Services Commission, Salt Lake City, UT. Note: Google Meeting electronic information will be on the Construction Services Commission meeting agenda for the August 26, 2020 meeting date.

10. This rule change MAY become effective on: 09/21/2020

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

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Division Director	Date: 07/07/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R277-419	Filing No. 52988
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Agency Information

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

General Information

2. Rule or section catchline:
R277-419. Pupil Accounting
3. Purpose of the new rule or reason for the change:
Relying on student attendance as a measurement for state funding is not reliable when student learning takes place of the classroom or out of the presence of a teacher. Due to the impacts of COVID-19 on in-classroom learning, the Utah State Board of Education (USBE) has been asked whether they will: 1) provide waivers from the 180 day/990 hour requirements for the 2020-21 school year; or 2) amend the 180 day/990 hour requirements. USBE received feedback from stakeholders requesting USBE waive the 990 instructional hour requirement for the 2020-21 school year to provide more flexibility to local education agencies (LEAs) to provide learner based educational services.
4. Summary of the new rule or change:
The rule change waives the existing requirement for an LEA to provide 990 hours of instruction of educational services a year, based on certain conditions being met. The updated rule also: changes the terminology around the 990 hour requirement by basing the 990 on hours of providing "educational services" rather than instruction; eliminates the minimum school day hour requirements; eliminates prescriptive language about what may or may not be counted as hours of instruction or educational services; and changes terminology of "continuing enrollment measurement" to "learner validated enrollment measurement".

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have material fiscal impacts on state government revenues or expenditures. It should not require USBE to significantly change operations or practices but provides LEAs with the flexibility necessary to account for student enrollments during the COVID-19 Pandemic.

B) Local governments:

This rule change is not expected to have material fiscal impacts on local governments' revenues or expenditures. It should not require LEAs to significantly change operations or practices but provides them with the flexibility necessary to account for student enrollments during the COVID-19 Pandemic.

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

This rule change is not expected to have fiscal impacts on small businesses' revenues or expenditures. It should not require LEAs to significantly change operations or practices but provides them with the flexibility necessary to account for student enrollments during the COVID-19 Pandemic.

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 fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. It should not require LEAs to significantly change operations or practices but provides them with the flexibility necessary to account for student enrollments during the COVID-19 Pandemic.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. The rule change should not require LEAs to significantly change operations or practices but provides them with the flexibility necessary to account for student enrollments during the COVID-19 Pandemic.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses,

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

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Subsection 53E-3-602(2)	Subsection 53G-5-404(4)
Subsection 53E-3-401(4)	Subsection 53E-3-301(3)(d)	Section 53G-4-404
Subsection 53E-3-501(1)(e)		

Public Notice Information

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

A) Comments will be accepted until: 09/15/2020

10. This rule change MAY become effective on: 09/22/2020

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	07/29/2020
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NOTICE OF PROPOSED RULE**TYPE OF RULE:** Amendment

Utah Admin. Code Ref (R no.):	R277-606	Filing No.	52973
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Agency Information

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

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

General Information

2. Rule or section catchline:
R277-606. Dropout Prevention and Recovery Program
3. Purpose of the new rule or reason for the change:
This rule is being amended because of 2020 General Session H.B. 376, Dropout Prevention Amendments.
4. Summary of the new rule or change:
This rule has edits to reflect the updates made by H.B. 376 (2020) to expand the types of local education agencies (LEAs) that are exempt from the dropout prevention program. The rule edits also insert a reference to the relevant state code that lists the LEA exemptions from being required to participate in the program.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impacts on state government revenues or expenditures. The amendments are a result of H.B. 376 (2020).

B) Local governments:

This rule change is not expected to have independent fiscal impacts on local governments' revenues or expenditures. The amendments are a result of H.B. 376 (2020).

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

This rule change is not expected to have independent fiscal impacts on small businesses' revenues or expenditures. The amendments are a result of H.B. 376 (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 are a result of H.B. 376 (2020).

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. The amendments are a result of H.B. 376 (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

NOTICES OF PROPOSED RULES

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

H) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

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

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

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

Sydnee Dickson, State Superintendent

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53G-9-802
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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: 09/15/2020

10. This rule change MAY become effective on: 09/22/2020

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

Agency Authorization Information

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

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R277-752	Filing No.	52989
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Agency Information

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

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

General Information

2. Rule or section catchline:

R277-752. Special Education Intensive Services Fund

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

This rule is amended to address carry forward and application requirements for the special education intensive services fund appropriation.

4. Summary of the new rule or change:

This rule updates provisions for local education agencies (LEAs) with excessive carry forward balances and their eligibility to receive an allocation of funds in the Special Education Intensive Services Fund. This rule also requires the Board to recoup special education carry forward funds in excess of 20% of an LEA's budget for all the LEA's special education programs.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule change may impact state government revenues and/or expenditures. It requires the Board to recoup special education intensive service carry forward funds in excess of 20% of an LEA's special education budget. These revenues are not retained by the state but go into the special education intensive services program, allowing the board to fund additional requests from other LEAs. This rule change redistributes funding provided to LEAs and does not increase revenues retained by the Utah State Board of Education (USBE).

B) Local governments:

This rule change may impact local governments' revenues and/or expenditures. It requires the USBE to recoup special education intensive service carry forward funds in excess of 20% of an LEA's special education budget. These revenues are not retained by the state but go into the special education intensive services program, allowing the USBE to fund additional requests from other LEAs. The net benefit/cost to LEAs is zero as the rule only redistributes funding amongst LEAs.

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

This rule change is not expected to have material fiscal impacts on small businesses' revenues or expenditures. The amendments in this rule change directly impact only state and local governments.

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

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

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

This rule change is not expected to have material fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments in this rule change directly impact only state and local governments.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons.

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

Regulatory Impact Table

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

NOTICES OF PROPOSED RULES

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

H) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

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

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

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

Sydnee Dickson, State Superintendent

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-2-309
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Public Notice Information

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

A) Comments will be accepted until: 09/15/2020

10. This rule change MAY become effective on: 09/22/2020

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	07/29/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R386-800	Filing No. 52995
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Agency Information

1. Department:	Health	
Agency:	Disease Control and Prevention, Epidemiology	
Building:	Cannon Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142102	
City, state, zip:	Salt Lake City, UT 84114-2102	
Contact person(s):		
Name:	Phone:	Email:
Rich Lakin	801-538-9450	rlakin@utah.gov
Jon Reid	801-538-9450	jreid@utah.gov

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

General Information
2. Rule or section catchline:

R386-800. Immunization Coordination

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

The reason for these changes are to update this rule to conform to rulewriting guidelines, to amend this rule to update Utah Code reference, to remove conflicting privacy requirements, and to ensure this rule supports individual access to their own immunization records.

4. Summary of the new rule or change:

The changes remove reference to Title 26, Chapter 6, and add reference to Title 26, Chapter 1. Also, added authorization for personal health records, updated access and confidentiality section, updated formatting, and fixed minor grammar errors.

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

The amendments to this existing administrative rule are not expected to have any fiscal impact on the state budget because the changes do not affect the implementation of this rule; they simply align privacy requirements and clarify access by individuals.

B) Local governments:

The amendments to this existing administrative rule are not expected to have any fiscal impact on the local governments because the changes do not affect the implementation of this rule; they simply align privacy requirements and clarify access by individuals.

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

The amendments to this existing administrative rule are not expected to have any fiscal impact on small businesses because the changes do not affect the implementation of this rule; they simply align privacy requirements and clarify access by individuals.

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

The amendments to this existing administrative rule are not expected to have any fiscal impact on non-small business because the changes do not affect the implementation of this rule; they simply align privacy requirements and clarify access by individuals.

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

The amendments to this existing administrative rule are not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities, because the changes do not affect the implementation of this rule; they simply align privacy requirements and clarify access by individuals.

F) Compliance costs for affected persons:

The amendments to this existing administrative rule are not expected to have any compliance costs for affected persons because the changes do not affect the

implementation of this rule; they simply align privacy requirements and clarify access by individuals.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

The 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:

After conducting a thorough analysis, it was determined that this proposed rule will not result in a 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):

Subsection 26-1-30(6)	Section 26-3-7	
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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:	9/14/2020
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10. This rule change MAY become effective on:	9/21/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, Executive Director	Date:	07/31/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R414-42	Filing No.	52990
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Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
Mailing address:	PO Box 143102	
City, state, zip:	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

2. Rule or section catchline:
R414-42. Telemedicine
3. Purpose of the new rule or reason for the change:
The purpose of this change is to allow members easier access to Medicaid services during the Coronavirus (COVID-19) Pandemic.
4. Summary of the new rule or change:
This amendment 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. (EDITOR'S NOTE: A corresponding emergency filing on Rule R414-42, that was effective on 07/13/2020, was published under Filing No. 52935 in the August 1, 2020, issue of the Bulletin.)

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is an estimated total cost of \$78,900 through statewide utilization.
B) Local governments:
There is no impact on local governments because they neither fund nor provide telehealth under the Medicaid program.
C) Small businesses ("small business" means a business employing 1-49 persons):
About 20 small businesses may see a share of revenue of approximately \$15,810 through statewide utilization.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
About 70 non-small businesses may see a share of revenue of approximately \$55,200 through statewide utilization.
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 10 other telehealth providers may see a share of revenue of approximately \$7,890 through statewide utilization. Medicaid members who access these services may see out-of-pocket savings, but there is no current data to estimate how many members will access these services and what that savings will be.

F) Compliance costs for affected persons:

There are no compliance costs to a single telehealth provider or to a Medicaid member as services remain the same even with the change in venue.

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	\$78,900	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$78,900	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$15,810	\$0	\$0
Non-Small Businesses	\$55,200	\$0	\$0
Other Persons	\$7,890	\$0	\$0
Total Fiscal Benefits	\$78,900	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Joseph 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 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

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 26-18-13
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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:	09/15/2020
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10. This rule change MAY become effective on:	09/22/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	07/30/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R414-312-2	Filing No.	52981
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Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
Mailing address:	PO Box 143102	
City, state, zip:	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

2. Rule or section catchline:
R414-312-2. Definitions
3. Purpose of the new rule or reason for the change:
The purpose of this change is to match another administrative rule that specifies the maximum out-of-pocket deductible for Medicaid members under Utah's Premium Partnership for Health Insurance (UPP).
4. Summary of the new rule or change:
This amendment updates a provision in this rule that matches the increase to the maximum out-of-pocket deductible for a qualified health plan under UPP, as specified in Subsection R414-320-2(11)(c).

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no impact to the state budget as this amendment simply updates ongoing eligibility policy.
B) Local governments:
There is no impact on local governments because they neither fund nor provide services under UPP or the Adult Expansion Medicaid Program.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as this amendment simply updates ongoing eligibility policy.
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 amendment simply updates ongoing eligibility policy.

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 amendment simply updates ongoing eligibility policy.

F) Compliance costs for affected persons:

There are no compliance costs to a single Medicaid provider or to a Medicaid member as this amendment simply updates ongoing eligibility policy.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

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

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

This update to eligibility policy will have no fiscal impact on businesses.

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

Joseph K. Miner, MD, Executive Director

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

Section 26-1-5 Section 26-18-3

Public Notice Information

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

A) Comments will be accepted until: 09/15/2020

10. This rule change MAY become effective on: 09/22/2020

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

Agency Authorization Information

Agency head or designee, and title: Joseph K. Miner, MD, Executive Director
Date: 07/22/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.): R414-504

Filing No. 52991

Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
Mailing address:	PO Box 143102	
City, state, zip:	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**2. Rule or section catchline:**

R414-504. Nursing Facility Payments

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

The purpose of this change is to remove the requirement of the optional state assessment (OSA) and to clarify that facilities need to include all sections of the minimum data set (MDS), so that a patient-driven payment model (PDPM) score may be calculated.

4. Summary of the new rule or change:

This amendment removes the requirement that facilities submit an OSA, clarifies the requirement that facilities must submit all necessary information to calculate a PDPM score, and makes other technical corrections.

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

There is no impact to the state budget because this change only clarifies the need for MDS data to calculate a PDPM score.

B) Local governments:

There is no impact on local governments because this change only clarifies MDS data needs.

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

There is no impact on small businesses because this change only clarifies MDS data needs.

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

There is no impact on non-small businesses because this change only clarifies MDS data needs.

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 because this change only clarifies MDS data needs.

F) Compliance costs for affected persons:

There are no compliance costs to a single Medicaid provider or to a Medicaid member because this change only clarifies MDS data needs.

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

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

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

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

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

After conducting a thorough analysis, it was determined that this proposed rule will not result in a 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):**

Section 26-1-5	Section 26-18-3	Title 26, Chapter 35a
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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: 09/14/2020

10. This rule change MAY become effective on: 09/21/2020

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

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	07/30/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R434-20	Filing No. 52997

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Primary Care and Rural Health	
Room no.:	361	
Street address:	3760 S Highland Drive	
City, state:	Salt Lake City, UT 84106	
Mailing address:	PO Box 142005	
City, state, zip:	Salt Lake City, UT 84114-2005	
Contact person(s):		
Name:	Phone:	Email:
Ashley Moretz	801-273-6605	amoretz@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R434-20. Behavioral Health Workforce Reinvestment Initiative
3. Purpose of the new rule or reason for the change:
The purpose of this rule is to increase the number of behavioral health professionals working in publicly funded facilities in the state, the Department of Health (Department) may provide loan repayment grants to behavioral health professionals to repay loans taken for educational expenses in exchange for their agreement to serve for a specified period of time at an approved site in the state.
4. Summary of the new rule or change:
This rule implements the Utah Behavioral Health Workforce Reinvestment Initiative, which awards grant funds to behavioral health professionals to repay loans taken for educational expenses, in exchange for serving for a specified period of time in a publicly funded health care facility in the state.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
\$2,000,000 cost for loan repayment appropriated during 2020 interim. Otherwise, this rule will impose minor costs and duties to state government. Specifically, the Department will incur administrative costs of 5% to

administer the program, which will be deducted from the appropriation.

B) Local governments:

The health care facility employing the eligible professional will provide education loan repayment assistance to the eligible professional in an amount equal to 10% of the total award amount provided to the eligible professional. There are no other expected costs to local governments, aside from the time it would take for them to fill out and complete the competitive employment site application. There are anticipated recruitment cost savings for those health care facilities that employ eligible professionals due to increased retention rates.

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

The health care facility employing the eligible professional will provide education loan repayment assistance to the eligible professional in an amount equal to 10% of the total award amount provided to the eligible professional. There are no other expected costs to small businesses, aside from the time it would take for them to fill out and complete the competitive employment site application. There are anticipated recruitment cost savings for those health care facilities that employ eligible professionals due to increased retention rates.

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

The health care facility employing the eligible professional will provide education loan repayment assistance to the eligible professional in an amount equal to 10% of the total award amount provided to the eligible professional. There are no other expected costs to non-small businesses, aside from the time it would take for them to fill out and complete the competitive employment site application. There are anticipated recruitment cost savings for those health care facilities that employ eligible professionals due to increased retention rates.

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 other expected costs to persons other than small businesses, non-small businesses, or state or local government entities. In addition to the award, eligible professionals will receive an amount equal to 10% of the total award amount provided by the health care facility employing the eligible professional.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$2,000,000	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$2,000,000	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$2,090,000	\$0	\$0
Total Fiscal Benefits	\$2,090,000	\$0	\$0
Net Fiscal Benefits	\$90,000	\$0	\$0

H) Department head approval of regulatory impact analysis:

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

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

This rule fiscally impacts health care facilities that choose to participate as approved sites by providing 10% of the total grant award for any grant recipient employed by the facility.

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 26-9-2	Section 26-9-1
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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:	09/14/2020
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10. This rule change MAY become effective on:	09/21/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	07/21/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R523-23	Filing No.	52985
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Agency Information

1. Department:	Human Services
Agency:	Substance Abuse and Mental Health
Room no.:	Second Floor
Building:	Multi Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	195 N 1950 W
City, state, zip:	Salt Lake City, UT 84116
Contact person(s):	

Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R523-23. Assisted Outpatient Treatment Court Orders
3. Purpose of the new rule or reason for the change:
The purpose of this rule is to clarify the use of Assisted Outpatient Treatment (AOT) court orders by outlining the process for obtaining, renewing, and discharging AOT court orders, and creating standards and guidelines for the use of AOT court orders.
4. Summary of the new rule or change:
<p>This rule requires:</p> <ol style="list-style-type: none"> 1) AOT court orders to adhere to Sections 62A-15-630.4 and 62A-15-630.5, and must be signed by a judge; 2) Treatment providers are to create individualized treatment plans with an array of services that will provide optimal success in engagement and retention in treatment and recovery support plans; 3) Client choice is considered in all treatment options; 4) Treatment services are continually assessed; 5) Evidence based interventions are used when appropriate; 6) Local Mental Health Authorities will have a staff member who holds responsibility of tracking AOT court orders; 7) Local Mental Health Authorities are responsible to track all AOT court orders within their jurisdiction, including times when an order places treatment responsibility on an agency that is not a Local Authority; 8) AOT court orders that are recommended by a Designated Examiner must be accompanied with a report from the requesting examiner; and 9) Requests for discharge must show that the client no longer meets the requirements of Section 62A-15-630.5, and that the Local Mental Health Authority agrees with the discharge.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The Division of Substance Abuse and Mental Health (Division) does not anticipate any costs or savings to state budgets as a result of this rule. The administrative requirements written into this rule are already being performed by the Department of Human Services.

B) Local governments:
The Division anticipates a cost, and no budget savings for local governments as a result of this rule. There are currently AOT teams at the Local Mental Health Authority Level that provided services for individuals who have been court ordered into service. The model of service delivery for these teams include a combination of the following services: outpatient, group, inpatient, day care, residential, housing and medication management, case management and peer support. Service configuration is based on the services needed to help clients successfully reenter a community setting, with some level of independence and safety.
The Division has reviewed the financial cost of providing an AOT type service from two Local mental Health Authorities Weber Human Services, and Davis Behavioral Health. Both Local Mental Health Authorities have expended \$1,200,000 each across 4 years, and each agency has served approximately 102 individuals people, with 106 and 97 respectively. The average cost per client calculates out to be about \$11,765 per person in a 4-year span of time.
The Division will use this data as a foundation for reporting increased costs to local government budgets. A 4 year cost of \$1.2 million per year will calculate out to a yearly cost of \$300,000 per year. The Division will report a per client cost per year using an estimation of 25 clients served each year with an average per client cost of \$12,000 per year.
C) Small businesses ("small business" means a business employing 1-49 persons):
The Division does not anticipate any cost or savings to small businesses as a result of this rule. It is not anticipated that any small businesses will file for an AOT court order or be mandated to provide AOT court ordered services.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The Division does not anticipate any costs or savings to non-small businesses as a result of this rule. It is not anticipated that any non-small businesses will file for an AOT court order or be mandated to provide AOT court ordered services.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
The Division does not anticipate any cost or savings to persons other than small businesses, non-small businesses, state, or local government entities budgets as a result of this rule. It is not anticipated that any persons other than small businesses, non-small businesses, state,

or local government entities will file for an AOT court order or be mandated to provide AOT court ordered services.

F) Compliance costs for affected persons:

The Division has estimated a cost of \$12,000 per client annually for services, but most clients will have Medicaid, so most of these costs are expected to be covered by their insurance. For individuals without insurance, the Local Mental Health Authorities have a sliding fee scale, and other public funding to help cover the cost of service. The cost for affected individuals is not totally estimable but should be fairly negligible.

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	\$300,000	\$300,000	\$300,000
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$300,000	\$300,000	\$300,000
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	-\$300,000	-\$300,000	-\$300,000

H) Department head approval of regulatory impact analysis:

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

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

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

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

Ann Williamson, Executive Director

Citation Information

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

Subsection 62A-15-105(2)	Section 62A-15-630.4	Section 62A-15-630.5
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Public Notice Information

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

A) Comments will be accepted until: 09/15/2020

10. This rule change MAY become effective on: 09/22/2020

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

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	07/27/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R590-225-3	Filing No.	52980
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Agency Information

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

General Information

2. Rule or section catchline:
R590-225-3. Documents Incorporated by Reference
3. Purpose of the new rule or reason for the change:
The National Association of Insurance Commissioners (NAIC's) Uniform Property & Casualty Product Coding Matrix, which is incorporated by reference in the rule, has been updated. The rule is being changed to update the incorporation.
4. Summary of the new rule or change:
The incorporated document is being updated from a 2019 version to a 2020 version. The updates in the incorporated document itself clarify how certain types of insurance should be classified when filed, and update descriptions of certain types of insurance.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes in the incorporated document are clarifications and updates regarding filings for certain types of insurance. This may make it slightly easier to find certain filings by classification, which may result in an extremely minor time savings. The state will not be required to do any more or less work after the amended rule goes into effect.

B) Local governments:

There is no anticipated cost or savings to local governments. The changes in the incorporated document are clarifications and updates regarding filings for certain types of insurance and have no bearing on local governments.

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

There is no anticipated cost or savings to small businesses. The changes in the incorporated document are clarifications and updates regarding filings for certain types of insurance and have no bearing on small businesses.

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

There is no anticipated cost or savings to non-small businesses. The changes in the incorporated document are clarifications and updates regarding filings for certain types of insurance. Insurance companies may have to classify certain insurance filings differently, but the changes are not expected to have a significant 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**):

There is no anticipated cost or savings to any other persons. The changes in the incorporated document are clarifications and updates regarding filings for certain types of insurance and have no bearing on any other persons.

F) Compliance costs for affected persons:

There are no compliance costs for any affected persons. Insurance companies may have to classify certain insurance filings differently, but the changes are not expected to have a significant impact.

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

Regulatory Impact Table

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

NOTICES OF PROPOSED RULES

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Commissioner of the Insurance Department, Todd E. Kiser, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
The above analysis represents the Insurance Department's best estimate of the fiscal impact that this rule may have on businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Todd E. Kiser, Commissioner			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Subsection 31A-2-201(3)	Section 31A-2-201.1	Subsection 31A-2-202(2)
Section 31A-19a-203		

Incorporations by Reference Information

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

Official Title of Materials Incorporated (from title page)	NAIC Uniform Property & Casualty Product Coding Matrix
Publisher	National Association of Insurance Commissioners
Date Issued	January 1, 2020
Issue, or version	January 1, 2020

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	09/15/2020

10. This rule change MAY become effective on:	09/22/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer I	Date:	07/22/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-237-8	Filing No. 52982

Agency Information

1. Department:	Insurance
Agency:	Administration
Room no.:	3110
Building:	State Office Building
Street address:	450 N State St.
City, state:	Salt Lake City, UT 84114
Mailing address:	PO Box 146901

City, state, zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R590-237-8. Rural Health Notification
3. Purpose of the new rule or reason for the change:
This section of this rule is being amended to clarify when notice is required.
4. Summary of the new rule or change:
The change is being made to clarify when an insurer is required to make notifications in a change of status for a rural hospital.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The change clarifies when an insurer must notify of changes to independent hospitals and federally qualified health centers located in rural areas of Utah. These changes are known in the industry and insurers are already operating in compliance with the changes.
B) Local governments:
There is no anticipated cost or savings to local governments. The change clarifies when an insurer must notify of changes to independent hospitals and federally qualified health centers located in rural areas of Utah. There are no compliance requirements for local governments in the rule.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The change clarifies when an insurer must notify of changes to independent hospitals and federally qualified health centers located in rural areas of Utah. There are no compliance requirements for small businesses in the rule.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The change clarifies when an insurer must

notify of changes to independent hospitals and federally qualified health centers located in rural areas of Utah. These changes are known in the industry and insurers, which are the only non-small businesses affected, are already operating in compliance with the changes.

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

There is no anticipated cost or savings to any other persons. The change clarifies when an insurer must notify of changes to independent hospitals and federally qualified health centers located in rural areas of Utah. There are no compliance requirements for any persons in this rule.

F) Compliance costs for affected persons:

The changes largely update the lists of independent hospitals and federally qualified health centers located in rural areas of Utah. These changes are known in the industry and insurers, which are the only non-small businesses affected, are already operating in compliance with the changes. There are no compliance costs for any other persons.

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

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

NOTICES OF PROPOSED RULES

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

H) Department head approval of regulatory impact analysis:

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

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

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

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

Todd E. Kiser, Commissioner

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

Subsection 31A-2-201(3)(a)	Subsection 31A-45-501(8)(c)
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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: 09/15/2020

10. This rule change MAY become effective on: 09/22/2020

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

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer I	Date:	07/22/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R661-21	Filing No.	53000
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Agency Information

1. Department:	Navajo Trust Fund	
Agency:	Trustees	
Street address:	151 E 500 N	
City, state:	Blanding, UT 84511	
Contact person(s):		
Name:	Phone:	Email:
Tony Dayish	435-678-1468	tdayish@utah.gov

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

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

R661-21. Electronic Meetings

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

This new rule enables the Utah Navajo Trust Fund (UNTF) Dineh Advisory Committee and the Board of Trustees to conduct meetings electronically.

4. Summary of the new rule or change:

This new rule enables the UNTF Dineh Advisory Committee (DAC) and the Board of Trustees to conduct meetings electronically. The DAC had always conducted its meetings at one of the eight Navajo Chapter communities but due to restrictions and safety concerns regarding the Covid-19 pandemic, the DAC has a need to conduct its committee meetings electronically. A Navajo Chapter is a local governmental chapter of the Navajo Nation (tribal) government. There are seven Navajo Chapters (on-reservation) and the Blue Mountain Dineh Community for off-reservation Navajos in San Juan County, Utah.

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

There is no anticipated cost or savings effect on the state budget since UNTF does not receive state-appropriated

monies. There is an anticipated savings to the UNTF travel budget since there will be fewer on-site meetings.

B) Local governments:

There is also an anticipated travel expense savings for local government (Utah Navajo Chapter) leaders that do not have to travel to any meetings that are held electronically.

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

There is an anticipated loss of business revenue to small businesses. Less travel by UNTF staff, DAC members, or Chapter leaders will result in less revenue to local gas stations, convenience stores, grocery stores, and caterers.

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

There is no anticipated cost or savings effect on non-small businesses. Most of the meetings are conducted via Google Meet with fewer than 50 people, so any revenue by Google would be negligible.

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

There is no cost or savings effect on persons. The average person in the community would not be affected since most of the population would not attend our meetings in person. There would be a benefit of access to our meetings to a person that would like to participate in an electronic meeting that was not available before.

F) Compliance costs for affected persons:

There will be no compliance cost for affected persons. UNTF bears the responsibility of compliance with this new rule.

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

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons (Eligible Utah Navajos)	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

Tony Dayish, UNTF Administrator, 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 local businesses in San Juan County would experience some loss of revenue by this new rule in a minor way due to less travel by UNTF staff, DAC members, and Utah Navajo Chapter leaders. The fiscal impact to the local business are inestimable.

This change was necessary due to Covid-19 and that pandemic is the root cause for loss of revenue for a lot of local businesses. As the effect of the pandemic recedes, UNTF will revert back to conducting DAC meetings in the local communities again.

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

Tony Dayish, UNTF Administrator

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 51, Chapter 10		
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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: 09/14/2020

10. This rule change MAY become effective on: 09/21/2020

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

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	07/31/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R661-23	Filing No.	53001
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Agency Information

1. Department: Utah Navajo Trust Fund

Agency: Trustees

Street address: 151 E 500 N

City, state: Blanding, UT 84511

Contact person(s):

Name:	Phone:	Email:
Tony Dayish	435-678-1468	tdayish@utah.gov

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

General Information

2. Rule or section catchline:

R661-23. Utah Navajo Trust Fund Adult Education Program GED Financial Aid Rule

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

This new rule enables UNTF to provide financial aid to eligible Utah Navajos for GED-related expenses.

4. Summary of the new rule or change:

This new UNTF Adult Education Program GED Financial Aid enables UNTF to provide financial aid to eligible low-income Utah Navajos for GED-related expenses with re-testing expenses and program completion expenses. GED is General Education Development, which is equivalent to and an alternative to a high school diploma.

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

There is no anticipated cost or savings effect on the state budget since UNTF does not receive state-appropriated monies.

B) Local governments:

There is no anticipated cost or savings effect on local governments other than their constituents will benefit by receiving financial aid for GED-related expenses.

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

There is no anticipated effect on small businesses. After completion of the program, the cost of the first test is included with the program, and the new rule will allow UNTF to pay for any necessary re-testing and for graduation items.

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

There is no anticipated cost or savings effect on non-small businesses. This program is slated to assist with a small amount of GED financial aid.

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**):

Most of the general public will not be affected. People that are participating in the GED program and qualify for this program (eligible Utah Navajos) will directly benefit for this financial aid program.

F) Compliance costs for affected persons:

There will be no compliance cost for affected persons. UNTF bears the responsibility of compliance with this new rule.

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

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons (Eligible Utah Navajos)	\$360	\$480	\$480
Total Fiscal Benefits	\$360	\$480	\$480
Net Fiscal Benefits	\$360	\$480	\$480

H) Department head approval of regulatory impact analysis:

Tony Dayish, UNTF Administrator, has reviewed and approved this fiscal analysis.

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

This rule will have no costs or savings effects to businesses and governments. This is a small program for eligible Utah Navajos with an upper limit of \$160 per applicant.

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

Tony Dayish, UNTF Administrator

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 51,
Chapter 10

Public Notice Information

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

A) Comments will be accepted until: 09/14/2020

10. This rule change MAY become effective on: 09/21/2020

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

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	07/31/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R957-1	Filing No.	52994
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Agency Information

1. Department:	System of Technical Colleges (Utah)		
Agency:	Southwest Technical College		
Street address:	757 W 800 S		
City, state:	Cedar City, UT 84720		
Contact person(s):			
Name:	Phone:	Email:	
James Mullenau	435-586-2899	jmullenau@stech.edu	

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

General Information

2. Rule or section catchline:

R957-1. Student Due Process

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

This rule is changing due to the recent changes to Title IX regulations. Federal Register / Vol. 85, No. 97 / Tuesday, May 19, 2020: Department of Education Office For Civil Rights, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance. The document is available at: <https://www.federalregister.gov/d/2020-10512>.

4. Summary of the new rule or change:

This change effectively excludes Title IX cases from standard student due process, as Title IX has its own, separate due process.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There will be no fiscal impact to the state budget because this amendment only constitutes administrative changes.

B) Local governments:

There will be no fiscal impact to local governments because this amendment only constitutes administrative changes.

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

There will be no fiscal impact to small businesses because this amendment only constitutes administrative changes.

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

There will be no fiscal impact to non-small businesses because this amendment only constitutes administrative changes.

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

There will be no fiscal impact to other persons because this amendment only constitutes administrative changes.

F) Compliance costs for affected persons:

Affected persons are the students of Southwest Technical College, and this amendment will not result in any costs to them.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

The Southwest Technical College President, Brennan M. Wood, 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 will be no fiscal impact.

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

Brennan M. Wood, President

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
53B-27-302

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: 09/14/2020

10. This rule change MAY become effective on: 09/21/2020

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

Agency Authorization Information

Agency head or designee, and title:	James Mullenau, Vice President of Student Services	Date:	08/04/2020
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End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R36-1	Filing No. 52972
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Agency Information

1. Department:	Administrative Services	
Agency:	Records Management Committee	
Building:	State Archives	
Street address:	346 S Rio Grande St	
City, state, zip:	Salt Lake City, UT 84101	
Mailing address:	346 S Rio Grande St	
City, state, zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Kendra Yates	801-531-3856	kendrayates@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R36-1. Records Management Committee
3. Effective Date:
07/20/2020
4. Purpose of the new rule or reason for the change:

The purpose of the new rule is to establish procedures for Records Management Committee meetings, particularly when held electronically, and retention schedule review and approval.

5. Summary of the new rule or change:

Rule R36-1 outlines the processes used to prepare, hold, and document a Records Management Committee meeting, including provisions for holding a meeting electronically, pursuant to Section 52-4-207. It also establishes procedures for authorizing retention schedules. (EDITOR'S NOTE: A corresponding proposed new Rule R36-1 is under Filing No. 52975 in this issue, August 15, 2020, of the Bulletin.)

6. Regular rulemaking would:

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

Specific reason and justification:

Subsection 63G-3-304(1)(a) allows emergency rulemaking if not doing so would "cause an imminent peril to the public health, safety, or welfare." The Records Management Committee (Committee) is experiencing a global COVID-19 pandemic and meeting in person has been deemed by the governor to be a public health risk. The Committee has not yet established a rule allowing them to meet electronically, as is required by Subsection

52-4-207(2)(a), although the process has been started. In the meantime, the Committee needs to meet. Rather than meet in person, thereby increasing the risk of spreading COVID-19, the Committee is filing this emergency rule to allow them to meet electronically while their proposed rule goes through the normal process of review, approval, and publication. (EDITOR'S NOTE: A corresponding proposed new Rule R36-1 is under Filing No. 52975 in this issue, August 15, 2020, of the Bulletin.

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

This rule has no fiscal impact on state government budget because the proposed rule is administrative in nature and does not increase required resources.

B) Local governments:

This rule has no fiscal impact on local governments because the proposed rule is administrative in nature and does not increase required resources.

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

This rule has no fiscal impact on small businesses because the proposed rule is administrative and internal in nature.

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

This rule has no fiscal impact on persons because the proposed rule is only administrative and internal in nature.

8. Compliance costs for affected persons:

There is no cost for complying with the proposed rule.

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

This proposed rule will not have a fiscal impact on businesses, as it is only administrative in nature, and clarifies processes utilizing staff as they are in their current roles and equipment already in place.

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

Tani Downing, Executive Director

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

Section 63A-12-112	Section 63A-12-113	Section 52-4-203
Section 63G-2-604		

Agency Authorization Information

Agency head or designee, and title:	Kenneth R. Williams, Director	Date:	07/13/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R357-33	Filing No. 52986
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Agency Information

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

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

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

R357-33. COVID-19 PPE Support Grant Program Rule

3. Effective Date:

07/27/2020

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

During the 2020 Fifth Special Session, H.B. 5010 passed and directed the Governor's Office of Economic Development (GOED) to establish and administer the COVID-19 PPE Support Grant Program that grants rental relief to certain businesses that have purchased or will purchase items that will protect the businesses' employees and customers.

5. Summary of the new rule or change:

This rule will codify the administration of the COVID-19 PPE Support Grant Program by establishing definitions,

authority, program and documentation requirements. The program will provide assistance to small businesses in the state that have been impacted by the COVID-19 pandemic.

6. Regular rulemaking would:

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

Specific reason and justification:

GOED is responsible for economic development in the state and is tasked with, among other things, administering grant programs to enhance the economic health and vitality of the state and its business community. This rule will govern the new COVID-19 PPE Support Grant Program that will provide assistance businesses in the state that have or will make equipment purchases to protect employees and customers.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

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

B) Local governments:

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

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

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

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

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

8. Compliance costs for affected persons:

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

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

I have reviewed this fiscal analysis, and agree with the described fiscal impacts associated with this rule. The COVID-19 PPE Support Grant Program will help many of Utah's businesses that made adjustments to protect employees and customers. GOED hopes the grants that are distributed will help Utah businesses operate safely during the pandemic.

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

Val Hale, Executive Director

Citation Information

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

Section
63N-15-302

Agency Authorization Information

Agency head or designee, and title:	Val Hale, Executive Director	Date:	07/27/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R357-34	Filing No.	52993
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Agency Information

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

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

General Information

2. Rule or section catchline:
R357-34. COVID-19 Impacted Businesses Grant Program Rule
3. Effective Date:
07/30/2020
4. Purpose of the new rule or reason for the change:
During the 2020 Fifth Special Session, H.B. 5010 passed and directed the Governor's Office of Economic Development (GOED) to establish and administer the COVID-19 Impacted Businesses Grant Program that grants rental relief to certain businesses that will provide financial incentives to customers.
5. Summary of the new rule or change:
This rule will codify the administration of the COVID-19 Impacted Businesses Grant Program by establishing definitions, authority, program, and documentation requirements. The program will provide assistance to small businesses in the state that have been impacted by the COVID-19 pandemic.
6. Regular rulemaking would:
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.
Specific reason and justification:
GOED is responsible for economic development in the state and is tasked with, among other things, administering grant programs to enhance the economic health and vitality of the state and its business community. This rule will govern the new COVID-19 Impacted Businesses Grant Program that will provide assistance to businesses that in turn will provide financial incentives to customers.

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
There is no aggregate anticipated cost or savings to the state budget. This rule establishes the requirements for participation in the COVID-19 Impacted Businesses Grant Program.
B) Local governments:
There is no aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.

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

Twenty-five million dollars in funds were allocated towards the program. GOED anticipates a large portion will be awarded to small businesses in the state. The COVID-19 Impacted Businesses Grant Program is designed to serve Utah's businesses that have been impacted by the COVID-19 pandemic.

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

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

8. Compliance costs for affected persons:

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

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

I have reviewed this fiscal analysis, and agree with the described fiscal impacts associated with this rule. The COVID-19 Impacted Businesses Grant Program will help many of Utah's businesses that lost revenue and customers due to the COVID-19 pandemic. GOED hopes the grants that are distributed will help Utah businesses continue to succeed.

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

Val Hale, Executive Director

Citation Information

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

Section		
63N-15-302		

Agency Authorization Information

Agency head or designee, and title:	Val Hale, Executive Director	Date:	07/30/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code	R930-5-8	Filing No.	52999
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Ref (R no.):		
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Agency Information

1. Department:	Transportation	
Agency:	Preconstruction	
Room no.:	Administrative Suite, 1st Floor	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state, zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state, zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@utah.gov

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

General Information

2. Rule or section catchline:
R930-5-8. Maintenance
3. Effective Date:
07/31/2020
4. Purpose of the new rule or reason for the change:
This emergency rule change is needed to clarify the Department of Transportation's (Department) intent when it originally promulgated this rule.
5. Summary of the new rule or change:
Subsection R930-5-8(1) is changing to clarify that the purpose of Section R930-5-8 is to assign responsibility for maintenance of railroad crossings through state owned right of way as described in Section R930-5-8, unless a prior signed written agreement to the contrary applies. This change also clarifies the Department's original intent was that "responsibility" includes the obligation to perform and pay for the maintenance.
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.
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Specific reason and justification:

A dispute exists over interpretation of this rule that will lead to delay in a planned construction project. The project in question is for the purpose of improving safety at an intersection on a state road and a railroad crossing. A delay in the project will create an imminent peril to the public health, safety, or welfare at the intersection according to the Logan City Safety Manager.

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

The Department anticipates this rule change will lead to a savings to the state budget because it will avoid a costly legal dispute.

B) Local governments:

This change may lead to savings to local governments by avoiding current and possible future disputes over maintenance costs at railroad crossings.

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

This change may lead to savings to small businesses by avoiding unnecessary delays in maintenance and construction projects related to railroad crossings through state owned right of way.

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

The Department does not anticipate any costs or savings to persons other than small businesses, non-small businesses, state, or local government entities because the change does not apply to persons other than railroads that own tracks that cross through highway right of way.

8. Compliance costs for affected persons:

This change will not lead to costs or savings to affected persons because this change clarifies the Department's intent and does not change anything.

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

This change will not have a fiscal impact on businesses in general.

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

Carlos M. Bracerias, Executive Director

NOTICES OF 120-DAY (EMERGENCY) RULES

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 54-4-15	Section 41-6a-1205	Section 72-1-201
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Section 54-4-14		
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Agency Authorization Information

Agency head or designee, and title:	Carlos M. Bracerias, Executive Director	Date:	07/29/2020
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End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R58-15	Filing No. 50122
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Agency Information

1. Department:	Agriculture and Food	
Agency:	Animal Industry	
Street address:	350 N Redwood Road	
City, state, zip:	Salt Lake City, UT 84115	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Leann Hunting	801-982-2242	leannhunting@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov

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

General Information

2. Rule catchline:	R58-15. Collection of Annual Fees for the Wildlife Damage Prevention Act
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 enacted under the authority of Subsection 4-2-103(1)(i) which allows the Department of Agriculture and Food (Department) to make rules necessary for the effective administration of agricultural laws in the , and Section 4-23-107, which allows the Department to charge and collect predator control fees under the Agricultural and Wildlife Damage Prevention Act.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received.

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

This rule should continue because it provides fair consistent guidelines for the collection and non-collection exemption of wildlife damage fees, as well as allows the Department to provide predator control services to individuals in the state.

Agency Authorization Information

Agency head or designee, and title:	R. Logan Wilde, Commissioner	Date: 07/21/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R156-55e	Filing No. 50289
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Agency Information

1. Department:	Commerce
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Agency:	Occupational and Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state, zip:	Salt Lake City UT 84111-2316	
Mailing address:	PO Box 146741	
City, state, zip:	Salt Lake City UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Chris Rogers	801-530-6720	crogers@utah.gov

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

General Information

2. Rule catchline:

R156-55e. Elevator Mechanics Licensing Rule

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Title 58, Chapter 55, provides for the licensure and regulation of elevator mechanics. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsections 58-1-202(1)(a) and 58-55-103(1)(b)(i) provide that the Construction Services Commission's duties, functions, and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 55, with respect to elevator mechanics.

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:

Since this rule was last reviewed in September 2015, this rule has been amended one time in April 2019. The Division has received no written comments with respect to 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 as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 55. 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

Agency head or designee, and title:	Mark B. Steinagel, Division Director	Date:	04/30/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R251-102	Filing No. 50344
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Agency Information

1. Department:	Corrections	
Agency:	Administration	
Street address:	14717 S Minuteman Dr	
City, state, zip:	Draper, UT 84020	
Contact person(s):		
Name:	Phone:	Email:
Steve Gehrke	385-237-8040	sgehrke@utah.gov

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

General Information

2. Rule catchline:

R251-102. Release of Communicable Disease Information

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized under Sections 63G-3-201 and 64-13-10, and Subsection 64-13-36(3)(a) of the Utah Code. The purpose of this rule is to designate the persons who will be permitted access to information in the Department of Corrections' (Department) inmate medical files.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments on this rule have been received since the last five-year review.

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

The purpose of this rule is to designate the persons who will be permitted access to information in Department inmate medical files. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mike Haddon, Executive Director	Date:	06/10/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R251-109	Filing No. 50350
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Agency Information

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

General Information

2. Rule catchline:
R251-109. Sex Offender Treatment Providers
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Sections 63G-3-201, 64-13-10, 64-13-25, and 76-5-406.5, of the Utah Code. The purpose of this rule is to define the criteria and guidelines for the minimum standards, application and approval process, and program requirements for sex offender treatment providers.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments on this rule have been received since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of this rule is to define the criteria and guidelines for the minimum standards, application and approval process, and program requirements for sex offender treatment providers. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mike Haddon, Executive Director	Date:	07/23/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R357-11	Filing No. 50853
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Agency Information

1. Department:	Governor	
Agency:	Economic Development	
Building:	World Trade Center	
Street address:	60 E South Temple	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	60 E South Temple	
City, state, zip:	Salt Lake City, UT 84111	
Contact person(s):		
Name:	Phone:	Email:
Dane Ishihara	801-792-8764	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R357-11. Technology Commercialization and Innovation Program (TCIP)
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
In accordance with Section 63N-3-204, this rule establishes the requirements for participation in the Technology Commercialization and Innovation Program.
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 comment has been received since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required under Section 63N-3-204 and is necessary for administration of the program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Val Hale, Executive Director	Date:	07/20/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R386-703	Filing No. 50909
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Agency Information

1. Department:	Health	
Agency:	Disease Control and Prevention, Epidemiology	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142104	
City, state, zip:	Salt Lake City, UT 84114-2104	
Contact person(s):		
Name:	Phone:	Email:
Mark E. Jones	801-538-6191	markejones@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R386-703. Injury Reporting Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Rule R386-703 is authorized under Sections 26-1-30 and 26-6-3. These sections authorize the Utah Department of Health (Department) to require reporting for the control of diseases, health hazards, or injuries of public health concern.
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 comments received in opposition to the continuation of Rule R386-703. The last substantive amendment was enacted on August 23, 2017.
Summary of comments received since the last five-year review which were implemented in an amendment made effective on August 23, 2017:
1) Add laboratory definition. Define the types of laboratories for reporting injuries.

2) Lower the case definition of an elevated blood lead level (blood lead level of concern) from ≥ 10 microg/dL to ≥ 5 microg/dL. In 2012, the Centers for Disease Control and Prevention (CDC) lowered their blood lead level of concern, for blood lead levels in children to ≥ 5 microg/dL and therefore align Utah with CDC's guidelines.

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 Department recommends the continuation of this rule, allowing the Department to continue to identify the causes and risks of major injuries of public health concern, which helps guide public health policy and actions to reduce or eliminate those injuries. The Department received no comments in opposition to the continuation of Rule R386-703.

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	07/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R746-510	Filing No. 51988
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Agency Information

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

General Information

2. Rule catchline:
R746-510. Funding for Speech and Hearing Impaired Certified Interpreter Training
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 54-8b-10(5)(e) authorizes the Public Service Commission (PSC) to use funds from the Universal Public Telecommunications Service Support Fund to assist in training individuals to qualify as certified interpreters for those who are deaf, hard of hearing, or severely speech impaired.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

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

This rule allows for individuals to become certified as interpreters to provide services for the deaf, hard of hearing, and severely speech-impaired community. Continuation of this rule is necessary to provide a framework under which members of the hearing impaired community may continue to receive interpreting services from qualified individuals.

Agency Authorization Information

Agency head or designee, and title:	Thad LeVar, PSC Chair	Date:	07/27/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R930-8	Filing No. 52147
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Agency Information

1. Department:	Transportation	
Agency:	Preconstruction	
Room no.:	First Floor Administration Suite	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state, zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 148455	
City, state, zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov

Lori Edwards	801-965-4048	loriedwards@agutah.gov
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Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
R930-8. Utility Relocations Required by Highway Projects
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is required by Subsection 72-6-116(2).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required by Subsection 72-6-116(2) and the Department of Transportation follows the rule when utility relocation is necessary. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Bracerias, Executive Director	Date:	07/25/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R994-207	Filing No. 52233
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Agency Information

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

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R944-207. Unemployment
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 35A-1-104(1) of the Employment Security Act authorizes the Department of Workforce Services (Department) to adopt rules as authorized by Title 35A. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act. Subsection 35A-4-207 of the Employment Security Act requires the Department to prescribe rules as the Department considers necessary to further distinguish

total unemployment, part-total unemployment, and partial unemployment.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received.

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

Section 35A-4-207 of the Employment Security Act provides a broad definition of unemployment. This rule is necessary to explain what is considered to be total, part-total, and partial unemployment and what is not. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jon Pierpont, Executive Director	Date:	07/31/2020
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Administrative Services

Archives and Records Service

No. 52792 (Amendment): R17-6 Records Storage and Disposal -- Archives Responsibility
Published: 06/15/2020
Effective: 08/07/2020

Records Committee

No. 52789 (Amendment): R35-1 State Records Committee Appeal Hearing Procedures
Published: 06/15/2020
Effective: 08/07/2020

No. 52791 (Amendment): R35-4 Compliance with State Records Committee Decisions and Orders
Published: 06/15/2020
Effective: 08/07/2020

Agriculture and Food

Administration

No. 52825 (New Rule): R51-7 Open and Public Meetings Act Electronic Meetings
Published: 07/01/2020
Effective: 08/10/2020

Horse Racing Commission (Utah)

No. 52824 (Amendment): R52-7 Horse Racing
Published: 07/01/2020
Effective: 08/10/2020

Plant Industry

No. 52822 (Amendment): R68-26 Industrial Hemp Product Registration and Labeling
Published: 07/01/2020
Effective: 08/10/2020

No. 52813 (Amendment): R68-28 Cannabis Processing
Published: 07/01/2020
Effective: 08/10/2020

No. 52808 (Amendment): R68-29 Quality Assurance Testing on Cannabis

Published: 07/01/2020
Effective: 08/10/2020

No. 52625 (New Rule): R68-33 Industrial Hemp Retailer Permit

Published: 06/15/2020
Effective: 08/10/2020

Commerce

Consumer Protection

No. 52858 (Amendment): R152-32a Pawnshop and Secondhand Merchandise Transaction Information Act Rule
Published: 07/01/2020
Effective: 08/10/2020

Education

Administration

No. 52803 (Amendment): R277-309 Appropriate Licensing and Assignment of Teachers
Published: 06/15/2020
Effective: 07/23/2020

Environmental Quality

Air Quality

No. 52601 (Repeal and Reenact): R307-165 Emission Testing
Published: 07/01/2020
Effective: 08/10/2020

No. 52751 (Amendment): R307-410 Modeling of Criteria Pollutant Impacts in Attainment Areas
Published: 06/01/2020
Effective: 08/06/2020

NOTICES OF RULE EFFECTIVE DATES

Financial Institutions

Nondepository Lenders

No. 52788 (Repeal): R343-10 Title Lenders Registration with the Nationwide Database

Published: 06/15/2020

Effective: 07/23/2020

Governor

Energy Development (Office of)

No. 52672 (Repeal and Reenact): R362-2 Renewable

Energy Systems Tax Credit

Published: 06/15/2020

Effective: 07/29/2020

Health

Disease Control and Prevention, Environmental Services

No. 52636 (Amendment): R392-302 Design, Construction and Operation of Public Pools

Published: 04/15/2020

Effective: 08/10/2020

Human Services

Child and Family Services

No. 52801 (Amendment): R512-80 Definitions of Abuse, Neglect, and Dependency

Published: 07/01/2020

Effective: 08/10/2020

Juvenile Justice Services

No. 52793 (Amendment): R547-13 Guidelines for Admission to Secure Youth Detention Facilities

Published: 06/15/2020

Effective: 07/28/2020

Insurance

Administration

No. 52828 (Amendment): R590-102 Insurance Department Fee Payment Rule

Published: 07/01/2020

Effective: 08/10/2020

No. 52794 (Amendment): R590-131 Accident and Health Coordination of Benefits Rule

Published: 06/15/2020

Effective: 07/22/2020

No. 52802 (Amendment): R590-237 Access to Health Care Providers in Rural Counties

Published: 06/15/2020

Effective: 07/22/2020

Lieutenant Governor

Elections

No. 52758 (New Rule): R623-6 Verification of Requests to Withhold Voter Registration Information

Published: 06/01/2020

Effective: 08/01/2020

Natural Resources

Oil, Gas and Mining; Oil and Gas

No. 52804 (Amendment): R649-1 Definitions

Published: 06/15/2020

Effective: 07/27/2020

Oil, Gas and Mining; Oil and Gas

No. 52805 (Amendment): R649-2 General Rules

Published: 06/15/2020

Effective: 07/27/2020

No. 52806 (Amendment): R649-3 Drilling and Operating Practices

Published: 06/15/2020

Effective: 07/27/2020

Wildlife Resources

No. 52840 (Amendment): R657-6 Taking Upland Game

Published: 07/01/2020

Effective: 08/10/2020

No. 52841 (Amendment): R657-9 Taking Waterfowl , Wilson's Snipe and Coot

Published: 07/01/2020

Effective: 08/10/2020

No. 52842 (Amendment): R657-54 Taking Wild Turkey

Published: 07/01/2020

Effective: 08/10/2020

Navajo Trust Fund

Trustees

No. 52699 (Amendment): R661-6 Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program

Published: 05/15/2020

Effective: 07/17/2020

No. 52700 (Amendment): R661-7 Utah Navajo Trust Fund Housing Projects Program

Published: 05/15/2020

Effective: 07/17/2020

No. 52701 (Amendment): R661-9 Funding

Published: 05/15/2020

Effective: 07/17/2020

No. 52702 (Amendment): R661-10 UNTF STT Funding

Published: 05/15/2020

Effective: 07/17/2020

No. 52703 (Amendment): R661-13 Veterans' Housing
Program Policy
Published: 05/15/2020
Effective: 07/17/2020

Transportation Commission
Administration
No. 52798 (Repeal and Reenact): R940-3 Procedures for
Transportation Infrastructure Loan Fund Assistance
Published: 06/15/2020
Effective: 07/25/2020

End of the Notices of Rule Effective Dates Section