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Sunnie Burningham, Managing Editor

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

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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 2020-62

Updating the Utah COVID-19 Level of Restriction

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, on August 20, 2020, the state of emergency declared in Executive Order 2020-1 expired, and I issued Executive Order 2020-51, declaring new state of emergency due to the ongoing and evolving circumstances of the COVID-19 pandemic;

WHEREAS, COVID-19 has been characterized by the World Health Organization as a worldwide pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

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 Level of Restriction"), to guide economic engagement while still protecting public health;

WHEREAS, on August 20, I issued Executive Order 2020-60, updating and extending the Utah COVID-19 Level of Restriction to mitigate the spread of COVID-19;

WHEREAS, the Utah Department of Health has determined that Box Elder County and Carbon County should move to Minimal Level of Restriction (Green);

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 4.11.
2. The Utah COVID-19 Level of Restriction is:
 - a. Minimal Level of Restriction (Green) in Beaver County, Box Elder County, Carbon County, Daggett County, Duchesne County, Emery County, Garfield County, Kane County, Millard County, Piute County, Sevier County, Uintah County, and Wayne County; and
 - b. Low Level of Restriction (Yellow) in each area of the State not identified in Subsection (2)(a).
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 Minimal Level of Restriction (Green) provisions of the Phased Guidelines;
 - b. Each person in an area identified in Subsection (2)(b) shall comply with the Low Level of Restrictions (Yellow) provisions of the Phased Guidelines; and
 - c. Notwithstanding any other provision of Section (3), any reference in the Phased Guidelines to the use of a mask or face covering is adopted:
 - i. as an order for:
 - A. each individual who is acting in the capacity as an employee of a business when the individual is unable to maintain a distance of six feet from another individual; and
 - B. each individual in a healthcare setting; and
 - ii. as a strong recommendation for any individual not identified in Subsection (3)(c)(i).
4. A political subdivision desiring an exception to this Order or the Phased Guidelines or desiring to move to a different level of restriction 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. Notwithstanding Subsections (3) or (4), a political subdivision desiring to adopt a mandatory face covering requirement may do so without prior approval from the Utah Department of Health by notifying the Utah Department of Health of their intent to adopt the requirement.
6. To the extent that any provision of this Order conflicts with a provision of Executive Order 2020-59 or Utah Public Health Order 2020-11, the provision of Executive Order 2020-59 or Utah Public Health Order 2020-11 shall control.
7. This Order supersedes Executive Order 2020-60.

This Order shall take effect immediately and shall remain in effect through September 19, 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 11th day of September, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/062/EO

**PROCLAMATION
2020-8E**

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

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

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 63rd Legislature of the State of Utah into the Eighth Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 16th day of September 2020, at 4:30 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2020 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 15th day of September 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/08/E

**EXECUTIVE ORDER
2020-63**

Declaring a State of Emergency Due to the Ongoing COVID-19 Pandemic

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) has been characterized by the World Health Organization as a worldwide pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency to facilitate the State's response to the effects of the COVID-19 pandemic in Utah;

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, on July 25, 2020, the United States Department of Health and Human Services renewed its January 31, 2020, determination that a nationwide public health emergency exists and has existed since January 27, 2020;

WHEREAS, on August 20, 2020, the state of emergency declared in Executive Order 2020-1 expired, and I issued Executive Order 2020-51, declaring a new state of emergency to facilitate the State's response to the ongoing and evolving effects of COVID-19 in Utah;

WHEREAS, the state of emergency declared in Executive Order 2020-51 expires today, September 19, 2020;

WHEREAS, COVID-19 continues to spread and threaten public health and safety, causing loss of life, human suffering, and economic and social disruption throughout the state;

WHEREAS, the Utah Department of Health has reported 61,775 total cases of COVID-19 and 3,444 COVID-19-related hospitalizations as of September 18, 2020;

WHEREAS, the Utah Department of Health has reported 437 COVID-19-related deaths as of September 18, 2020;

WHEREAS, the rate and number of reported COVID-19 cases are increasing, and on September 18, 2020, the Utah Department of Health a record-high number of 1,117 new cases and a seven-day average of 726 cases;

WHEREAS, COVID-19 is a new disease caused by a virus for which there is no existing vaccine;

WHEREAS, the COVID-19 pandemic requires cooperation by public health authorities, hospitals, and the general population to avoid overwhelming hospitals and causing the higher case fatality rates experienced by other countries and regions of the United States;

WHEREAS, scientific and medical knowledge concerning COVID-19 is incomplete and continues to evolve, requiring constant adaptation by elected officials and public health authorities to address the pandemic based on new information;

WHEREAS, it is imperative that state and local officials and health authorities implement measures to protect the health and safety of vulnerable individuals, including the elderly, minorities, those with underlying medical conditions, and students, educators, and their families throughout the state;

WHEREAS, Utah Code § 53-2a-206(1) provides that a state of emergency may be declared by executive order of the governor if the governor finds a "disaster" has occurred or the occurrence or threat of a disaster is imminent in any area of the state in which state government assistance is required to supplement the response and recovery efforts of the affected political subdivision or political subdivisions;

WHEREAS, Utah Code § 53-2a-102(5) provides that a "disaster" is an event that causes, or threatens to cause, loss of life, human suffering, public or private property damage, or economic or social disruption resulting from "natural phenomena," among other things;

WHEREAS, Utah Code § 53-2a-102(13) provides that "natural phenomena" include an "epidemic";

WHEREAS, I find that COVID-19 constitutes an epidemic that presents a continuing threat to public health and economic and social stability are emergency conditions sufficient to constitute a statewide disaster within the intent of the Utah Code Title 53, Chapter 2a, Disaster Response and Recovery Act;

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

1. the continued execution of the State Emergency Operations Plan;
2. assistance from State government to political subdivisions as needed and coordinated by the Utah Department of Health, the Utah Department of Public Safety, and other state agencies as necessary;
3. the continued dissemination of timely and accurate information by state agencies to the public that will mitigate the spread of COVID-19, prevent unnecessary confusion or alarm, and mitigate negative impacts to the economy;
4. the continued outreach and assistance to the populations most vulnerable to COVID-19; and
5. coordination with local authorities and the private sector to maximize access to appropriate medical care while preserving critical services for those most in need.

This Order shall take effect immediately upon the expiration or termination of the state of emergency declared in Executive Order 2020-51 and shall remain in effect through October 20, 2020, unless extended by the Utah State Legislature, or earlier if I find the threat of danger has passed or reduced to the extent that emergency conditions no longer exist.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 19th day of September, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/063/EO

EXECUTIVE ORDER
2020-64

Temporarily Reauthorizing the Suspension of Utah Administrative Code R671-302 Regarding Public Access to Board of Pardons and Parole Hearings

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 17, 2020, I issued Executive Order 2020-3, suspending Utah Administrative Code R671-302, which governs public access to hearings of the Board of Pardons and Parole, as necessary to address the COVID-19 pandemic;

WHEREAS, on August 20, 2020, the state of emergency declared in Executive Order 2020-1 expired, causing the termination of several executive orders necessary to address the statewide effects of the COVID-19 pandemic, including Executive Order 2020-3;

WHEREAS, on August 20, 2020, I issued Executive Order 2020-51, declaring a new state of emergency due to the ongoing and evolving effects of the COVID-19 pandemic;

WHEREAS, on August 20, 2020, I issued Executive Order 2020-52, reauthorizing the the suspension of Utah Administrative Code R671-302;

WHEREAS, on this day, September 19, 2020, the state of emergency declared in Executive Order 2020-51 expires, causing the termination of several executive orders necessary to address the COVID-19 pandemic, including Executive Order 2020-52;

WHEREAS, on this day, September 19, 2020, I issued Executive Order 2020-63, declaring a new state of emergency in response to the ongoing and evolving effects of the COVID-19 pandemic throughout Utah;

WHEREAS, the facts and conditions justifying the suspension of Utah Administrative Code R671-302 persist;

WHEREAS, COVID-19 has been characterized by the World Health Organization as a worldwide pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, COVID-19 continues to spread and threaten public health and safety, causing loss of life, human suffering, and social and economic disruption throughout Utah;

WHEREAS, strict adherence to Utah Administrative Code R671-302, News Media and Public Access to Hearings, will substantially hinder necessary action by the Utah Department of Corrections in coping with and preventing the continuing spread of COVID-19;

WHEREAS, Utah Code § 53-2a-209(3) authorizes the governor to suspend by executive order the provisions of any order, rule, or regulation of any state agency, if the strict compliance with the provisions of the order, rule, or regulation would substantially prevent, hinder, or delay necessary action in coping with an emergency or disaster;

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

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of Utah Administrative Code R671-302, News Media and Public Access to Hearings. Effective immediately, the Utah Board of Pardons and Parole ("Board") shall restrict in-person access to Board hearings as follows:

1. At any parole revocation hearing, including an evidentiary hearing, in-person access shall be limited to: (1) a Board member; (2) a hearing officer; (3) a prison staff member; (4) an offender; (5) legal counsel for the offender; (6) an Adult Probation and Parole agent; (7) legal counsel for Adult Probation and Parole; (8) a witness; (9) a victim; (10) one representative of each victim; and (11) up to two family members of each victim.

2. At any original hearing, rehearing, special attention review hearing, or redetermination hearing, in-person access shall be limited to: (1) a Board member; (2) a hearing officer; (3) a prison staff member; (4) an offender; (5) a victim; (6) one representative of each victim; and (7) up to two family members of each victim.

3. At any pardon hearing, in-person access shall be limited to: (1) a Board member; (2) a prison staff member; (3) a pardon applicant; (4) legal counsel for the pardon applicant; (5) a victim; (6) one representative of each victim; (7) up to two family members of each victim; and (8) an authorized representative of the arresting or investigative agency, sentencing court, or prosecutor's office for each conviction being addressed.

4. At any commutation hearing, in-person access shall be limited by the Board as the Board reasonably determines is necessary to prevent or control the spread of COVID-19.

Notwithstanding the foregoing restrictions, the Board shall simultaneously transmit by electronic means hearings for public viewing and listening.

This Order shall take effect immediately upon Executive Order 2020-63 becoming effective and shall remain in effect through September 25, 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 19th day of September, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/064/EO

EXECUTIVE ORDER
2020-65

Temporarily Reauthorizing the Suspension of Enforcement of Provisions of the Utah Postretirement Reemployment Restrictions Act

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 17, 2020, I issued Executive Order 2020-9, suspending the enforcement of certain statutes relating to postretirement reemployment, as necessary to address the COVID-19 pandemic;

WHEREAS, on August 20, 2020, the state of emergency declared in Executive Order 2020-1 expired, causing the termination of several executive orders necessary to address the COVID-19 pandemic, including Executive Order 2020-9;

WHEREAS, on August 20, 2020, I issued Executive Order 2020-51, declaring a new state of emergency due to the ongoing and evolving effects of the COVID-19 pandemic;

WHEREAS, on August 20, 2020, I issued Executive Order 2020-53, reauthorizing the the suspension of enforcement of certain statutes relating to postretirement reemployment;

WHEREAS, on this day, September 19, 2020, the state of emergency declared in Executive Order 2020-51 expires, causing the termination of several executive orders necessary to address the COVID-19 pandemic, including Executive Order 2020-53;

WHEREAS, on this day, September 19, 2020, I issued Executive Order 2020-63, declaring a new state of emergency in response to the ongoing and evolving effects of the COVID-19 pandemic in Utah;

WHEREAS, the facts and conditions justifying the suspension of enforcement of certain statutes relating to postretirement reemployment persist;

WHEREAS, COVID-19 has been characterized by the World Health Organization as a worldwide pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, COVID-19 continues to spread and threaten public health and safety, causing loss of life, human suffering, and social and economic disruption throughout Utah;

WHEREAS, it is imperative that healthcare facilities maximize the number of capable healthcare workers to ensure Utahns impacted by COVID-19 have access to medical treatment;

WHEREAS, state and local governmental entities must have staffing sufficient to appropriately address the impacts of COVID-19;

WHEREAS, the following governmental functions are critical because they enable state and local officials to protect their communities and ensure continuity of functions essential to public health and safety: communications, emergency services and first responders, energy, financial services, food and agriculture, government facilities, healthcare and public health facilities, information technology, transportation systems, and water and wastewater systems (the "Critical Government Functions");

WHEREAS, many retirees of the Utah Retirement Systems (URS) in the state are skilled workers willing to be reemployed to meet the Critical Government Functions staffing needs of state and local governmental entities that are URS participating employers to be able to appropriately address the impacts of COVID-19;

WHEREAS, certain provision of Utah Code Title 49, Chapter 11, Part 12, Postretirement Reemployment Restrictions Act, may restrict the ability of URS participating employers to reemploy certain retirees in Utah who may help provide or expedite Critical Government Functions needed for emergency response and recovery;

WHEREAS, certain provisions of Utah Code §§ 49-11-1201 through 49-11-1208 may limit the ability of URS participating employers to have staffing sufficient to appropriately respond to the COVID-19 disaster and to ensure that Utahns have Critical Government Functions;

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

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

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of the following, consistent with applicable federal law:

EXECUTIVE DOCUMENTS

1. Utah Code § 49-11-1204(2), requiring cancellation of a retirement allowance for reemployment without a one-year break in service;
2. Utah Code § 49-11-1204(4)(b), to the extent it requires the participating employer to pay the amortization rate to URS;
3. Utah Code § 49-11-1206(1)(b), to the extent it requires a participating employer to immediately notify URS of the reemployment;
4. Utah Code § 49-11-1206(3), to the extent it requires a retiree to report the status of the reemployment to URS; and
5. Utah Code § 49-11-1207(1), to the extent it requires URS to take action regarding a violation of Subsection 49-11-1204(2) or (4)(b);

PROVIDED THAT, the suspensions in this Order apply only as to an individual who:

1. retired prior to March 30, 2020; and
2. becomes temporarily reemployed to ensure adequate staffing of Critical Government Functions for a URS participating employer during the state of emergency.

This Order shall take effect immediately upon Executive Order 2020-63 becoming effective and shall remain in effect through September 25, 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 19th day of September, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/065/EO

EXECUTIVE ORDER
2020-66

Temporarily Reauthorizing the Suspension of Enforcement of Utah Code § 32B-5-309 Regarding Ceasing Operation of Certain Retail Licensees

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 17, 2020, I issued Executive Order 2020-21, suspending the enforcement of Utah Code § 32B-5-309, regarding ceasing operation of certain retail licensees, as necessary to mitigate the spread of COVID-19;

WHEREAS, on August 20, 2020, the state of emergency declared in Executive Order 2020-1 expired, causing the termination of several executive orders necessary to address the COVID-19 pandemic, including Executive Order 2020-21;

WHEREAS, on August 20, 2020, I issued Executive Order 2020-51, declaring a new state of emergency due to the ongoing and evolving effects of the COVID-19 pandemic;

WHEREAS, on August 20, 2020, I issued Executive Order 2020-54, reauthorizing the suspension of enforcement of Utah Code § 32B-5-309;

WHEREAS, on this day, September 19, 2020, the state of emergency declared in Executive Order 2020-51 will expire, causing the termination of several executive orders necessary to address the COVID-19 pandemic, including Executive Order 2020-54;

WHEREAS, on this day, September 19, 2020, I issued Executive Order 2020-63, declaring a new state of emergency in response to the ongoing and evolving effects of the COVID-19 pandemic in Utah;

WHEREAS, the facts and conditions justifying the suspension of enforcement of Utah Code § 32B-5-309 persist;

WHEREAS, COVID-19 has been characterized by the World Health Organization as a worldwide pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, COVID-19 continues to spread and threaten public health and safety, causing loss of life, human suffering, and social and economic disruption throughout Utah;

WHEREAS, Utah Code § 32B-5-309 prohibits certain retail licensees that serve alcoholic beverages from closing or ceasing operation for a period longer than 240 hours without notifying and receiving approval from the Department of Alcoholic Beverage Control (DABC);

WHEREAS, to mitigate the spread of COVID-19, state and local authorities have issued orders restricting the operation of businesses and restaurants, including retail licensees governed by Utah Code § 32B-5-309;

WHEREAS, the economic impact of COVID-19 and related orders has caused and is expected to cause some retail licensees governed by Utah Code § 32B-5-309 to close or cease operation for a period longer than 240 hours;

WHEREAS, enforcement of state and local health orders and Utah Code § 32B-5-309 places a significant burden on retail licensees and DABC;

WHEREAS, suspending the enforcement of provisions of Utah Code § 32B-5-309 is directly related to and necessary to address the COVID-19 pandemic;

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

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

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of Utah Code § 32B-5-309.

This Order shall take effect immediately upon Executive Order 2020-63 becoming effective and shall remain in effect through September 25, 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 19th day of September, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/066/EO

**EXECUTIVE ORDER
2020-67**

Temporarily Reauthorizing the Suspension of Enforcement of Statutes Relating to Telehealth Services

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 17, 2020, I issued Executive Order 2020-23, suspending the enforcement of certain statutes regarding the suspension of enforcement of certain statutes related to the provision of telehealth services;

WHEREAS, on August 20, 2020, the state of emergency declared in Executive Order 2020-1 expired, causing the termination of several executive orders necessary to address the COVID-19 pandemic, including Executive Order 2020-23;

WHEREAS, on August 20, 2020, I issued Executive Order 2020-51, declaring a new state of emergency due to the ongoing and evolving effects of the COVID-19 pandemic;

WHEREAS, on August 20, 2020, I issued Executive Order 2020-55, reauthorizing the the suspension of enforcement of certain statutes regarding the suspension of enforcement of certain statutes related to the provision of telehealth services;

WHEREAS, on this day, September 19, 2020, the state of emergency declared in Executive Order 2020-51 expires, causing the termination of several executive orders necessary to address the COVID-19 pandemic, including Executive Order 2020-55;

WHEREAS, on this day, September 19, 2020, I issued Executive Order 2020-63, declaring a new state of emergency in response to the ongoing and evolving effects of the COVID-19 pandemic in Utah;

WHEREAS, the facts and conditions justifying the suspension of enforcement of certain statutes regarding the suspension of enforcement of certain statutes related to the provision of telehealth services;

WHEREAS, COVID-19 has been characterized by the World Health Organization as a worldwide pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, COVID-19 continues to spread and threaten public health and safety, causing loss of life, human suffering, and social and economic disruption throughout Utah;

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

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

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

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

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

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

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

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

1. Enforcement of the following statutes is suspended:
 - a. Utah Code § 26-60-102(9)(b)(ii); and
 - b. Utah Code § 26-60-103(4)(a) to the extent that it interferes with a medical provider's ability to offer telehealth services.
2. A medical provider that pursuant to this Order offers telehealth services that do not comply with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended, or the federal Health Information Technology for Economic and Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226, 467, as amended, shall:
 - a. inform the patient the telehealth service does not comply with those federal acts;
 - b. give the patient an opportunity to decline use of the telehealth service; and
 - c. take reasonable care to ensure security and privacy of the telehealth service.

This Order shall take effect immediately upon Executive Order 2020-63 becoming effective and shall remain in effect through September 25, 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 18th day of September, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/067/EO

EXECUTIVE ORDER
2020-68

Temporarily Extending the Suspension of Enforcement of Statutes Relating to Telehealth Services

WHEREAS, on September 19, 2020, I issued Executive Order 2020-63, declaring a new state of emergency in response to the ongoing and evolving effects of the COVID-19 pandemic in Utah;

WHEREAS, on September 19, 2020, I issued Executive Order 2020-67, temporarily reauthorizing the suspension of enforcement of certain statutes relating to telehealth services through September 25, 2020, in order to mitigate the spread of COVID-19;

WHEREAS, on September 19, 2020, I announced my intent not to suspend the enforcement of statutes pursuant to the state of emergency declared in Executive Order 2020-63 except on the recommendation of the Public Health and Economic Emergency Commission (the "Commission");

WHEREAS, the Commission has not had the opportunity to meet to make a recommendation on the continued suspension of enforcement in Executive Order 2020-67, and a temporary extension is necessary to address the state of emergency until the Commission can make a recommendation;

EXECUTIVE DOCUMENTS

WHEREAS, I find that facts and conditions justifying the suspension of enforcement of certain statutes related to the provision of telehealth services continue to exist;

WHEREAS, COVID-19 has been characterized by the World Health Organization as a worldwide pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, COVID-19 continues to spread and threaten public health and safety, causing loss of life, human suffering, and social and economic disruption throughout Utah;

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

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

WHEREAS, the federal Office for Civil Rights announced an enforcement discretion policy giving providers flexibility during the COVID-19 nationwide public health emergency to increase telehealth services under certain conditions;

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

WHEREAS, healthcare providers have expressed that increased access to telehealth services has been well-received and successful, and have requested the continued suspension of enforcement of telehealth-related statutes that create overly-burdensome barriers to provide telehealth services;

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

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

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

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

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

1. Enforcement of the following statutes is suspended:
 - a. Utah Code § 26-60-102(9)(b)(ii); and
 - b. Utah Code § 26-60-103(4)(a) to the extent that it interferes with a medical provider's ability to offer telehealth services.
2. A medical provider that pursuant to this Order offers telehealth services that do not comply with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended, or the federal Health Information Technology for Economic and Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226, 467, as amended, shall:
 - a. inform the patient the telehealth service does not comply with those federal acts;
 - b. give the patient an opportunity to decline use of the telehealth service; and
 - c. take reasonable care to ensure security and privacy of the telehealth service.

This Order shall take effect September 26, 2020, and shall remain in effect through September 29, 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 25th day of September, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/068/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 September 02, 2020, 12:00 a.m., and September 15, 2020, 11:59 p.m. are included in this, the October 01, 2020, issue of the *Utah State Digest*.

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

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least November 02, 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 January 29, 2021, 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: Amendment		
Utah Admin. Code Ref (R no.):	R68-3	Filing No. 53057

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
Robert Hougaard	801-982-2305	rhougaard@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:
R68-3. Utah Fertilizer Act Governing Fertilizers and Soil Amendments
3. Purpose of the new rule or reason for the change:
The changes are needed to make the Utah fertilizer rule consistent with rules in most other states that companies are already following.
4. Summary of the new rule or change:
The changes remove the word "commercial" from fertilizer throughout the rule, consistent with the statute. They also clarify registration exemptions and requirements. Clarification is also made to labeling and guarantee requirements. Additional information is added to the rule regarding labeling for slowly released plant nutrients and guaranteed analysis format exemptions. This rule also now incorporates investigational allowance tables from the Association of American Plant Food Control Officials. Finally, clarification is added to the violation section of the rule.

Fiscal Information

5. Aggregate anticipated cost or savings to:			
A) State budget:			
There are no anticipated costs or savings to the state budget because the Department of Agriculture and Food (Department) is able to continue to manage the fertilizer program within their existing budget.			
B) Local governments:			
There are no anticipated costs or savings to local governments because they are not regulated or affected by the fertilizer rule.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There are no anticipated costs or savings to small businesses because they are already following the new requirements of this rule as the changes are consistent with other state rules.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There are no anticipated costs or savings to non-small businesses because they are already following the new requirements of this rule as the changes are consistent with other state rules.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):			
The rule changes will not create costs or savings for other persons because they are not subject to the fertilizer rule in Utah.			
F) Compliance costs for affected persons:			
There are no additional compliance costs for affected persons because the fees and penalties charged by the Department have not changed.			
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 the regulatory impact analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
These changes will make the Utah fertilizer rule more consistent with rules in other states. There is no fiscal impact on businesses because they are already following the new requirements of the rule.			
B) Name and title of department head commenting on the fiscal impacts:			
R. Logan Wilde, Commissioner			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):			
Subsection	4-2-	Section 4-13-104	
103(1)(i)			

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)	Investigational Allowance Tables
Publisher	Association of American Plant Food Control Officials
Date Issued	2019
Issue, or version	Official Publication No. 72

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:	11/02/2020
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10. This rule change MAY become effective on:	11/09/2020
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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:	09/02/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-17b	Filing No. 53070

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:
Jennifer Falkenrath	801-530-7632	jzaelit@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-17b. Pharmacy Practice Act Rule
3. Purpose of the new rule or reason for the change:
The Division of Occupational and Professional Licensing (Division), in collaboration with the Utah State Board of Pharmacy, recommends these amendments to clarify this rule based on public comments received in response to the last filed amendments. These further amendments will better delineate operating standards for compounding and labeling requirements.
4. Summary of the new rule or change:
In Section R156-17b-102, the change deletes definitions for "mail service retail pharmacy" and "retail pharmacy", and further defines "Compounding" in accordance with 21 U.S.C Sec. 353a(e).
In Section R156-17b-203, the change amends the composition of the seven-member Advisory Pharmacy Compounding Education Committee to include a member who is a physician, and provides that a Committee designee shall attend one meeting of the Physicians Licensing Board and one meeting of the Osteopathic Physician and Surgeon's Licensing Board per calendar quarter, in addition to one meeting of the Board of Pharmacy.
In Section R156-17b-309, the change updates continuing education (CE) topic hours and removes the term "immunizations".
In Section R156-17b-614a, the change clarifies various operating standards and establishes the label requirements for compounded sterile and non-sterile medications when dispensed to a patient or patient's agent; and removes duplicate language that is referenced in USP 795 and USP 797.

<p>The new Section R156-17b-614e establishes operating standards for compounding by reference to USP General Chapters <797>, <795>, and <825>. These operating standards will apply to any person licensed under Title 58, Chapter 17b, that engages in compounding, and to the compounding of all sterile or nonsterile compounded pharmaceuticals, antineoplastic drugs, or non-antineoplastic drugs no matter where the patient is located.</p> <p>In Section R156-17b-614g, the change clarifies operating standards for a remote dispensing pharmacy by: 1) removing the list of information required on the application form (these provisions will be included in the form); 2) reformatting paragraphs to emphasize the distinction between an "RDPIC", who is the PIC for the supervising pharmacy and may not serve as the RDPIC for more than one remote dispensing pharmacy, and the "supervising pharmacist" defined in Subsection 58-17b-102(70), who is the pharmacist actually providing supervision for the remote dispensing facility at any particular time and may oversee the operations of up to two remote dispensing pharmacies simultaneously; 3) adds the term "surveillance system" to highlight the distinction between that type of system and the required telepharmacy system; 4) removes the requirement that Remote Dispensing pharmacy applications must go before the Board for Division approval; and 5) removes the requirement for the Board to review remote dispensing pharmacy applications if there will be a remote dispensing pharmacy in the same location.</p>
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Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
No state agencies will be directly or indirectly affected by these amendments because the changes merely update and clarify existing statutes, rules, and references, and codify existing standards already adhered to in the industry. Therefore, these amendments are not expected to impact the state beyond a minimal cost to the Division of approximately \$75 to print and distribute the rule once the proposed amendments are made effective.
B) Local governments:
No local governments will be directly or indirectly affected by these amendments because the changes merely update and clarify existing statutes, rules, and references and codify existing standards already adhered to in the industry.
C) Small businesses ("small business" means a business employing 1-49 persons):
These amendments are not expected to impact small businesses' revenues or expenditures. These amendments are based on extensive collaboration with the Board to incorporate generally accepted professional

standards common in the industry, and the changes merely update and clarify existing statutes, rules, and references, and codify existing standards already adhered to in the industry.

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

These amendments are not expected to impact non-small businesses' revenues or expenditures. These amendments are based on extensive collaboration with the Board to incorporate generally accepted professional standards common in the industry, and the changes merely update and clarify existing statutes, rules, and references, and codify existing standards already adhered to in the industry.

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

No persons are expected to be impacted by these amendments because the changes merely update and clarify existing statutes, rules, and references, and codify existing standards already adhered to in the industry.

F) Compliance costs for affected persons:

There are no compliance costs expected for affected persons.

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

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

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of 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, in collaboration with the Board of Pharmacy, proposes amendments to Rule R156-17b to clarify the rule based on public comments received in response to the last filed amendments relating to compounding. Definitions have been updated, procedures and composition of the Advisory Pharmacy Compounding Education Committee have been amended, CE requirements are addressed, a new subsection has been added to address compounding specifically, and greater explanation has been added pertaining to remote distribution. Nonsubstantive changes have also been made to support clarification.

Small Businesses (less than 50 employees):

These amendments to the rule should have no expected fiscal impact to small businesses in Utah (North American Industry Classification System (NAICS) code 446110). The full fiscal impact on small businesses is inestimable as it will depend on the individual characteristics of the delegating pharmacists and the delegatee practitioners, on the characteristics of the patients involved, and on the nature of each pharmacy.

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

These amendments will have no expected fiscal impact for non-small business in Utah (NAICS code 446110) for the same reasons as described above for small business. These costs are either inestimable, for the reasons stated, or there is no fiscal impact.

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

Chris Parker, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 58-17b-101	Subsection 58-17b-601(1)	Section 58-37-1
Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until:	11/02/2020	
B) A public hearing (optional) will be held:		
On:	At:	At:
10/27/2020	8:30 AM	Heber Wells Bldg, 160 E 300 S via electronic meeting only with the Utah State Board of Pharmacy, Salt Lake City, UT. Note: Google Meeting electronic information will be on the Utah State Board of Pharmacy meeting agenda for the October 27, 2020 meeting date

10. This rule change MAY become effective on:	11/09/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Division Director	Date:	09/15/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-60	Filing No. 53064

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:
Jennifer Falkenrath	801-530-7632	jzaelit@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-60. Mental Health Professional Practice Act Rule
3. Purpose of the new rule or reason for the change:
The licensing boards over the professions included in the Mental Health Professionals Practice Act recommend these amendments to better delineate the relationship between mental health supervisors and their supervisees, and to ensure fairness, accountability, and attaining of supervision objectives. This filing also streamlines and updates the continuing education provisions for all of the professions under Title 58, Chapter 60, and conforms the rule to statutory amendments made by H.B. 366 passed in the 2019 General Session.
4. Summary of the new rule or change:
The amendments to Sections R156-60-102 and R156-60-302 establish definitions and criteria for a written supervision contract and supervision forms for the professions included in the Mental Health Professionals Practice Act, and add specific requirements to ensure that supervision is conducted by a qualified supervisor and appropriately documented.
The amendments to Section R156-60-105 provide consistency among the mental health and substance use disorder counselor professions by incorporating the continuing education requirements from their various practice act rules into this "umbrella" Mental Health Professional Practice Act Rule.

The amendment to Section R156-60-205 updates the rule to reference the suicide prevention course required as a condition of license renewal, and clarifies that the required suicide prevention courses can be approved, conducted, or sponsored by the various listed entities, including a mental health agency that provides mental health services.

The amendments to Section R156-60-502 add to unprofessional conduct "failing to follow the practice, guidelines and standards of the Association of Family and Conciliation Courts (AFCC) 2006" and "violating a provision of Section R156-60-302 regarding supervised training".

disorder counseling who may employ those engaged in the practice of mental health therapy and/or substance use disorder counseling, such as private or group practices, hospitals, or medical centers (North American Industry Classification System (NAICS) 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These proposed amendments may impact these small businesses. In particular, the amendments to Sections R156-60-102 and R156-60-302 codify best practices for the profession by providing direction in the process of supervised training that is required for new professionals who are learning proper techniques in a clinical setting. These amendments should allow for greater efficiency in supervision and allow the supervisee to obtain proper documentation of supervision hours. However, these changes are not expected to impact small business revenues or expenditures because they merely establish and clarify definitions, standards, and procedures to encompass current requirements and best practices as well as update the rule to conform to statutory changes enacted by H.B. 366 (2019). The changes to Section R156-60-205 may result in a cost savings to small businesses that employ licensees and subsidize the employee's continuing education, as it allows the employer to more easily provide the suicide prevention training for their employees; however, quantifying any savings is not possible because it will vary widely depending on the characteristics of each employer and employee.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The changes to Section R156-60-205 may result in a cost savings to state agencies that employ licensees and subsidize their continuing education as it allows the employing agencies to provide the suicide prevention training for their employees instead of sending them to another provider. Quantifying the savings specific to such state agencies is not possible because it will vary widely depending on the characteristics of each employer and employee. The amendment to Section R156-60-502 defining a violation of new Section R156-60-302 as unprofessional conduct is expected to have a zero net impact on state revenues and expenditures because it should not result in any additional complaints, investigations, or disciplinary actions, or any additional licensing issues. Investigations and licensing staff already spend time on these matters under existing provisions, and this definition merely coordinates with the new streamlined procedures that will allow the Division to better manage supervised training issues for these professions. No other impact to the state is expected.

B) Local governments:

The changes to Section R156-60-205 may result in a cost savings to any local government agencies that employ licensees and subsidize their continuing education, as it allows the employer to more easily provide the suicide prevention training for their employees; however, quantifying any savings is not possible because it will vary widely depending on the characteristics of each employer and employee. None of the other proposed changes are expected to impact local governments' revenues or expenditures because they will not change existing local governments' practices or procedures.

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

There are approximately 1,340 small businesses in Utah comprising establishments of licenses engaged in the practice of mental health therapy and/or substance use

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

There are approximately 86 non-small businesses in Utah comprising establishments of licenses engaged in the practice of mental health therapy and/or substance use disorder counseling who may employ those engaged in the practice of mental health therapy and/or substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These proposed amendments may impact these non-small businesses. In particular, the amendments to Sections R156-60-102 and R156-60-302 codify best practices for the profession by providing direction in the process of supervised training that is required for new professionals who are learning proper techniques in a clinical setting. These amendments should allow for greater efficiency in supervision and allow the supervisee to obtain proper documentation of supervision hours. However, these changes are not expected to impact non-small business revenues or expenditures because they merely establish and clarify definitions, standards, and procedures to encompass current requirements and best practices as well as update the rule to conform to statutory changes enacted by H.B. 366 (2019). The changes to Section R156-60-205 may result in a cost savings to non-small businesses that employ licensees and subsidize the employee's continuing education, as it allows the employer to more easily provide the suicide prevention training for their employees; however, quantifying any savings is not possible because it will vary widely depending on the characteristics of each employer and employee.

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 Sections R156-60-102 and R156-60-302 establishing and clarifying supervision standards are expected to impact, but be fiscally neutral for, all licensees in the mental health professions under the Mental Health Professional Practice Act who are providing supervised training, and all individual licensees who will be receiving supervised training. Currently there are approximately 449 substance use disorder counselor licensees who require supervision in order to maintain licensure, and approximately 1,389 certified social worker licensees, 383 associate clinical mental health counselor licensees, and 188 associate marriage and family therapist licensees who require supervision in order to attain full licensure. The financial arrangements for supervision for the supervisors and supervisees are not expected to be impacted by the proposed amendments because the amendments only require that the supervision is documented in a written contract to ensure the supervision is done in a manner that will fulfill the statutory requirements. The rule changes simply codify best practices for the professions by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. The amendments should allow for greater efficiency in supervision and allow the supervisees to more easily obtain proper documentation of supervision hours and for the parties to handle issues between supervisors and supervisees.

The amendments to Sections R156-60-105 and R156-60-205 will affect all licensees under the Mental Health Professional Practice Act who requiring continuing education to renew their license; however, these amendments will have no fiscal impact for these persons because the amendments merely clarify existing standards and requirements.

The amendment to Section R156-60-502 defining a violation of new Section R156-60-302 as unprofessional conduct is not expected to impact these other persons as it should not result in any additional investigations or disciplinary actions; the definition encompasses existing practices and merely coordinates with the new procedures that will allow the Division to better manage supervised training issues for these persons. Further, the goal of defining unprofessional conduct is to provide a deterrent, such that there is \$0 net impact on all parties involved and minimal occasions for noncompliance, so for the typical person the amendments would have no direct or indirect fiscal impact.

F) Compliance costs for affected persons:

There are not expected to be any compliance costs for any affected persons except as described above.

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

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$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 of Occupational and Professional Licensing proposes amendments to update the Mental Health Professionals Practice Act Rule in accordance with H.B. 366 (2019) and recommendations made by the licensing boards over the professions included in the Mental Health Professionals Practice Act. The revisions establish criteria for supervision for a substance use disorder counselor and an advanced substance use disorder counselor obtaining hours toward licensure. There are also substantive provisions that have been incorporated into the Mental Health Professional Practice Act Rule through other rule

filings connected with H.B. 366 (2019) to harmonize the continuing education requirements for all of the professions regulated under the Mental Health Professional Licensing Act. Amendments are also made to update references and make non-substantive formatting changes for clarity.

Small Businesses (less than 50 employees):

In Utah, there are approximately 1,340 small businesses comprised of licensees practicing mental health therapy and substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These amendments together with similar rule filings connected with 2019 H.B. 366 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. Thus, all amendments as a whole should allow for greater efficiency in supervision and documentation of hours. Accordingly, no fiscal impact is expected for small businesses over and above any fiscal impact described in the Legislative fiscal note for H.B. 366 (2019) as these costs are either inestimable or there is no fiscal impact.

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

In Utah, there are approximately 86 non-small businesses comprised of establishments engaged in the practice of mental health therapy and substance use disorder counseling who may employ those engaged in the practice of substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These amendments together with the other rule filings connected with H.B. 366 (2019) will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. These changes will allow greater efficiency in supervision. Thus, these changes are not expected to impact non-small businesses' revenues or expenditures because they establish and clarify definitions, standards, and procedures to incorporate current requirements and update the rule to conform to statutory changes. Any fiscal impact beyond those described in the Legislative fiscal note for H.B. 366 (2019) are either inestimable or there is no fiscal impact.

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

Chris Parker, Executive Director

Citation Information

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

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-60-101
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Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	Model Standards of Practice for Child Custody Evaluation of the Association of Family and Conciliation Courts (AFCC)
Publisher	Association of Family and Conciliation Courts
Date Issued	May 2006

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: 11/02/2020

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

On:	At:	At:
10/05/2020	9:00 AM	Rule hearing will be held before the Division electronically only. Meeting ID: meet.google.com/cwk-sgez-hny. Phone Numbers: (US)+1302-846-7685 PIN:165425131#

10. This rule change MAY become effective on:	11/09/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Director	Date:	09/14/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-60a	Filing No. 53065

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:	
Jennifer Falkenrath	801-530-7632	jzaelit@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R156-60a. Social Worker Licensing Act Rule
3. Purpose of the new rule or reason for the change:
In accordance with H.B. 366 passed in the 2019 General Session, and recommendations made by the licensing boards over the professions included in the Mental Health Professional Practice Act, the Division of Occupational and Professional Licensing (Division) recommends these changes to better delineate the relationship between mental health supervisors and supervisees to ensure fairness, accountability, and attaining of supervision objectives, and to streamline and update the continuing education provisions to provide consistency among all of

the mental health professions. There is a sister rule filing for each profession regulated under the Mental Health Professional Practice Act. (EDITOR'S NOTE: The proposed amendment to Rule R156-60b is under Filing No. 53071, the proposed amendment to Rule R156-60c is under Filing No. 53066, and the proposed amendment to Rule R156-60d is under Filing No. 53067 in this issue, October 1, 2020, of the Bulletin.)

4. Summary of the new rule or change:

The amendments to Sections R156-60a-102, R156-60a-302c, and R156-60a-302e, and the deletion of Sections R156-60a-309 and R156-60a-601, all update the rule per H.B. 366 (2019) and establish criteria for supervision for a certified social worker obtaining hours toward licensure as a licensed clinical social worker. The supervisor and the supervisee will enter into a supervision contract prior to beginning the supervision, with a sister rule filing in Rule R156-60 defining the contract and supervision procedures for all the mental health professions governed by the Mental Health Practice Act. The amendments to Section R156-60a-304 delete the continuing education provisions for social worker licensees from the Social Worker Licensing Act Rule. Its substantive provisions have been incorporated into the Mental Health Professional Practice Act Rule via a sister rule filing, to assist in streamlining and clarifying the continuing education requirements for all of the professions regulated under the Mental Health Professional Licensing Act. The amendments to Sections R156-60a-302a, R156-60a-302b, and R156-60a-502 update references and make nonsubstantive formatting changes for clarity. Section R156-60a-602 is renumbered to R156-60a-601. (EDITOR'S NOTE: The proposed amendment to Rule R156-60 is under Filing No. 53064 in this issue, October 1, 2020, of the Bulletin.)

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
None of these proposed changes are expected to impact state government revenues or expenditures because they only clarify interpretation of existing requirements and will not change existing state practices or procedures.
B) Local governments:
None of these proposed changes are expected to impact local governments' revenues or expenditures because they only clarify interpretation of existing requirements and will not change existing local governments' practices or procedures.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are approximately 1,340 small businesses in Utah comprising establishments of licenses engaged in the practice of mental health therapy and/or substance use disorder counseling who may employ those engaged in

the practice of mental health therapy and/or substance use disorder counseling, such as private or group practices, hospitals, or medical centers (North American Industry Classification System (NAICS) 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These proposed amendments may impact these small businesses. These amendments together with the sister rule filings making corresponding amendments to Sections R156-60-102 and R156-60-302 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. All amendments as a whole should allow for greater efficiency in supervision and allow the supervisee to obtain proper documentation of supervision hours. However, these changes are not expected to impact small businesses' revenues or expenditures because they merely establish and clarify definitions, standards, and procedures to encompass current requirements and best practices as well as update the rule to conform to statutory changes enacted by H.B. 366 (2019).

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

There are approximately 72 non-small businesses in Utah comprising establishments of licenses engaged in the practice of mental health therapy who may employ those engaged in the practice of mental health therapy and/or substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190). These proposed amendments may impact these non-small businesses. These amendments together with the sister rule filings making corresponding amendments to Sections R156-60-102 and R156-60-302 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. All amendments as a whole should allow for greater efficiency in supervision and allow the supervisee to obtain proper documentation of supervision hours. However, these changes are not expected to impact small businesses' revenues or expenditures because they merely establish and clarify definitions, standards, and procedures to encompass current requirements and best practices as well as update the rule to conform to statutory changes enacted by H.B. 366 (2019).

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 establishing and clarifying supervision standards will impact the approximately 1,389 certified social worker licensees who require supervision in order to attain full licensure. However, the impact is expected to be fiscally neutral because the financial arrangements for supervision for the supervisors and supervisees will not be

changed by the proposed amendments. The amendments will only codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting, and require that the supervision is documented in a written contract to ensure the supervision is done in a manner that will fulfill the statutory requirements. The amendments are expected to simply allow for greater efficiency in supervision and allow the supervisees to more easily obtain proper documentation of supervision hours.

F) Compliance costs for affected persons:

There are not expected to be any compliance costs for any affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
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 proposes amendments to update the Social Worker Licensing Act Rule in accordance with H.B. 366 (2019) and recommendations made by the licensing boards over the professions included in the Mental Health Professionals Practice Act. The revisions establish criteria for supervision for a substance use disorder counselor and an advanced substance use disorder counselor obtaining hours toward licensure. There are also substantive provisions that have been incorporated into the Mental Health Professional Practice Act Rule through other rule filings connected with H.B. 366 (2019) to harmonize the continuing education requirements for all of the professions regulated under the Mental Health Professional Licensing Act. Amendments are also made to update references and make nonsubstantive formatting changes for clarity.

Small Businesses (less than 50 employees):

In Utah, there are approximately 1,340 small businesses comprised of licensees practicing mental health therapy and substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These amendments together with similar rule filings connected with 2019 HB 366 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. Thus, all amendments as a whole should allow for greater efficiency in supervision and documentation of hours. Accordingly, no fiscal impact is expected for small business over and above any fiscal impact described in the Legislative fiscal note for H.B. 366 (2019) as these costs are either inestimable or there is no fiscal impact.

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

In Utah, there are approximately 72 non-small businesses comprised of establishments engaged in the practice of mental health therapy and substance use disorder counseling who may employ those engaged in the practice of substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190). These amendments together with the other rule filings connected with H.B. 366 (2019) will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. These changes will allow greater efficiency in supervision.

Thus, these changes are not expected to impact non-small business revenues or expenditures because they establish and clarify definitions, standards, and procedures to incorporate current requirements and update the rule to conform to statutory changes. Any fiscal impact beyond those described in the Legislative fiscal note for H.B. 366 (2019) are either inestimable or there is no fiscal impact.

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

Chris Parker, Executive Director

Citation Information

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

Section 58-60-201	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	Updates Code of Ethics of the National Association of Social Workers (NASW)
Publisher	National Association of Social Workers
Date Issued	2017

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:	11/02/2020
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B) A public hearing (optional) will be held:		
On:	At:	At:
10/05/2020	9:00 AM	Rule hearing will be held before the Division electronically only. Meeting ID: meet.google.com/cwk-sgez-hny. Phone Numbers: (US) +1 302-846-7685 425 131#

10. This rule change MAY become effective on:	11/09/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information	
Agency head or designee, and title:	Mark B. Steinagel, Director
Date:	09/14/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-60b	Filing No. 53071

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:
Jennifer Falkenrath	801-530-7632	jzaelit@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-60b. Marriage and Family Therapist Licensing Act Rule
3. Purpose of the new rule or reason for the change:
In accordance with H.B. 366 passed in the 2019 General Session, and recommendations made by the licensing boards over the professions included in the Mental Health Professionals Practice Act, the Division of Occupational and Professional Licensing (Division) recommends these changes to better delineate the relationship between mental health supervisors and supervisees to ensure fairness, accountability, and attaining of supervision objectives, and to streamline and update the continuing education provisions to provide consistency among all of the mental health professions. There is a sister rule filing for each profession regulated under the Mental Health Professional Licensing Act. (EDITOR'S NOTE: The proposed amendment to Rule R156-60a is under Filing No. 53065, the proposed amendment to Rule R156-60c is under Filing No. 53066, and the proposed amendment to Rule R156-60d is under Filing No. 53067 in this issue, October 1, 2020, of the Bulletin.)
4. Summary of the new rule or change:
The amendments to Sections R156-60b-102, R156-60b-302b, and R156-60b-302d, and the deletion of Section R156-60b-302e update the rule per H.B. 366 (2019), and establish criteria for supervision of an associate marriage and family therapist obtaining hours toward licensure as a marriage and family therapist. The supervisor and the supervisee will enter into a supervision contract prior to beginning the supervision, with a sister rule filing in Rule R156-60 defining the contract and supervision procedures for all the mental health professions governed by the Mental Health Practice Act. The amendments to Section R156-60b-304 delete the continuing education provisions for marriage and family therapist licensees from the Marriage and Family Therapist Licensing Act Rule. Its substantive provisions have been incorporated into the Mental Health Professional Practice Act Rule via a sister rule filing, to assist in streamlining and clarifying the continuing education requirements for all of the professions regulated under the Mental Health Professional Licensing Act. The amendments to Sections R156-60b-302a, R156-60b-302c, R156-60b-306, and R156-60b-502 update references and make nonsubstantive formatting changes for clarity. (EDITOR'S NOTE: The proposed amendment to Rule R156-60 is under Filing No. 53064 in this issue, October 1, 2020, of the Bulletin.)

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

None of these proposed changes are expected to impact state government revenues or expenditures because they only clarify interpretation of existing requirements and will not change existing state practices or procedures.

B) Local governments:

None of these proposed changes are expected to impact local governments' revenues or expenditures because they only clarify interpretation of existing requirements and will not change existing local governments' practices or procedures.

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

There are approximately 1,340 small businesses in Utah comprising establishments of licenses engaged in the practice of mental health therapy and/or substance use disorder counseling who may employ those engaged in the practice of mental health therapy, such as private or group practices, hospitals, or medical centers (North American Industry Classification System (NAICS) 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These proposed amendments may impact these small businesses. These amendments together with the sister rule filings making corresponding amendments to Sections R156-60-102 and R156-60-302 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. All amendments as a whole should allow for greater efficiency in supervision and allow the supervisee to obtain proper documentation of supervision hours. However, these changes are not expected to impact small businesses' revenues or expenditures because they merely establish and clarify definitions, standards, and procedures to encompass current requirements and best practices, as well as update the rule to conform to statutory changes enacted by H.B. 366 (2019).

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

There are approximately 72 non-small businesses in Utah comprising establishments of licenses engaged in the practice of mental health therapy who may employ those engaged in the practice of mental health therapy, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190). These proposed amendments may impact these non-small businesses. These amendments together with the sister rule filings making corresponding amendments to Sections R156-60-102 and R156-60-302 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a

clinical setting. All amendments as a whole should allow for greater efficiency in supervision and allow the supervisee to obtain proper documentation of supervision hours. However, these changes are not expected to impact non-small businesses' revenues or expenditures because they merely establish and clarify definitions, standards, and procedures to encompass current requirements and best practices, as well as update the rule to conform to statutory changes enacted by H.B. 366 (2019).

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 establishing and clarifying supervision standards will impact the approximately 212 marriage and family therapist licensees who require supervision in order to attain full licensure. However, the impact is expected to be fiscally neutral because the financial arrangements for supervision for the supervisors and supervisees will not be changed by the proposed amendments. The amendments will only codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting, and require that the supervision is documented in a written contract to ensure the supervision is done in a manner that will fulfill the statutory requirements. The amendments are expected to simply allow for greater efficiency in supervision and allow the supervisees to more easily obtain proper documentation of supervision hours.

F) Compliance costs for affected persons:

There are not expected to be any compliance costs for any affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
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 proposes amendments to update the Marriage and Family Therapist Licensing Act Rule in accordance with H.B. 366 (2019) and recommendations made by the licensing boards over the professions included in the Mental Health Professionals Practice Act. The revisions establish criteria for supervision for a substance use disorder counselor and an advanced substance use disorder counselor obtaining hours toward licensure. There are also substantive provisions that have been incorporated into the Mental Health Professional Practice Act Rule through other rule filings connected with H.B. 366 (2019) to harmonize the continuing education requirements for all of the professions regulated under the Mental Health Professional Licensing Act. Amendments are also made to update references and make nonsubstantive formatting changes for clarity.

Small Businesses (less than 50 employees):

In Utah, there are approximately 1,340 small businesses comprised of licensees practicing mental health therapy and substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These amendments together with similar rule filings connected with H.B. 366 (2019) will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. Thus, all amendments as a whole should allow for greater efficiency in supervision and documentation of hours. Accordingly, no fiscal impact is expected for small businesses over and above any fiscal impact described in the Legislative fiscal note for H.B. 366 (2019) as these costs are either inestimable or there is no

fiscal impact.

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

In Utah, there are approximately 72 non-small businesses comprised of establishments engaged in the practice of mental health therapy and substance use disorder counseling who may employ those engaged in the practice of substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190). These amendments together with the other rule filings connected with H.B. 366 (2019) will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. These changes will allow greater efficiency in supervision. Thus, these changes are not expected to impact non-small businesses' revenues or expenditures because they establish and clarify definitions, standards, and procedures to incorporate current requirements and update the rule to conform to statutory changes. Any fiscal impact beyond those described in the Legislative fiscal note for H.B. 366 (2019) are either inestimable or there is no fiscal impact.

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

Chris Parker, Executive Director

Citation Information

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

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-60-301
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Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	Updates Revised AAMFT Code of Ethics
Publisher	American Association for Marriage and Family Therapy (AAMFT)
Date Issued	January 1, 2015

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an

NOTICES OF PROPOSED RULES

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:		11/02/2020
B) A public hearing (optional) will be held:		
On:	At:	At:
10/05/2020	9:00 AM	Rule hearing will be held before the Division electronically only. Meeting ID: meet.google.com/cwk-sgez-hny Phone Numbers: (US) +1 302-846-7685 PIN: 131#

10. This rule change MAY become effective on:	11/09/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Division Director	Date:	09/15/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-60c	Filing No. 53066

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:
Jennifer Falkenrath	801-530-7632	jzaelit@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-60c. Clinical Mental Health Counselor Licensing Act Rule

3. Purpose of the new rule or reason for the change:
In accordance with H.B. 366 passed in the 2019 General Session, and recommendations made by the licensing boards over the professions included in the Mental Health Professionals Practice Act, the Division of Occupational and Professional Licensing (Division) recommends these amendments to better delineate the relationship between mental health supervisors and supervisees to ensure fairness, accountability, and attaining of supervision objectives, and to streamline and update the continuing education provisions to provide consistency among all of the mental health professions. There is a sister rule filing for each profession regulated under the Mental Health Professional Licensing Act. The Division, in collaboration with the Clinical Mental Health Counselor Licensing Board, also recommends these amendments in accordance with S.B. 68 passed in the 2020 General Session to clarify qualifications for licensure and establish requirements for education and practicum and internship, and establish a post-degree program for applicants who don't meet the core coursework requirements and would like to pursue licensure by completing additional coursework. (EDITOR'S NOTE: The proposed amendment to Rule R156-60a is under Filing No. 53065, the proposed amendment to Rule R156-60b is under Filing No. 53071, and the proposed amendment to Rule R156-60d is under Filing No. 53067 in this issue, October 1, 2020, of the Bulletin.)

4. Summary of the new rule or change:
In accordance with statutory changes made by S.B. 68 (2020), Section R156-60c-302a containing obsolete education requirements is deleted, and Section R156-60c-102 is amended to update the definition of "Deficiency" and to define "Equivalent Field" as used in Section 58-60-405. These amendments clarify that the qualifying education requirement for licensure as a clinical mental health counselor includes only 700 documented hours of supervised clinical training from at least one practicum/internship.
Section R156-60c-302b is renumbered to R156-60c-302a, and Sections R156-60c-401 and R156-60c-402 are deleted. These changes update the rule per H.B. 366 (2019), and establish criteria for supervision for a certified

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social worker obtaining hours toward licensure as a licensed clinical social worker. The supervisor and the supervisee will enter into a supervision contract prior to beginning the supervision, with a sister rule filing in Rule R156-60 defining the contract and supervision procedures for all the mental health professions governed by the Mental Health Practice Act. (EDITOR'S NOTE: The proposed amendment to Rule R156-60 is under Filing No. 53064 in this issue, October 1, 2020, of the Bulletin.)

Section R156-60c-302c is renumbered to R156-60c-302b, and is amended to add the National Board for Certified Counselors (NBCC) National Counselor Examination (NCE) as a qualification for licensure.

New Section R156-60c-302c provides an additional licensure pathway. If an applicant's qualifying degree upon which licensure is to be based fails to include required coursework, the applicant may complete certain requirements post-degree in order to obtain licensure.

The amendments to Section R156-60c-304 delete the continuing education provisions for CMHC licensees from this rule. These substantive provisions have been incorporated into the Mental Health Professional Practice Act Rule via a sister rule filing, to assist in streamlining and clarifying the continuing education requirements for all of the professions regulated under the Mental Health Professional Licensing Act.

The amendments to Section R156-60c-306 clarify licensure reinstatement requirements.

The amendments to Section R156-60c-502 update references and make nonsubstantive formatting changes for clarity.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

As described in the analyses for small businesses and non-small businesses, Section R156-60c-302c may indirectly benefit state agencies acting as businesses that employ mental health professionals, but the full fiscal and non-fiscal benefits are inestimable. The Division may also experience an indirect fiscal impact resulting from additional staff workload caused by increased applications for mental health licenses, but any such cost is expected to be largely balanced by additional revenue and will be absorbed within the Division's existing budget. None of the remaining proposed changes together with the sister rule filings are expected to impact state government revenues or expenditures because they only clarify requirements and update the rule to conform to statutory changes enacted by H.B. 366 (2019) and S.B. 68 (2020), and will not change existing state practices or procedures.

B) Local governments:

None of these proposed changes are expected to impact local governments' revenues or expenditures because they will not change existing local governments' practices or procedures.

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

There are approximately 1,340 small businesses in Utah comprising establishments of licenses engaged in the practice of mental health therapy and/or substance use disorder counseling who may employ those engaged in the practice of mental health therapy, such as private or group practices, hospitals, or medical centers (North American Industry Classification System (NAICS) 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). New Section R156-60c-302c may benefit these small businesses who employ mental health professionals. The full fiscal and non-fiscal benefits cannot be determined because the data necessary to determine how many mental health agencies will hire mental health professionals resulting from more post-degree programs is unavailable. The resulting employment will vary widely depending on the characteristics and scope of practice of each small business, as well as the individual characteristics of each licensee. The remaining amendments together with the sister rule filings making corresponding amendments to Sections R156-60-102 and R156-60-305 are not expected to impact small business revenues or expenditures because they merely establish and clarify definitions, standards, and procedures to encompass current requirements and best practices, as well as update the rule to conform to statutory changes enacted by H.B. 366 (2019) and S.B. 68 (2020).

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

There are approximately 72 non-small businesses in Utah comprising establishments of licenses engaged in the practice of mental health therapy who may employ those engaged in the practice of mental health therapy, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190). New Section R156-60c-302c may benefit these non-small businesses who employ mental health professionals. The full fiscal and non-fiscal benefits cannot be determined because the data necessary to determine how many mental health agencies will hire mental health professionals resulting from more post-degree programs is unavailable. The resulting employment will vary widely depending on the characteristics and scope of practice of each non-small business, as well as the individual characteristics of each licensee. The remaining amendments together with the sister rule filings making corresponding amendments to Sections R156-60-102 and R156-60-305 are not expected to impact non-small businesses' revenues or expenditures because they merely establish and clarify

definitions, standards, and procedures to encompass current requirements and best practices, as well as update the rule to conform to statutory changes enacted by H.B. 366 (2019) and S.B. 68 (2020).

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

The amendments establishing and clarifying supervision standards will impact all licensees who require supervision in order to attain full licensure. However, the impact is expected to be fiscally neutral because the financial arrangements for supervision for the supervisors and supervisees will not be changed by the proposed amendments. The amendments will only codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting, and require that the supervision is documented in a written contract to ensure the supervision is done in a manner that will fulfill the statutory requirements. The amendments are expected to simply allow for greater efficiency in supervision and allow the supervisees to more easily obtain proper documentation of supervision hours.

The Division estimates that the amendment to (renumbered) Section R156-60c-302b requiring applicants for CMHC licensure to pass the NCE exam will result in a direct ongoing fiscal cost to CMHC applicants. Each exam costs approximately \$275. Based on the average number of CMHC applications for the last 3 years, and an average 10% retest rate, the Division estimates that these amendments will result in a total cost to all applicants of approximately \$57,475 in FY 2021 (\$275/exam x 190 applicants, with 19 estimated retakes at a cost of \$275 per retake), \$60,500 in FY 2022 (estimated 200 CMCH applicants), and \$61,150 in FY 2023 (estimated 220 CMHC applicants).

New Section R156-60c-302c will provide a pathway for licensure for applicants who are deficient in coursework will help such persons obtain licensure in Utah. However, the net impact to these applicants from the potential savings or cost from these amendments is inestimable, as it will vary substantially depending on the characteristics and choices of each applicant, and the relevant data is unavailable. Mental health customers are also expected to receive an indirect benefit from more licensees becoming employed, but this indirect benefit is inestimable as it will vary widely depending on the characteristics of the customers and this data is unavailable

F) Compliance costs for affected persons:

There are not expected to be any 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	\$57,475	\$60,500	\$61,150
Total Fiscal Cost	\$57,475	\$60,500	\$61,150
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	-\$57,475	-\$60,500	-\$61,150

H) Department head approval of regulatory impact analysis:

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

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

The Division proposes amendments to update the Clinical Mental Health Counselor Licensing Act Rule in accordance with H.B. 366 (2019) and recommendations made by the licensing boards over the professions included in the Mental Health Professionals Practice Act. The revisions establish criteria for supervision for a substance use disorder counselor and an advanced substance use disorder counselor obtaining hours toward licensure. There are also substantive provisions that have been incorporated into the Mental Health Professional Practice Act Rule through other rule filings connected with

H.B. 366 (2019) to harmonize the continuing education requirements for all of the professions regulated under the Mental Health Professional Licensing Act. Amendments are also made to update references and make nonsubstantive formatting changes for clarity.

Small Businesses (less than 50 employees):

In Utah, there are approximately 1,340 small businesses comprised of licensees practicing mental health therapy and substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These amendments together with similar rule filings connected with 2019 HB 366 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. Thus, all amendments as a whole should allow for greater efficiency in supervision and documentation of hours. Accordingly, no fiscal impact is expected for small business over and above any fiscal impact described in the Legislative fiscal note for H.B. 366 (2019) as these costs are either inestimable or there is no fiscal impact.

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

In Utah, there are approximately 72 non-small businesses comprised of establishments engaged in the practice of mental health therapy and substance use disorder counseling who may employ those engaged in the practice of substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190). These amendments together with the other rule filings connected with 2019 HB 366 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. These changes will allow greater efficiency in supervision. Thus, these changes are not expected to impact non-small business revenues or expenditures because they establish and clarify definitions, standards, and procedures to incorporate current requirements and update the rule to conform to statutory changes. Any fiscal impact beyond those described in the Legislative fiscal note for H.B. 366 (2019) are either inestimable or there is no fiscal impact.

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

Chris Parker, Executive Director

Citation Information

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

Section 58-60-401	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	American Mental Health Counselors Counseling Association Code of Ethics
Publisher	American Mental Health Counselor Association
Date Issued	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: 11/02/2020

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

On:	At:	At:
10/05/2020	9:00 AM	Rule hearing will be held before the Division electronically only. Meeting ID: meet.google.com/cwk-sgez-hny Phone Numbers: (US) +1 302-846-7685 PIN: 131#

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10. This rule change MAY become effective on: 11/09/2020

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

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Director	Date:	09/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-60d	Filing No. 53067

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:
Jennifer Falkenrath	801-530-7632	jzaelit@utah.gov

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

General Information

2. Rule or section catchline:
R156-60d. Substance Use Disorder Counselor Act Rule
3. Purpose of the new rule or reason for the change:
In accordance with H.B. 366 passed in the 2019 General Session, and recommendations made by the licensing boards over the professions included in the Mental Health Professionals Practice Act, the Division of Occupational and Professional Licensing (Division) recommends these changes to better delineate the relationship between mental health supervisors and supervisees to ensure fairness, accountability, and attaining of supervision objectives, and to streamline and update the continuing education provisions to provide consistency among all of the mental health professions. There is a sister rule filing for each profession regulated under the Mental Health

Professional Licensing Act. (EDITOR'S NOTE: The proposed amendment to Rule R156-60a is under Filing No. 53065, the proposed amendment to Rule R156-60b is under Filing No. 53071, and the proposed amendment to Rule R156-60c is under Filing No. 53066 in this issue, October 1, 2020, of the Bulletin.)

4. Summary of the new rule or change:

The amendment to Section R156-60d-302b updates the rule per H.B. 366 (2019) and establishes criteria for supervision for a substance use disorder counselor and an advanced substance use disorder counselor obtaining hours toward licensure. The supervisor and the supervisee will enter into a supervision contract prior to beginning the supervision, with a sister rule filing in Rule R156-60 defining the contract and supervision procedures for all the mental health professions governed by the Mental Health Practice Act. The amendments to Section R156-60d-304 delete the continuing education provisions for substance use disorder counselor licensees from the Substance Use Disorder Counselor Act Rule. Its substantive provisions have been incorporated into the Mental Health Professional Practice Act Rule via a sister rule filing, to assist in streamlining and clarifying the continuing education requirements for all of the professions regulated under the Mental Health Professional Licensing Act. The amendments to Sections R156-60d-102, R156-60d-302a, R156-60d-307, and R156-60d-502 update references and make nonsubstantive formatting changes for clarity. (EDITOR'S NOTE: The proposed amendment to Rule R156-60 is under Filing No. 53064 in this issue, October 1, 2020, of the Bulletin.)

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

None of these proposed changes are expected to impact state government revenues or expenditures because they only clarify interpretation of existing requirements and will not change existing state practices or procedures.

B) Local governments:

None of these proposed changes are expected to impact local governments' revenues or expenditures because they only clarify interpretation of existing requirements and will not change existing local governments' practices or procedures.

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

There are approximately 1,340 small businesses in Utah comprising establishments of licenses engaged in the practice of mental health therapy and/or substance use disorder counseling who may employ those engaged in the practice of substance use disorder counseling, such as private or group practices, hospitals, or medical centers

(North American Industry Classification System (NAICS) 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These proposed amendments may impact these small businesses. These amendments together with the sister rule filings making corresponding amendments to Sections R156-60-102 and R156-60-302 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. All amendments as a whole should allow for greater efficiency in supervision and allow the supervisee to obtain proper documentation of supervision hours. However, these changes are not expected to impact small businesses' revenues or expenditures because they merely establish and clarify definitions, standards, and procedures to encompass current requirements and best practices, as well as update the rule to conform to statutory changes enacted by H.B. 366 (2019).

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

There are approximately 72 non-small businesses in Utah comprising establishments of licenses engaged in the practice of mental health therapy and/or substance use disorder counseling who may employ those engaged in the practice of substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190). These proposed amendments may impact these non-small businesses. These amendments together with the sister rule filings making corresponding amendments to Sections R156-60-102 and R156-60-302 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. All amendments as a whole should allow for greater efficiency in supervision and allow the supervisee to obtain proper documentation of supervision hours. However, these changes are not expected to impact non-small businesses' revenues or expenditures because they merely establish and clarify definitions, standards, and procedures to encompass current requirements and best practices as well as update the rule to conform to statutory changes enacted by H.B. 366 (2019).

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 establishing and clarifying supervision standards will impact the approximately 457 substance use disorder counselor licensees who require supervision. However, the impact is expected to be fiscally neutral because the financial arrangements for supervision for the supervisors and supervisees will not be changed by the proposed amendments. The amendments will only codify best practices for the profession by providing direction in

the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting, and require that the supervision is documented in a written contract to ensure the supervision is done in a manner that will fulfill the statutory requirements. The amendments are expected to simply allow for greater efficiency in supervision and allow the supervisees to more easily obtain proper documentation of supervision hours.

F) Compliance costs for affected persons:

There are not expected to be any compliance costs for any affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
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 proposes amendments to update the Substance Use Disorder Counselor Act Rule in accordance with H.B. 366 (2019) and recommendations made by the licensing boards over the professions included in the Mental Health Professionals Practice Act. The revisions establish criteria for supervision for a substance use disorder counselor and an advanced substance use disorder counselor obtaining hours toward licensure. There are also substantive provisions that have been incorporated into the Mental Health Professional Practice Act Rule through other rule filings connected with H.B. 366 (2019) to harmonize the continuing education requirements for all of the professions regulated under the Mental Health Professional Licensing Act. Amendments are also made to update references and make nonsubstantive formatting changes for clarity.

Small Businesses (less than 50 employees):

In Utah, there are approximately 1,340 small businesses comprised of licensees practicing mental health therapy and substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These amendments together with similar rule filings connected with 2019 HB 366 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. Thus, all amendments as a whole should allow for greater efficiency in supervision and documentation of hours. Accordingly, no fiscal impact is expected for small businesses over and above any fiscal impact described in the Legislative fiscal note for H.B. 366 (2019) as these costs are either inestimable or there is no fiscal impact.

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

In Utah, there are approximately 72 non-small businesses comprised of establishments engaged in the practice of mental health therapy and substance use disorder counseling who may employ those engaged in the practice of substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190). These amendments together with the other rule filings connected with H.B. 366 (2019) will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. These changes will allow greater efficiency in supervision. Thus, these changes are not expected to impact non-small businesses' revenues or expenditures because they establish and clarify definitions, standards, and procedures to incorporate current requirements and update the rule to conform to statutory changes. Any fiscal impact beyond those described in the Legislative fiscal note for H.B. 366 (2019) are either inestimable or there is no fiscal impact.

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

Chris Parker, Executive Director

Citation Information

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

Section 58-60-501	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	Updates NAADAC, the Association for Addiction Professionals/NAADAC NCC AP Code of Ethics
Publisher	NAADAC: The Association for Addiction Professionals
Date Issued	October 9, 2016

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: 11/02/2020

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

On:	At:	At:
10/05/2020	9:00 AM	Rule hearing will be held before the Division electronically only. Meeting ID: meet.google.com/cwk-sgez-hny Phone Numbers: (US) +1 302-846-7685 PIN: 165 425 131#

10. This rule change MAY become effective on: 11/09/2020

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

Agency Authorization Information

Agency head or designee, and title:	Mark S. Steinagel, Division Director	Date:	09/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	R174-1	Filing No. 53060

Agency Information

1. Department:	Communications Authority Board (Utah)		
Agency:	Administration		
Street address:	5215 Wiley Post Way, Suite 550		
City, state:	Salt Lake City, UT 84116		
Contact person(s):			
Name:	Phone:	Email:	
Quinton Stephens	801-641-0547	qstephens@uca911.org	
David Edmunds	435-640-8117	dedmunds@uca911.org	
Nathan Marigoni	801-840-4200	marigonin@ballardspahr.com	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R174-1. Utah 911 Advisory Committee
3. Purpose of the new rule or reason for the change:
Significant legislation has been passed including S.B. 130 in the 2020 General Session, S.B. 154 in the 2019 General Session, and S.B. 198 in the 2017 General Session. This legislation renders the existing rule moot and requires updates and revisions which are proposed throughout this submission.

4. Summary of the new rule or change:

The proposed reenacted rule addresses the methods and means for providing access and/or equipment to both the statewide public safety radio network and the statewide NG911 system. This rule also includes procedures for the distribution of statutorily provided funds in accordance with the Utah Communications Authority Act, Title 63H, Chapter 7a.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This proposed rule is not expected to have any fiscal impact on state government revenues or expenditures because the rule addresses participation by state and local government entities in statewide emergency communications services that have already been procured and budgeted by the Utah Communications Authority (UCA). All of UCA's funding comes from restricted accounts and service fees dedicated for these emergency communications services. Those portions of the rule addressing distributions from UCA's restricted accounts to participating entities only set forth the procedure for distributions already required by statute, i.e., Section 63H-7a-304.5. The proposed rule itself will have no effect on any state budget.

B) Local governments:

This proposed rule is not expected to have any fiscal impact on local governments' revenues or expenditures because the rule addresses participation by state and local government entities in statewide emergency communications services that have already been procured and budgeted by UCA. All of UCA's funding comes from restricted accounts and service fees dedicated for these emergency communications services. Those portions of the rule addressing distributions from UCA's restricted accounts to participating entities only set forth the procedure for distributions already required by statute, i.e., Section 63H-7a-304.5. The proposed rule itself will have no effect on any local budget.

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

This proposed rule is not expected to have any fiscal impact on small businesses' revenues or expenditures because the rule addresses participation by state and local government entities in statewide emergency communications services maintained by UCA. UCA provides no services to businesses and businesses are not permitted to participate in these emergency communications services.

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

This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because the rule addresses participation by state and local government entities in statewide emergency communications services maintained by UCA. UCA provides no services to businesses and businesses are not permitted to participate in these emergency communications 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*):

This proposed rule is not expected to have any fiscal impact on other person's revenues or expenditures because the rule addresses participation by state and local government entities in statewide emergency communications services maintained by UCA. UCA provides no services to entities other than state and local government entities and no entities other than state and local government entities are permitted to participate in these emergency communications services.

F) Compliance costs for affected persons:

This proposed rule is not expected to have any compliance costs because the rule addresses participation by state and local government entities in statewide emergency communications services maintained by UCA. The rule establishes only a procedure for UCA to manage participation in the system and participating entities and it is not anticipated that such entities will incur any compliance costs as a result of the 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 Utah Communications Authority, David Edmunds, has reviewed and approved this fiscal analysis.

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

As an independent state entity, I, David Edmunds, UCA's Executive Director, am the department head. I concur with the above statements and indicate that these rules, in and of themselves, will have no direct fiscal impact.

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

David A. Edmunds, Executive Director

Citation Information

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

Title 63H, Chapter 7a	Section 63H-7a-304.5	Section 63H-7a-304
Section 63H-7a-303		

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:	11/02/2020
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10. This rule change MAY become effective on:	11/09/2020
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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:	David Edmunds, Executive Director	Date:	09/14/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-113	Filing No. 53080

Agency Information

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

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

General Information

2. Rule or section catchline:
R277-113. LEA Fiscal and Auditing Policies

3. Purpose of the new rule or reason for the change:
Board Rule R277-113 has been amended to update local education agency (LEA) standard accounting requirements for reporting school fees waiver information.

4. Summary of the new rule or change:
The amendments were made in Subsection R277-113-8(1)(f). The new changes update language referencing the LEA's accounting system and add a requirement that an LEA use contra-revenue accounts to record fee waivers in the LEA's accounting system.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The requirements in the rule primarily affect LEA accounting systems and processes.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. LEAs may need to change accounting systems and processes to comply with the requirements in this rule.

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The requirements in the rule primarily affect LEA accounting systems and processes.

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The requirements in this rule primarily affect LEA accounting systems and processes.

F) Compliance costs for affected persons:

There are no expected independent compliance costs for affected persons. LEAs may need to change accounting systems and processes to comply with the requirements in this rule.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

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

Public Notice Information

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

A) Comments will be accepted until: 11/02/2020

10. This rule change MAY become effective on: 11/09/2020

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	09/14/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-302	Filing No. 53082

Agency Information

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

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

General Information

2. Rule or section catchline:
R277-302. Educator Licensing Renewal
3. Purpose of the new rule or reason for the change:
The Utah State Board of Education (Board) is amending this rule to strike the Return to Licensure program in light of the simplified renewal procedures adopted by the Board.
4. Summary of the new rule or change:
Subsection R277-302-3(5)(a) was amended to require less than three years instead of two years' experience in an educator position related to the area of licensure in a public or accredited private school in Utah, consistent with other licensing rules; and Section R277-302-8 was stricken from the rule.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The Board has simplified the educator renewal processes. This rule change eliminates the Return to Licensure Program because the simplification of educator renewal processes makes this program largely unnecessary.

B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The Board has simplified the educator renewal processes. This rule change eliminates the Return to Licensure Program because the simplification of educator renewal processes makes this program largely unnecessary.

C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The Board has simplified the educator renewal processes. This rule change eliminates the Return to Licensure Program because the simplification of educator renewal processes makes this program largely unnecessary.

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

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This rule change eliminates the Return to Licensure Program because the simplification of educator renewal processes makes this program largely unnecessary.

F) Compliance costs for affected persons:
There are no expected independent compliance costs for affected persons. This rule change eliminates the Return to Licensure Program because the simplification of educator renewal processes makes this program largely unnecessary.

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	Section 53E-6-201	Subsection 53E-3-401(4)
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Public Notice Information

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

A) Comments will be accepted until: 11/02/2020

10. This rule change MAY become effective on: 11/09/2020

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	09/15/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R277-403	Filing No. 53075

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:
R277-403. School Safety Pilot Program
3. Purpose of the new rule or reason for the change:
This rule is being created to establish the school safety grant program related to an appropriation listed in H.B. 120 passed in the 2019 General Session. This funding was appropriated in the legislation with no language in the bill or statute connected to the funding outside of being appropriated for the creation of a pilot program. This rule creation provides the necessary parameters.
4. Summary of the new rule or change:
This new rule establishes the parameters for the school safety pilot program. These parameters include: application requirements, program eligibility, scoring criteria, funding distribution, award amounts, and prohibited uses of funding.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. This rule is a result of H.B. 120 (2019).
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. This rule is a result of H.B. 120 (2019).

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This rule is a result of H.B. 120 (2019).

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The rule is a result of H.B. 120 (2019).

F) Compliance costs for affected persons:

There are no expected independent compliance costs for affected persons. The rule is a result of H.B. 120 (2019).

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

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

NOTICES OF PROPOSED RULES

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	Section 53E-6-201	Subsection 53E-3-401(4)
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Public Notice Information

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

A) Comments will be accepted until: 11/02/2020

10. This rule change MAY become effective on: 11/09/2020

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	09/15/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-407	Filing No. 53076

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 407. School Fees
3. Purpose of the new rule or reason for the change:
The amendments to Board Rule R277-407 are being made related to H.B. 80 passed in the 2020 General Session.
4. Summary of the new rule or change:
The updates to Board Rule R277-407 include amendments to the definitions of "co-curricular activity" and "extracurricular activity," and adds the definition for "curricular activity." Also, the changes made in Section R277-407-6 include updates to the fee schedule and in Section R277-407-14 updates were made to the fee waiver reporting requirements.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The changes in this amendment are to align rule with the statutory changes found in H.B. 80 and H.B. 391 (2020), as well as to improve clarity in this rule.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The changes in this amendment are to align rule with the statutory changes found in H.B. 80 and H.B. 391 (2020), as well as to improve clarity in this rule.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The changes in this amendment are to align rule with the statutory changes found in H.B. 80 and H.B. 391 (2020), as well as to improve clarity in this rule.

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The changes in this amendment are to align this rule with the statutory changes found in H.B. 80 and H.B. 391 (2020), as well as to improve clarity in this rule.

F) Compliance costs for affected persons:

There are no expected independent compliance costs for affected persons. The changes in this amendment are to align this rule with the statutory changes found in H.B. 80 and H.B. 391 (2020), as well as to improve clarity in 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

NOTICES OF PROPOSED RULES

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
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	Section 53G-7-504	Subsection 53G-7-503(2)
Subsection 53E-3-401(4)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/02/2020

10. This rule change MAY become effective on:	11/09/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	09/15/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R277-528	Filing No. 53077

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:
R277-528. Use of Public Education Job Enhancement Program (PEJEP) Funds
3. Purpose of the new rule or reason for the change:
The sunset date was 07/01/2020 in the Utah Code for the Public Education Job Enhancement Program (PEJEP).
4. Summary of the new rule or change:
This program has been dissolved, therefore, this rule is not necessary and being repealed in its entirety.

Fiscal Information

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The program sunset in the Utah Code and, therefore, this rule is no longer necessary.

F) Compliance costs for affected persons:

There are no expected independent compliance costs for affected persons. The program sunset in the Utah Code and, therefore, this rule is no longer necessary.

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

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

NOTICES OF PROPOSED RULES

Net Benefits	Fiscal	\$0	\$0	\$0
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 53F-2-514(5)(b)	Subsection 53F-2-514(3)(c)(ii)
Subsection 53E-3-401(4)		

Public Notice Information

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

A) Comments will be accepted until:	11/02/2020
10. This rule change MAY become effective on:	11/09/2020

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	09/15/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R277-721	Filing No. 53078

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:
R277-721. PRIME Pilot Program
3. Purpose of the new rule or reason for the change:
This rule is being created as a result of H.B. 336, Concurrent Enrollment Certificate Pilot, which passed in the 2020 General Session. The bill creates a pilot program to create different levels of certification for a student who completes the required concurrent enrollment courses outlined in the bill. The certifications are transferable to all public institutions governed by Board of Regents.
4. Summary of the new rule or change:
This rule establishes the pilot program grant requirements and application process.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. This new rule is a result of H.B. 336 (2020).
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. This new rule is a result of H.B. 336 (2020).
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This new rule is a result of H.B. 336 (2020).
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This new rule is a result of H.B. 336 (2020).
F) Compliance costs for affected persons:
There are no expected independent compliance costs for affected persons. The new rule is a result of H.B. 336 (2020).
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The State Superintendent 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 proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This proposed rule has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.			

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

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Article X, Section 3	Section 53E-10-309	Subsection 53E-3-401(4)

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/02/2020

10. This rule change MAY become effective on:	11/09/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	09/15/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-921	Filing No. 53079

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:
R277-921. Strengthening College and Career Readiness Program
3. Purpose of the new rule or reason for the change:
This rule is being amended to update the existing language for counselor certification to better correspond with updates to the licensing Rule R277-306. This will allow for consistency between both rules regarding expectations for counseling licensing and certification. This rule also updates the standards for school counselor competencies to be demonstrated by someone in a counselor preparatory program.
4. Summary of the new rule or change:
This rule amendment adds relevant reference to Section R277-306-6 throughout this rule for school counselor licensing. This rule also incorporates by reference the College and Career Readiness Certificate Program Standards Document that outlines the standards and competencies a school counselor needs to meet to be certified. Technical edits are also made throughout.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The amendments improve consistency among rules governing school counseling licensing and certification and update the standards for school counselor competencies.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The amendments improve consistency among rules governing school counseling licensing and certification and update the standards for school counselor competencies.

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The amendments improve consistency among rules governing school counseling licensing and certification and update the standards for school counselor competencies.

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

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

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

This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments are primarily technical and clarifying in nature. The amendments improve consistency among rules governing school counseling licensing and certification and update the standards for school counselor competencies.

F) Compliance costs for affected persons:

There are no expected independent compliance costs for affected persons. The amendments improve consistency among rules governing school counseling licensing and certification and update the standards for school counselor competencies.

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	Section 53F-5-204	Subsection 53E-3-401(4)
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Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	College and Career Readiness Certificate Program Standards Document
Publisher	Utah State Board of Education – Career and Technical Education
Date Issued	September 3, 2020
Issue, or version	Version 1

Public Notice Information

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

A) Comments will be accepted until:	11/02/2020
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10. This rule change MAY become effective on:	11/09/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	09/15/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R305-7-104	Filing No. 53072

Agency Information

1. Department:	Environmental Quality	
Agency:	Administration	
Room no.:	Fourth Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov

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

General Information

2. Rule or section catchline:
R305-7-104. Filing and Service of Notices, Orders, Motions, and Other Papers

3. Purpose of the new rule or reason for the change:
 The Utah Department of Environmental Quality (UDEQ) has rulemaking authority under Subsection 19-1-201(1)(d)(ii) to make procedural rules that govern adjudicative proceedings under Section 19-1-301, and special adjudicative proceedings under Section 19-1-301.5. UDEQ has promulgated those rules, codified at Rule R305-7. Subsection R305-7-104(5) governs, in part, the form and timeliness of filings to initiate adjudicative proceedings regarding agency actions. Filing to initiate an adjudication on an agency decision must occur within 30 days of that decision, see Subsections R305-7-203(5) (for petitions for review); and R305-7-303(5) (for requests for agency action). The current rule expressly states that email submission is insufficient to initiate an adjudicative proceeding, see Subsection R305-7-104(5)(a). Therefore, paper submissions that must be filed in person or by mail are currently the only filing option to initiate new adjudicative proceedings.

The UDEQ offices are located in the Multi-Agency State Office Building (MASOB). The MASOB recently opened to the public after six months of closure due to the COVID-19 Pandemic. However, due to ongoing concern with COVID-19, few agency employees currently staff the agency offices and in the future the building may close again to the public if conditions dictate. Consequently, although the current rule requires that those wishing to initiate an adjudicative proceeding must file a paper copy in person, or via an overnight courier service, at MASOB,

they cannot do so at this time because the building has limited staffing and may be, at times, closed to the public. Although filing by U.S. Mail is still an option under the rule, processing of mail may be delayed due to reduced on-site staffing. Nothing in the rule requires a filer to use mail if personal filing is not available and hand-delivery, either in person or via an overnight courier service, are still allowed under the rule.

The closing of the MASOB to the public and both Salt Lake City and Salt Lake County shelter in place orders suggest that allowing people to enter the MASOB and have contact with the limited staff onsite is a threat to public health, safety, or welfare as it might contribute to further spreading of COVID-19. The reason for this closing is to prevent the spread of the virus. Even if the MASOB were open to the public for the limited purposes of complying with the filing requirements of Section R305-7-104 raises the risk that, for example, an asymptomatic carrier of COVID-19 could unwittingly spread the virus to others in MASOB.

UDEQ divisions continue to function and make final agency actions through limited on-site staff and telework. Those final agency decisions trigger the right to seek a legal remedy by initiating adjudicative proceedings.

4. Summary of the new rule or change:

The proposed changes would allow temporary electronic filing of requests for agency action and petitions for review to initiate adjudicative proceedings contesting UDEQ actions.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There is no anticipated cost or savings to the state budget, as the state will simply be receiving electronically-filed requests for agency action or petitions for review.

B) Local governments:

None anticipated, as the state is the governmental entity that receives petitions for review or requests for agency action. Should a local government seek to initiate an adjudication, it will result in the marginal savings of not having to send an employee to file in person.

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

Any savings to small businesses will be to those who do not have to incur expenses to travel to the MASOB to file to initiate an adjudicative proceeding.

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

Any savings to non-small businesses will be to those who do not have to incur expenses to travel to the MASOB to file to initiate an adjudicative proceeding.

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**):

Any savings will be to those who do not have to incur expenses to travel to the MASOB to file to initiate an adjudicative proceeding.

F) Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons as compliance with the rule requires minimal work.

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

Regulatory Impact Table

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

Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved of this fiscal analysis.

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

This rule amendment is expected to help to make the filing to initiate an adjudicative proceeding easier on businesses and therefore will have no negative fiscal impact. Conversely, savings may be seen since they will no longer have to travel to the MASOB building to file.

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

L. Scott Baird, Executive Director

Citation Information

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

Subsection 19-1-201(1)(d)(ii)	Section 63G-3-304	
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Public Notice Information

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

A) Comments will be accepted until: 11/02/2020

10. This rule change MAY become effective on: 11/09/2020

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

Agency Authorization Information

Agency head or designee, and title:	L. Scott Baird, Executive Director	Date:	09/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R307-110-17	Filing No. 53056

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:	Fourth Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state, zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov

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

General Information

2. Rule or section catchline:
R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits

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

The rule amendment is to incorporate changes being made to Part H of the Utah State Implementation Plan (SIP). Since Kennecott's Power Plant has been shut down and the units subject to related provisions are no longer in operation, UDAQ is proposing to remove these provisions from Part H to ensure that these limits do not delay EPA approval of the PM_{2.5} Serious Area SIP and redesignation to attainment.

A public hearing is set for Tuesday, November 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Monday, November 2, 2020, at 10AM MT. The final status of the public hearing will be posted on Monday, November 2, after 10:00AM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.

<https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment>

Interested Persons can participate electronically, via the internet:

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

4. Summary of the new rule or change:

The rule amendment will update the date of incorporation of Part H to include the most recent changes.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There are no anticipated costs or savings to the state budget as this amendment places no new requirements on the state or staff.

B) Local governments:

There are no anticipated costs or savings to local governments because this rule amendment is not applicable to them.

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

There are no anticipated costs or savings to small businesses as this rule amendment simply updates the incorporation by reference date for the Part H amendments which are not applicable to small businesses.

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

There is no anticipated costs or savings to non-small businesses as this rule amendment simply updates the incorporation by reference date for the Part H amendments which are not applicable to non-small businesses.

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

There are no anticipated costs to persons other than small businesses, non-small businesses, state, or local government entities as this amendment is not applicable to them.

F) Compliance costs for affected persons:

There are no new compliance costs as a result of this rule amendment.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

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

This rule amendment will have no fiscal impact on businesses as the rule amendment itself is simply an update to the date of incorporation by reference and the amendments to the SIP are not applicable to businesses as a whole.

B) Name and title of department head commenting on the fiscal impacts:
L. Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):
Section 19-2-104

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:	
	First Incorporation
Official Title of Materials Incorporated (from title page)	Utah State Implementation Plan Emission Limits and Operating Practices. Section IX, Part H.
Publisher	Utah Division of Air Quality
Issue, or version	December 2, 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:	11/03/2020	
B) A public hearing (optional) will be held:		
On:	At:	At:
11/03/2020	10:00AM	Held online -- see Box 3 above for details

10. This rule change MAY become effective on:	11/10/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Bryce Bird, Director	Date:	08/18/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R384-324	Filing No.	53049

Agency Information

1. Department:	Health	
Agency:	Disease Control and Prevention, Health Promotion	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142106	
City, state, zip:	Salt Lake City, UT 84114-2106	
Contact person(s):		
Name:	Phone:	Email:
Braden Ainsworth	801-538-6187	tobaccorulescomments@utah.gov
Christy Cushing	801-538-6260	tobaccorulescomments@utah.gov

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

General Information

2. Rule or section catchline:
R384-324. Tobacco Retailer Permit Process
3. Purpose of the new rule or reason for the change:
These changes revise this rule to align with changes in Title 26, Chapter 62, that are effective as of 07/01/2020. The changes are because of the passage of H.B. 23 and S.B. 37 from the 2020 General Session and the passage of S.B. 6008 during the 2020 Sixth Special Session.
4. Summary of the new rule or change:
The changes add and update existing definitions, including tobacco products, electronic cigarette products, and nicotine products, throughout this rule to align with the state law changes in Title 26, Chapter 62.

Fiscal Information

5. Aggregate anticipated cost or savings to:			
A) State budget:			
The amendments to this rule are not expected to have any fiscal impact on the state budget because the changes do not affect the implementation of this rule; they simply align better with changes in Title 26, Chapter 62.			
B) Local governments:			
The amendments to this rule are not expected to have any fiscal impact on the local governments because the changes do not affect the implementation of this rule; they simply align better with changes in Title 26, Chapter 62.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
The amendments to this rule are not expected to have any fiscal impact on small businesses because the changes do not affect the implementation of this rule; they simply align better with changes in Title 26, Chapter 62.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
The amendments to this rule are not expected to have any fiscal impact on non-small businesses because the changes do not affect the implementation of this rule; they simply align better with changes in Title 26, Chapter 62.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
The amendments to this rule are not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities, because the changes do not affect the implementation of this rule; they simply align better with changes in Title 26, Chapter 62.			
F) Compliance costs for affected persons:			
The amendments to this rule are not expected to have any compliance costs for affected person, because the changes do not affect the implementation of this rule; they simply align better with changes in Title 26, Chapter 62.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
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 Interim Executive Director of the Department of Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
Businesses will see neither revenue nor cost as this amendment simply updates the rule to comply with recent legislation.			
B) Name and title of department head commenting on the fiscal impacts:			
Richard G. Saunders, Interim Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Subsection 26-62-202(6)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also
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NOTICES OF PROPOSED RULES

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: 11/02/2020

10. This rule change MAY become effective on: 11/09/2020

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

Agency Authorization Information

Agency head or designee, and title:	Joseph Miner, MD, Deputy Director	Date:	09/02/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R414-60	Filing No. 53053

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:
R414-60. Medicaid Policy for Pharmacy Program

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

The purpose of this change is to update and clarify provisions in this rule to be consistent with current Medicaid policy.

4. Summary of the new rule or change:

This amendment includes a new definition and clarifies provisions for limitations, reimbursement, and over-the-counter drugs. It also makes other technical changes.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There is no impact to the state budget as this amendment simply updates and clarifies current policy for the Pharmacy Program.

B) Local governments:

There is no impact on local governments because they neither fund nor provide services under the Pharmacy 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 and clarifies current policy for the Pharmacy Program.

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 and clarifies current policy for the Pharmacy Program.

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 and clarifies current policy for the Pharmacy Program.

F) Compliance costs for affected persons:

There are no compliance costs to a single Medicaid provider or Medicaid member as this amendment simply updates and clarifies current policy for the Pharmacy Program.

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

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Interim Executive Director of the Department of Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
Businesses will see neither revenue nor cost as this amendment simply updates current Medicaid policy.			
B) Name and title of department head commenting on the fiscal impacts:			
Richard G. Saunders, Interim 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:	11/02/2020

10. This rule change MAY become effective on:	11/09/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Interim Executive Director	Date:	09/02/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R414-307	Filing No. 53073

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:
R414-307. Eligibility for Home and Community-Based Services Waivers
3. Purpose of the new rule or reason for the change:
The purpose of this change is to update and clarify Medicaid policy for home and community-based services waivers.
4. Summary of the new rule or change:
This amendment removes provisions for the Autism Waiver that no longer exist.

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 and clarifies ongoing policy for home and community-based services (HCBS) waivers. Funding for the Autism Waiver was previously appropriated.
B) Local governments:
There is no impact on local governments because they neither fund nor provide services under HCBS waivers.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as this amendment simply updates and clarifies ongoing policy for HCBS waivers. Funding for the Autism Waiver was previously appropriated.
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 and clarifies ongoing policy for HCBS waivers. Funding for the Autism Waiver was previously appropriated.
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 and clarifies ongoing policy for HCBS waivers. Funding for the Autism Waiver was previously appropriated.
F) Compliance costs for affected persons:
There are no compliance costs to a single Medicaid provider or Medicaid member as this amendment simply

updates and clarifies ongoing policy for HCBS waivers. Funding for the Autism Waiver was previously appropriated.

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 Interim Executive Director of the Department of Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.

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

Businesses will see neither revenue nor cost as this amendment simply updates current Medicaid policy.

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

Richard G. Saunders, Interim 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	
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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:	11/02/2020
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10. This rule change MAY become effective on:	11/09/2020
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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:	09/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R510-302	Filing No. 53036

Agency Information

1. Department:	Human Services
Agency:	Aging and Adult Services
Building:	MASOB
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT 84116
Mailing address:	195 N 1950 W
City, state, zip:	Salt Lake City, UT 84116

Contact person(s):

Name:	Phone:	Email:
Nels Holmgren	801-538-3921	nholmgren@utah.gov
Nan Mendenhall	801-538-4591	nmendenh@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:
R510-302. Adult Protective Services

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

Many of the changes are being made to clean up outdated or unclear language in the current rule. Additionally, Adult Protective Services (APS) needs to be able to share information with the Department of Human Services (DHS) Office of Licensing in order to provide background screenings for DHS clients. Lastly, the COVID-19 pandemic has prompted a need to clarify APS process for in person versus remote client visits.

4. Summary of the new rule or change:

A number of minor updates are being made to clarify current practices, reflect changes to APS' staffing structure, and removing outdated materials. In addition, the changes allow APS to share information with the DHS Office of Licensing and clarifies when face to face client visits are required and when visits can be done remotely by electronic means.

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

The language updates throughout this filing do not impact the cost of current services and the financial impact on APS, its clients, and other agencies.

B) Local governments:

The language updates throughout this filing do not fiscally impact costs at the local government level. This amendment is clarifying in nature.

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

The language updates throughout this filing do not fiscally impact small businesses. This amendment is clarifying in nature.

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

The language updates throughout this filing do not fiscally impact non-small businesses. This amendment is clarifying 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**):

The language updates throughout this filing do not fiscally impact persons other than small businesses, non-small businesses, state, or local government entities. This amendment is clarifying in nature.

F) Compliance costs for affected persons:

There are no anticipated compliance costs associated with the language changes throughout this amendment.

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

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

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of 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 DHS does not anticipate any fiscal impacts on businesses as a result of language changes throughout this rule.

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

Ann Williamson, Executive Director

Citation Information

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

Section 62A-3-301

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: 11/02/2020

10. This rule change MAY become effective on: 11/09/2020

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

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	09/15/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	R539-1	Filing No. 53069

Agency Information

1. Department:	Human Services	
Agency:	Services for People with Disabilities	
Building:	MASOB	
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:
Kelly Thomson	435-669-4855	kthomson@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:
R539-1. Eligibility
3. Purpose of the new rule or reason for the change:
The purpose of the repeal and reenactment of Rule R539-1 is to set forth the procedures for limited support services, update the eligibility procedure, and remedy preexisting non-conforming language that exists throughout the current version of the rule.
4. Summary of the new rule or change:
The proposed reenacted changes add limited support services and procedure for waiver entry. Electronic surveillance definitions are removed and will be updated and added to another section of rule. Organization of this rule changed to differentiate entry into the comprehensive waivers and limited waiver; and add a section outlining the state match rate. All other revisions update language and fix language that did not conform to rulewriting requirements.

Fiscal Information

5. Aggregate anticipated cost or savings to:			
A) State budget:			
The addition of limited support services creates an ongoing state general fund cost. The Legislature appropriated ongoing funding through S.B. 44 passed in the 2020 General Session. This rule is not anticipated to create further costs or savings to the state budget.			
B) Local governments:			
No anticipated costs or savings to local governments. Local governments do not fund the Division of Services for People with Disabilities (DSPD) services.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
No anticipated costs or savings to small businesses. Small business may financially benefit from the market expansion.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
No anticipated costs or savings to non-small businesses. Non-small business may financially benefit from the market expansion.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
No anticipated costs or savings to persons. Persons may benefit from access to limited support services.			
F) Compliance costs for affected persons:			
No anticipated compliance costs for affected person. DSPD does not charge fees to apply for or use services.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$400,000	\$400,000	\$400,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

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Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
The Department does not anticipate any fiscal impact on businesses as a result of the repeal and reenactment of this rule.			
B) Name and title of department head commenting on the fiscal impacts:			
Ann Williamson, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 62A-5-103	Section 62A-5-105	

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)	Directive 1.40 Qualifying Brain Injury Diagnoses

Publisher	Division of Services for People with Disabilities
Date Issued	2019

B) This rule adds, updates, or removes the following title of materials incorporated by references:	
	Second Incorporation
Official Title of Materials Incorporated (from title page)	Diagnostic and Statistical Manual of Mental Disorders. Intellectual Disability.
Publisher	American Psychiatric Association
Date Issued	2013
Issue, or version	Fifth edition

C) This rule adds, updates, or removes the following title of materials incorporated by references:	
	Third Incorporation
Official Title of Materials Incorporated (from title page)	Federal Financial Participation in State Assistance Expenditures; Federal Matching Shares for Medicaid, the Children's Health Insurance Program, and Aid to Needy Aged, Blind, or Disabled Persons for October 1, 2019 Through September 30, 2020
Publisher	Office of the Federal Register, National Archives and Records Administration
Date Issued	11/28/2018
Issue, or version	83 FR 61157

D) This rule adds, updates, or removes the following title of materials incorporated by references:	
	Fourth Incorporation
Official Title of Materials Incorporated (from title page)	Annual Update of the HHS Poverty Guidelines
Publisher	Office of the Federal Register, National Archives and Records Administration
Date Issued	01/17/2020
Issue, or version	85 FR 3060

E) This rule adds, updates, or removes the following title of materials incorporated by references:	
	Fifth Incorporation
Official Title of Materials Incorporated (from title page)	42 CFR 435.910 - Use of social security number.
Publisher	Code of Federal Regulations (annual edition)
Date Issued	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:	11/02/2020

10. This rule change MAY become effective on:	11/09/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	09/10/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R657-10	Filing No. 53058

Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources
Room no.:	Suite 2110
Building:	Natural Resources

Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84116-3154	
Mailing address:	PO Box 146301	
City, state, zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R657-10. Taking Cougar
3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking cougar.
4. Summary of the new rule or change:
The proposed amendments to this rule include amending the definition of "kitten" to remove age limitations; 2) increasing season take limit from one to two cougars between July 1 and June 30 of the following year; 3) adds clarification as to when it would be illegal to take a collared cougar; and 4) exempts cougar hunters from wearing hunter orange during other center fire rifle hunts.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The proposed rule amendments allows for an increased opportunity to harvest cougar in depredation areas throughout the state, as well as an exemption from wearing hunter orange, these changes can be initiated within the current workload and resources of the Division, therefore, the Division determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.
B) Local governments:
Since the proposed amendments impact current regulations only, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

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

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

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

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

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in the established cougar hunts.

F) Compliance costs for affected persons:

DWR has determined that this amendment will not create additional costs for those individuals wishing to participate in cougar hunting in Utah.

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

Regulatory Impact Table

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

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

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

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

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

Brian Steed, Executive Director

Citation Information

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

Section 23-14-18	Section 23-14-19	
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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:	11/02/2020
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10. This rule change MAY become effective on:	11/09/2020
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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:	Mike Fowlks, DWR Director	Date:	09/09/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R657-55	Filing No.	53059
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Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room no.:	Suite 2110	
Building:	Natural Resources	
Street address:	1594 West North Temple	
City, state:	Salt Lake City, UT 84116-3154	
Mailing address:	PO Box 146301	
City, state, zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

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

General Information

2. Rule or section catchline:
R657-55. Wildlife Expo Permits
3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to expo permits.
4. Summary of the new rule or change:
The proposed changes include: 1) in-person validation for expo permits not be required; 2) the drawing may be done entirely electronically provided an in-person or virtual expo is held; and 3) the minimum in-person attendance objectives be waived for 2021 only. These changes are in

a direct response to the public health threat caused by COVID-19 and the recommendations of the Centers for Disease Control, , and local health department to avoid public gatherings and maintain social distancing. These amendments are for the 2021 expo only.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The proposed amendments allow for a virtual expo and can be initiated within the current workload and resources of the Division, therefore, the Division determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

This filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

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

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

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

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

These amendments do not have the potential to create a cost impact to those wishing to participate in the expo.

F) Compliance costs for affected persons:

DWR has determined that this amendment will not create additional costs for those individuals wishing to participate in the 2021 Expo.

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

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Brian Steed, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 23-14-18	Section 23-14-19	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/02/2020

10. This rule change MAY become effective on:	11/09/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Mike Fowlks, DWR Director	Date:	09/09/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R909-1	Filing No. 53050

Agency Information

1. Department:	Transportation	
Agency:	Motor Carrier	
Room no.:	Administrative Suite, First Floor	
Building:	Calvin Rampton	
Street address:	4501 South 2700 West	
City, state:	Taylorsville, UT	
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	ledwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R909-1. Safety Regulations for Motor Carriers
3. Purpose of the new rule or reason for the change:
This rule incorporates by reference several federal safety regulations for motor carriers that the Federal Motor Carrier Safety Administration (FMCSA) updates and changes from time to time. The FMCSA promulgated two such updates this year. This proposed change incorporates certain parts of the updated versions of the Federal Safety Regulations for Motor Carriers by reference rather than the outdated versions.
4. Summary of the new rule or change:
This proposed change incorporates by reference the January 2, 2020, through June 24, 2020, updates to the Federal Safety Regulations for Motor Carriers.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed rule change will not lead to additional costs or savings to the state's budget because it only updates regulations the state is already responsible for enforcing.
B) Local governments:
This proposed rule change will not lead to additional costs or savings to local governments because it does not apply to them.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed rule change will not lead to additional costs or savings to small businesses because it does not apply to them, generally.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This proposed rule change will not lead to additional costs or savings to non-small businesses because it does not apply to them, generally.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

This proposed rule change will not lead to additional costs or savings to persons other than small businesses, non-small businesses, state, or local government entities because it does not apply to them.

F) Compliance costs for affected persons:

This proposed rule change will not lead to compliance costs for persons affected by this proposed rule change that they do not already experience. This proposed change only updates existing requirements.

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 Transportation, Carlos M, Braceras, approves this regulatory impact analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:
This proposed rule change will not have a fiscal impact on businesses, generally.
B) Name and title of department head commenting on the fiscal impacts:
Carlos M, Braceras, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 72-9-103	Section 72-9-104	Section 72-9-101
Section 72-9-301	Section 72-9-303	Section 72-9-701
Section 72-9-703		

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)	Federal Motor Carrier Safety Regulations Handbook
Publisher	J.J Keller & Associates, Inc.
Date Issued	February 2020

B) This rule adds, updates, or removes the following title of materials incorporated by references:	
	Second Incorporation
Official Title of Materials Incorporated (from title page)	49 CFR 385 and 395, as amended by 85 FR 33396 through 33452
Publisher	Government Publishing Office
Date Issued	June 1, 2020

C) This rule adds, updates, or removes the following title of materials incorporated by references:	
	Third Incorporation
Official Title of Materials Incorporated (from title page)	49 CFR 350, 355, and 388, as amended by 85 FR 37785 through 37805
Publisher	Government Publishing Office
Date Issued	June 24, 2020

D) This rule adds, updates, or removes the following title of materials incorporated by references:	
	Fourth Incorporation
Official Title of Materials Incorporated (from title page)	49 CFR 367, as amended by 85 FR 8192 through 8198
Publisher	Government Publishing Office
Date Issued	February 13, 2020

E) This rule adds, updates, or removes the following title of materials incorporated by references:	
	Fifth Incorporation
Official Title of Materials Incorporated (from title page)	49 CFR 380, 383, and 384, as amended by 85 FR 6088 through 6101
Publisher	Government Publishing Office
Date Issued	February 4, 2020

F) This rule adds, updates, or removes the following title of materials incorporated by references:	
	Sixth Incorporation
Official Title of Materials Incorporated (from title page)	49 CFR 385 as amended by 85 FR 10307 through 10310
Publisher	Government Publishing Office
Date Issued	February 24, 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:	11/02/2020
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10. This rule change MAY become effective on:	11/09/2020
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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:	Carlos M. Braceras, Executive Director	Date:	09/02/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R909-2	Filing No. 53051

Agency Information

1. Department:	Transportation	
Agency:	Motor Carrier	
Room no.:	Administrative Suite, First Floor	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT	
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	ledwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R909-2. Utah Size and Weight Rule
3. Purpose of the new rule or reason for the change:
Rule R909-2 affects almost every person at every level of the motor carrier industry that operates a motor carrier vehicle in Utah. It is important that this rule be clear, easily understandable, and current. This rule is reviewed regularly to determine if it needs to be changed. When the Motor Carrier Division (Division) reviewed this rule earlier this year, the Division determined several changes are needed, it drafted the changes, and had them reviewed by industry participants including the Motor Carrier Advisory Board. The proposed changes update and improve this

rule by bringing it up to date and making it more understandable.

4. Summary of the new rule or change:

These proposed changes are technical, grammatical, and intended to update the existing rule and conform it to existing practices and language used in the motor carrier industry. Several definitions are eliminated because they are outdated or no longer used. Some information is relocated to different subsections because doing so adds to clarity of the rule overall.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This proposed rule change will not lead to additional costs or savings to the state's budget because it only updates regulations the state is already responsible for enforcing.

B) Local governments:

This proposed rule change will not lead to additional costs or savings to local governments because it does not apply to them.

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

This proposed rule change will not lead to additional costs or savings to small businesses because it does not apply to them.

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

This proposed rule change will not lead to additional costs or savings to non-small businesses because it does not apply to them.

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

This proposed rule change will not lead to additional costs or savings to persons other than small businesses, non-small businesses, state, or local government entities because it does not apply to them.

F) Compliance costs for affected persons:

Persons affected by this proposed rule change should not experience any compliance costs.

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

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
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 Transportation, Carlos M, Braceras, approves this regulatory impact analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
This proposed rule change will not have a fiscal impact on businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Carlos M, Braceras, Executive Director			

Citation Information

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

Section 41-1a-231	Section 41-1a-1206	Section 72-1-201
Section 72-7-402	Section 72-7-404	Section 72-7-406
Section 72-7-407	Section 72-9-301	Section 72-9-502

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:	11/02/2020
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10. This rule change MAY become effective on:	11/09/2020
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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:	Carlos M. Braceras, Executive Director	Date:	09/02/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R909-19	Filing No. 53052

Agency Information

1. Department:	Transportation
Agency:	Motor Carrier
Room no.:	Administrative Suite, First Floor
Building:	Calvin Rampton

Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT	
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	ledwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification
3. Purpose of the new rule or reason for the change:
The proposed changes are a general update of the existing rule to make technical and grammatical changes and to update Internet addresses included within this rule
4. Summary of the new rule or change:
The proposed changes are a general update of the existing rule to make technical and grammatical changes. The proposed changes eliminate a list of sources that provide certification services for tow truck motor carriers and drivers and replaces the list with an Internet address that leads to an updated list of certification providers and information about certification requirements. The proposed changes also update other Internet addresses that lead to pages that include tow truck motor carrier relevant information on the Department of Transportation's (Department) newly upgraded web site.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed rule change will not lead to additional costs or savings to the state's budget because it only updates regulations the state is already responsible for enforcing.
B) Local governments:
This proposed rule change will not lead to additional costs or savings to local governments because it does not apply to them.

C) Small businesses ("small business" means a business employing 1-49 persons):																																												
This proposed rule change will not lead to additional costs or savings to small businesses because it does not apply to them.																																												
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																																												
This proposed rule change will not lead to additional costs or savings to non-small businesses because it does not apply to them.																																												
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):																																												
This proposed rule change will not lead to additional costs or savings to persons other than small businesses, non-small businesses, state, or local government entities because it does not apply to them.																																												
F) Compliance costs for affected persons:																																												
Persons affected by this proposed rule change should not experience any compliance costs.																																												
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)																																												
Regulatory Impact Table																																												
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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 Executive Director of the Department of Transportation, Carlos M, Braceras, approves this regulatory impact analysis.

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

This proposed rule change will not have a fiscal impact on businesses.

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

Carlos M, Braceras, Executive Director

Citation Information

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

Section 72-9-601	Section 72-9-604	Section 72-9-603
Section 72-9-602	Section 53-1-106	Section 41-6a-1405

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: 11/02/2020

10. This rule change MAY become effective on: 11/09/2020

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

will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Braceras, Executive Director	Date:	09/02/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R920-8	Filing No. 53061

Agency Information

1. Department:	Transportation	
Agency:	Operations, Traffic and Safety	
Room no.:	Administrative Suite, First Floor	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT	
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	ledwards@agutah.gov

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

General Information

2. Rule or section catchline:
R920-8. Flashing Light Usage on Highway Construction or Maintenance Vehicles

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

This rule change is an effort to enhance safety of construction and maintenance vehicles by requiring placement of flashing amber safety lighting systems on the vehicles to enhance visibility of the vehicles while engaged in construction or maintenance work on the surface and shoulders of state highways. Even though snow removal equipment that operates on state highways is equipped with flashing amber safety lighting systems as required by this rule, the Department of Transportation (Department) still experiences a number of incidents each year involving

members of the public crashing their vehicles into plow blades and snow removal equipment. This proposed change is to regulate the installation of an additional safety lighting system on plow blades and other parts of the snow removal equipment to help drivers better see and avoid crashing into snow removal equipment.

4. Summary of the new rule or change:

This proposed rule change regulates installation of green safety lighting systems to supplement flashing amber lighting systems on snow removal equipment that operates on state highways and recommends where and how the green safety lighting systems should be affixed to the plows and the plow vehicles.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Department does not anticipate this proposed rule change will affect the state's budget. The Department already installs a variety of lights and other safety promoting devices on its snow and ice removal equipment within the budget made available to the Department for those purposes. This proposed rule change simply authorizes using green lights.

B) Local governments:

This proposed rule change will not lead to additional costs or savings to local governments because it does not apply to them.

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

This proposed rule change will not lead to additional costs or savings to small businesses because it does not apply to them.

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

This proposed rule change will not lead to additional costs or savings to non-small businesses because it does not apply to them.

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

This proposed rule change will not lead to additional costs or savings to persons other than small businesses, non-small businesses, state, or local government entities because it does not apply to them.

F) Compliance costs for affected persons:

No persons will be affected by this proposed rule change, only the Department.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Transportation, Carlos M. Braceras, approves this regulatory impact analysis.

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

This proposed rule change will not have a fiscal impact on businesses.

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

Carlos M. Braceras, Executive Director

Citation Information

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

Section 41-6a-1617		
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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:	11/02/2020
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10. This rule change MAY become effective on:	11/09/2020
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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:	Carlos M. Braceras, Executive Director	Date:	09/09/2020
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End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R357-33	Filing No. 53074

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:
09/15/2020

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 business's 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. (EDITOR'S NOTE: This rule filing will supersede the emergency rule filing under ID No. 52986 that was made effective on 07/27/2020 and published in the August 15, 2020, Bulletin.)

6. Regular rulemaking would:

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

Specific reason and justification:

GOED is responsible for economic development in the state and is tasked with, among other things, administering grant programs to enhance the economic health and vitality of the state and its business community. This rule

will govern the new COVID-19 PPE Support Grant Program that will provide assistance to 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):

\$40,000,000 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 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 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. 53063
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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:

09/11/2020

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

During the 2020 Sixth Special Session, S.B. 6009 passed and amended the COVID-19 Impacted Businesses Grant Program that grants rental relief to certain businesses that will provide financial incentives to customers that was

created during the 2020 Fifth Special Session H.B. 5010. The Governor's Office of Economic Development (GOED) is responsible for the administration of this program.

5. Summary of the new rule or change:

This new rule will supersede the emergency rule filing under ID No. 52993 that was made effective on 07/30/2020 and published in the August 15, 2020, Bulletin. This rule governs the COVID-19 Impacted Businesses Grant Program and will codify the requirements so that they align with the statutory amendments.

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 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):

\$55,000,000 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 businesses and save consumers money. GOED hopes qualifying Utah businesses take advantage of this great opportunity to receive support from the federal CARES Act fund. GOED also encourage consumers to "Shop In Utah" and support Utah businesses.

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:	09/11/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R357-36	Filing No. 53068
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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:
R357-36. COVID-19 Oil, Gas, and Mining Grant Program
3. Effective Date:
09/14/2020
4. Purpose of the new rule or reason for the change:
During the 2020 Sixth Special Session, S.B. 6009 passed and directed the Governor's Office of Economic Development (GOED) to establish and administer the COVID-19 Oil, Gas, and Mining Grant Program that provides assistance to business that are substantially involved in the oil, gas, and mining industries that have experience a revenue decline due to the COVID-19 pandemic.
5. Summary of the new rule or change:
This rule will codify the administration of the COVID-19 Oil, Gas, and Mining Grant Program by establishing definitions, authority, program, and documentation requirements. The program will provide assistance to oil, gas and mining businesses 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 Oil, Gas, and Mining Grant Program that will provide assistance to oil, gas, and mining businesses.

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):
\$55,000,000 in funds were allocated towards the program. The COVID-19 Oil, Gas, and Mining 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 <i>agency</i>):
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. This is a unique grant that, working with the Governor's Office of Energy Development, GOED is excited to provide to businesses in the important oil, gas and mining industries.
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-15-502

Agency Authorization Information

Agency head or designee, and title:	Val Hale, Executive Director	Date:	09/14/2020
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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.):	R15-2	Filing No. 50022

Agency Information

1. Department:	Administrative Services	
Agency:	Administrative Rules (Office of)	
Street address:	4315 S 2700 W	
City, state, zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141007	
City, state, zip:	Salt Lake City, UT 84114-1007	
Contact person(s):		
Name:	Phone:	Email:
Michael Broschinsky	801-957-7100	mbroschi@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R15-2. Public Petitioning for Rulemaking
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 63G-3-601(3) directs the Office of Administrative Rules (Office) to establish how public petitions for agency rulemaking may be made, how those petitions must be considered, and the disposition of those petitions, and to do so by administrative rule.

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 regarding this rule have been received by the Office since its 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:
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Citizens of the state and other members of the public must be able to have a voice in the regulatory process. The legislature has formalized this ability in statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Michael Brochinsky, Director	Date:	09/08/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R15-3	Filing No. 50011

Agency Information

1. Department:	Administrative Services
Agency:	Administrative Rules (Office of)
Street address:	4315 S 2700 W, Floor 3
City, state, zip:	Taylorsville, UT 84129-2128
Mailing address:	PO Box 141007
City, state, zip:	Salt Lake City, UT 84114-1007

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact person(s):		
Name:	Phone:	Email:
Michael Broschinsky	801-957-7100	mbroschi@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R15-3. Administrative Rules: Scope, Content, and When Required
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 63G-3-402(2) directs the Office of Administrative Rules (Office) to establish filing, publication, and hearing procedures. Rule R15-3 clarifies when rulemaking is required, and requirements for incorporation by reference within rules.
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 regarding Rule R15-3 have been received since its 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:
Guidance regarding when rulemaking is necessary and how to address incorporation by reference within rule text is still necessary. In addition, the legislative direction at Subsection 63G-3-402(2) continues in force. Therefore, the rule should continue.

Agency Authorization Information

Agency head or designee, and title:	Michael Broschinsky, Director	Date:	09/10/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R15-4	Filing No. 50002

Agency Information

1. Department:	Administrative Services
Agency:	Administrative Rules (Office of)
Street address:	4315 S 2700 W, Floor 3
City, state, zip:	Taylorsville, UT 84129-2128

Mailing address:	PO Box 141007	
City, state, zip:	Salt Lake City, UT 84114-1007	
Contact person(s):		
Name:	Phone:	Email:
Michael Broschinsky	801-957-7100	mbroschi@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R15-4. Administrative Rulemaking Procedures
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 63G-3-402(2) directs the Office of Administrative Rules (Office) to establish filing, publication, and hearing procedures. Rule R15-4 establishes procedures for filing and publication of agency rules under Sections 63G-3-301, 63G-3-303, and 63G-3-304.
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 regarding Rule R15-4 since its 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:
Rule R15-4 provides rulemaking agencies with consistent procedures to follow in filing and publishing rules. These consistent procedures facilitate agency work and public access to rulemaking information. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Michael Broschinsky, Director	Date:	09/10/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R15-5	Filing No. 50012

Agency Information

1. Department:	Administrative Services
Agency:	Administrative Rules (Office of)

Street address:	4315 S 2700 W, Floor 3	
City, state, zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141007	
City, state, zip:	Salt Lake City, UT 84114-1007	
Contact person(s):		
Name:	Phone:	Email:
Michael Broschinsky	801-957-7100	mbroschi@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R15-5. Administrative Rules Adjudicative Proceedings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 63G-4-202 permits an agency to designate adjudicative proceedings as informal. If the agency chooses to do so, it must do so by rule. Section 63G-4-503 requires each agency to issue rules that govern procedures for declaratory orders. Subsection 63G-3-402(1)(n) requires the Office of Administrative Rules (Office) to administer the Utah Administrative Rulemaking Act, Title 63G, Chapter 3.
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 regarding Rule R15-5 since its 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:
Upon review of this rule, the Office has determined that it may no longer be necessary because the Rulemaking Act (Title 63G, Chapter 3) provides: 1) that the office has authority to make nonsubstantive changes; and 2) a process for a person to challenge an administrative rule. The Office has provided this review to comply with the procedures of Section 63G-3-305, and therefore, this rule should be continued. The Office will likely file a notice of proposed rule to repeal Rule R15-5 in the near future.

Agency Authorization Information

Agency head or designee, and title:	Michael Broschinsky, Director	Date:	09/10/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-616	Filing No. 50510

Agency Information

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

General Information

2. Rule catchline:
R277-616. Education for Homeless and Emancipated Students
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board; Subsection 53E-3-401(4) which allows the Board to adopt rules in accordance with its responsibilities; Section 53G-6-202 which requires that minors between the ages of 6 and 18 attend school during the school year; Subsection 53G-6-302(6) which makes each school district or charter school responsible for providing educational services for all children of school age who reside in the school district or attend the school; and the McKinney-Vento Homeless Assistance Act of 1987, Title VII, Subtitle B, as amended, 42 U.S.C. 11431 through 11435.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no written comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule continues to be necessary because it ensures that homeless children or youth have the opportunity to

attend school with as little disruption as reasonably possible. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	09/04/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-921	Filing No. 50555

Agency Information

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

General Information

2. Rule catchline:
R277-921. Strengthening College and Career Readiness Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Utah Constitution Article X, Section 3, which vests the general control and supervision of the public education system in the Board; Subsection 53E-3-401(4) which authorizes the Board to adopt rules in accordance with its responsibilities; and Section 53F-5-204 which requires the Board to make rules regarding the 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:
There were no written comments received.

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

This rule continues to be necessary because it establishes procedures and criteria for applying for and awarding a grant and reporting requirements for a grantee. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	09/04/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R357-14	Filing No. 50854

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:
R357-14. Electronic Meetings
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 52-4-207, this rule establishes the requirements for the Governor's Office of Economic Development (GOED) to meet electronically.
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 52-4-207 in order for GOED to conduct electronic meetings. Therefore, this rule should be continued.

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

The purpose of this rule is to provide regulations for a specialty hospital to provide inpatient psychiatric services. There are facilities currently licensed in this category. The Department agrees with the need to continue this rule.

Agency Authorization Information

Agency head or designee, and title:	Val Hale, Executive Director	Date:	09/03/2020
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Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Deputy Director	Date:	08/31/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R432-101	Filing No.	51072

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R432-103	Filing No.	51067

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Licensing	
Room no.:	Suite 100	
Building:	Highland	
Street address:	3760 S. Highland Drive	
City, state, zip:	Salt Lake City, UT 84106	
Mailing address:	PO Box 144103	
City, state, zip:	Salt Lake City, UT 84114-4103	
Contact person(s):		
Name:	Phone:	Email:
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Licensing	
Room no.:	Suite 100	
Building:	Highland	
Street address:	3760 S Highland Drive	
City, state, zip:	Salt Lake City, UT 84106	
Mailing address:	PO Box 144103	
City, state, zip:	Salt Lake City, UT 84114-4103	
Contact person(s):		
Name:	Phone:	Email:
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-101. Specialty Hospital - Psychiatric
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 26, Chapter 21, is the health code that mandates the licensing of health facilities.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments from any party regarding this rule.

General Information

2. Rule catchline:
R432-103. Specialty Hospital - Rehabilitation
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 26, Chapter 21, is the health code that mandates the licensing of health facilities.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments from any party regarding this rule.

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

The purpose of this rule is to provide regulations for a specialty hospital to provide inpatient rehabilitation services. There are facilities currently licensed in this category. The Department agrees with the need to continue this rule.

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Deputy Director	Date:	09/02/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R432-104	Filing No. 51068
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Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Licensing	
Room no.:	Suite 100	
Building:	Highland	
Street address:	3760 S Highland Drive	
City, state, zip:	Salt Lake City, UT 84106	
Mailing address:	PO Box 144103	
City, state, zip:	Salt Lake City, UT 84114-4103	
Contact person(s):		
Name:	Phone:	Email:
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-104. Specialty Hospital-Long-Term Acute Care
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 26, Chapter 21, is the health code that mandates the licensing of health facilities.

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

There have been no written comments from any party regarding this rule.

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

The purpose of this rule is to provide regulations for a long-term acute care specialty hospital to provide inpatient services. There are facilities currently licensed in this category. The Department agrees with the need to continue this rule.

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Deputy Director	Date:	09/02/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R432-105	Filing No. 51070
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Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Licensing	
Room no.:	Suite 100	
Building:	Highland	
Street address:	3760 S Highland Drive	
City, state, zip:	Salt Lake City, UT 84106	
Mailing address:	PO Box 144103	
City, state, zip:	Salt Lake City, UT 84114-4103	
Contact person(s):		
Name:	Phone:	Email:
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-105. Specialty Hospital - Orthopedic

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 26, Chapter 21, is the health code that mandates the licensing of health facilities.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments from any party regarding this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of this rule is to provide regulations for a specialty hospital to provide inpatient orthopedic services. There are currently not any hospitals licensed under this category, but it is expected that there may be some in the future. The Department agrees with the need to continue this rule.

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Deputy Director	Date:	09/02/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R432-500	Filing No. 51083

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Licensing	
Room no.:	Suite 100	
Building:	Highland	
Street address:	3760 S Highland Drive	
City, state, zip:	Salt Lake City, UT 84106	
Mailing address:	PO Box 144103	
City, state, zip:	Salt Lake City, UT 84114-4103	
Contact person(s):		
Name:	Phone:	Email:
Kristi Grimes	801-273-2821	kristigrimes@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-500. Freestanding Ambulatory Surgical Center Rules
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments from any party regarding this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of this rule is to provide regulations for a freestanding ambulatory surgical center to provide outpatient ambulatory surgical services. There are facilities currently licensed in this category. The Department agrees with the need to continue this rule.

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Deputy Director	Date:	09/02/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R512-60	Filing No. 51228

Agency Information

1. Department:	Human Services	
Agency:	Child and Family Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@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 catchline:
R512-60. Children's Account
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 62A-4a-102 authorizes the Division of Child and Family Services (Division) to establish rules in order to provide programs and services that support the strengthening of family values, including the requirements for carrying out the purposes of the Children's Account, with the funding specified in Section 62A-4a-309.
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.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Continuation of this rule is necessary in order for the Division to carry out the purposes of the Children's Account, with the funding specified in Section 62A-4a-309.

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	08/24/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R651-637	Filing No. 51685
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Agency Information

1. Department:	Natural Resources	
Agency:	Parks and Recreation	
Room no.:	Suite 116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-637. Antelope Island State Park Special Mule Deer and Bighorn Sheep Hunt
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 79-4-201 states the Division of Parks and Recreation (Division) is under the policy direction of the Board, Section 79-4-304 gives the Board rulemaking authority governing the use of the state park system, including in Subsection (1)(ii) to protect state parks and their natural and cultural resources from misuse or damage, including watersheds, plants, wildlife, and park amenities.
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 on this rule 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:
There should be a continuation of this rule as it allows limited hunting for Mule Deer and Bighorn Sheep on the Island which helps with the management of the herds, gives the public opportunity to hunt on the Island and generates revenue which is put back into the habitat on the Island. Each year biologists meet to recommend the number of permits to be issued taking into consideration the health and viability of the herds.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	09/08/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R657-5	Filing No. 51736
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Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources
Room no.:	Suite 2110
Building:	Department of Natural Resources
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 146301

City, state, zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R657-5. Taking Big Game
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.
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 supporting or opposing Rule R657-5 were received since 2015, when the rule was last reviewed.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-5 provides the procedures, standards, and requirements for taking big game. The provisions adopted in this rule are effective in providing the standards and requirements for taking big game. Continuation of this rule is necessary for continued success of this program.

Agency Authorization Information

Agency head or designee, and title:	Mike Fowlks, DWR Director	Date:	09/08/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R657-17	Filing No. 51741

Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources
Room no.:	Suite 2110
Building:	Department of Natural Resources
Street address:	1594 W North Temple

City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state, zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R657-17. Lifetime Hunting and Fishing License
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.
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 supporting or opposing Rule R657-17 were received since 2015, when the rule was last reviewed.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-17 provides the procedures, standards, and requirements for issuing Lifetime hunting and fishing licenses. The provisions adopted in this rule are effective in providing the standards and requirements for using Lifetime hunting and fishing licenses. Continuation of this rule is necessary for continued success of this program.

Agency Authorization Information

Agency head or designee, and title:	Mike Fowlks, DWR Director	Date:	09/08/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R657-38	Filing No. 51760

Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources

Room no.:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state, zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R657-38. Dedicated Hunter Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.
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 supporting or opposing Rule R657-38 were received since 2015, when the rule was last reviewed.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-38 provides the procedures, standards, and requirements for participating in the Dedicated Hunter program. The provisions adopted in this rule are effective in providing the standards and requirements for Dedicated Hunters. Continuation of this rule is necessary for continued success of this program.

Agency Authorization Information

Agency head or designee, and title:	Mike Fowlks, DWR Director	Date:	09/08/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R657-41	Filing No. 51763

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room no.:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state, zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R657-41. Conservation and Sportsman Permits
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.
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 supporting or opposing Rule R657-41 were received since 2015, when the rule was last reviewed.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-41 provides the procedures, standards, and requirements for issuing Conservation and Sportsman permits. The provisions adopted in this rule are effective in providing the standards and requirements for groups to obtain and use Conservation and Sportsman permits. Continuation of this rule is necessary for continued success of this program.

Agency Authorization Information

Agency head or designee, and title:	Mike Fowlks, DWR Director	Date:	09/08/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R657-56	Filing No. 51769

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room no.:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state, zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R657-56. Recreational Lease of Private Lands for Free Public Walk-in Access
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.
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 supporting or opposing Rule R657-56 were received since 2015, when the rule was last reviewed.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-56 provides the procedures, standards, and requirements for allowing public access to private lands for hunting and fishing purposes. The provisions adopted in this rule are effective in providing the standards and requirements for allowing public use of private lands. Continuation of this rule is necessary for continued success of this program.

Agency Authorization Information

Agency head or designee, and title:	Mike Fowlks, DWR Director	Date:	09/08/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R671-104	Filing No. 51804

Agency Information

1. Department:	Pardons (Board of)	
Agency:	Administration	
Street address:	448 E Winchester Street, Suite 300	
City, state, zip:	Murray, UT 84107	
Mailing address:	448 E Winchester Street, Suite 300	
City, state, zip:	Murray, UT 84107	
Contact person(s):		
Name:	Phone:	Email:
Brett Varoz	801-261-6464	bopinfo@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R671-104. Language Access
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The Board of Pardons (Board) conducts hearings as authorized by Sections 77-27-7 and 77-27-5. This rule directs the Board to provide interpreters to victims and offenders who are non-English speaking or have limited English proficiency so that they may participate fully in these hearings.
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 regarding this rule 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:
Providing interpreters is fundamental to allowing offenders and victims to exercise their rights during Board hearings regardless of the person's language. This rule should be continued in order to provide equal access to justice.

Agency Authorization Information

Agency head or designee, and title:	Carrie Cochran, Chair	Date:	08/14/2020
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Agency Authorization Information

Agency head or designee, and title:	Carrie Cochran, Chair	Date:	08/14/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R671-204	Filing No. 51811
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R671-314	Filing No. 51832
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Agency Information

1. Department:	Pardons (Board of)	
Agency:	Administration	
Street address:	448 E Winchester Street, Suite 300	
City, state, zip:	Murray, UT 84107	
Mailing address:	448 E Winchester Street, Suite 300	
City, state, zip:	Murray, UT 84107	
Contact person(s):		
Name:	Phone:	Email:
Brett Varoz	801-261-6464	bopinfo@utah.gov
Please address questions regarding information on this notice to the agency.		

Agency Information

1. Department:	Pardons (Board of)	
Agency:	Administration	
Street address:	448 E Winchester Street, Suite 300	
City, state, zip:	Murray, UT 84107	
Mailing address:	448 E Winchester Street, Suite 300	
City, state, zip:	Murray, UT 84107	
Contact person(s):		
Name:	Phone:	Email:
Brett Varoz, Chief Hearing Officer	801-261-6464	bopinfo@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R671-204. Hearing Continuances
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The Board of Pardons (Board) conducts hearings as authorized by Sections 77-27-7 and 77-27-5. This rule defines the circumstances when a hearing may be continued and sets time limits.
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 regarding this rule 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 establishes the parameters and necessary time limits for continuing hearings. This rule should be continued in order to promote the effective use of continuances while limiting unnecessary delays.

General Information

2. Rule catchline:
R671-314. Compassionate Release
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
As authorized by the Utah Constitution Article VII, Section 12, and Sections 77-27-5; 77-27-7; and 77-27-9, when a person is committed to prison, the Board of Pardons (Board) determines the timing and conditions of parole or termination of the sentence. This determination may include consideration of exceptional circumstances that warrant a release for compassionate reasons.
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 regarding this rule 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 defines exceptional circumstances when the Board may consider compassionate release and sets parameters on the submission of such requests. This rule

is necessary for the orderly consideration of compassionate release requests and should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carrie Cochran, Chair	Date:	08/14/2020
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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

Finance

No. 52867 (Repeal and Reenact): R25-7. Travel-Related Reimbursements for State Employees
Published: 08/01/2020
Effective: 09/07/2020

No. 52932 (Amendment): R25-21. Medical Cannabis Payment Provider Standard
Published: 08/01/2020
Effective: 09/07/2020

Agriculture and Food

Plant Industry

No. 52919 (Amendment): R68-24. Industrial Hemp Research Pilot Program for Growers
Published: 07/15/2020
Effective: 09/04/2020

No. 52917 (Amendment): R68-27. Cannabis Cultivation
Published: 07/15/2020
Effective: 09/04/2020

No. 52992 (Amendment): R68-31. Cannabis Licensing Process
Published: 08/15/2020
Effective: 09/25/2020

Regulatory Services

No. 52987 (Amendment): R70-530. Food Protection
Published: 08/15/2020
Effective: 09/25/2020

Commerce

Occupational and Professional Licensing

No. 52921 (Amendment): R156-55a. Utah Construction Trades Licensing Act Rule
Published: 08/15/2020
Effective: 09/22/2020

No. 52950 (Amendment): R156-79. Hunting Guides and Outfitters Licensing Act Rule
Published: 08/01/2020
Effective: 09/08/2020

Education

Administration

No. 52960 (New Rule): R277-310. International Guest Teachers
Published: 08/01/2020
Effective: 09/24/2020

No. 52961 (Repeal): R277-418. Distance, Blended, Online, or Competency Based Learning Program
Published: 08/01/2020
Effective: 09/24/2020

No. 52988 (Amendment): R277-419. Pupil Accounting
Published: 08/15/2020
Effective: 09/25/2020

No. 52962 (Amendment): R277-488. Dual Language Immersion Program
Published: 08/01/2020
Effective: 09/24/2020

No. 52963 (Repeal): R277-527. International Guest Teachers
Published: 08/01/2020
Effective: 09/24/2020

No. 52973 (Amendment): R277-606. Dropout Prevention and Recovery Program
Published: 08/15/2020
Effective: 09/24/2020

No. 52966 (New Rule): R277-701. Early College Programs
Published: 08/01/2020
Effective: 09/24/2020

NOTICES OF RULE EFFECTIVE DATES

No. 52967 (Amendment): R277-707. Enhancement for Accelerated Students Programs
Published: 08/01/2020
Effective: 09/24/2020

No. 52968 (Repeal): R277-713. Concurrent Enrollment of Students in College Courses
Published: 08/01/2020
Effective: 09/24/2020

No. 52969 (New Rule): R277-723. Start Smart Utah Program
Published: 08/01/2020
Effective: 09/24/2020

No. 52989 (Amendment): R277-752. Special Education Intensive Services Fund
Published: 08/15/2020
Effective: 09/25/2020

No. 52970 (Amendment): R277-912. Law Enforcement Related Incident Reporting
Published: 08/01/2020
Effective: 09/24/2020

Environmental Quality
Air Quality

No. 52814 (Amendment): R307-101. Definitions
Published: 07/01/2020
Effective: 09/03/2020

No. 52815 (Amendment): R307-150. Emission Inventories
Published: 07/01/2020
Effective: 09/03/2020

No. 52816 (Amendment): R307-401. Permit: New and Modified Sources
Published: 07/01/2020
Effective: 09/03/2020

No. 52817 (Amendment): R307-415. Fees for Operating Permits
Published: 07/01/2020
Effective: 09/03/2020

No. 52818 (Amendment): R307-801. Purpose and Authority
Published: 07/01/2020
Effective: 09/03/2020

Waste Management and Radiation Control, Waste Management
No. 52923 (Amendment): R315-261. General Requirements – Identification and Listing of Hazardous Waste
Published: 08/01/2020
Effective: 09/14/2020

No. 52924 (Amendment): R315-262. Hazardous Waste Generator Requirements
Published: 08/01/2020
Effective: 09/14/2020

No. 52925 (Amendment): R315-264. General – Purpose, Scope and Applicability
Published: 08/01/2020
Effective: 09/14/2020

No. 52926 (Amendment): R315-265. Incorporation, General – Purpose, Scope, and Applicability
Published: 08/01/2020
Effective: 09/14/2020

No. 52927 (Amendment): R315-266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
Published: 08/01/2020
Effective: 09/14/2020

No. 52928 (Amendment): R315-268. Land Disposal Restrictions
Published: 08/01/2020
Effective: 09/14/2020

No. 52929 (Amendment): R315-270. Hazardous Waste Permit Program – Purpose and Scope of These Rules
Published: 08/01/2020
Effective: 09/14/2020

No. 52930 (Amendment): R315-273. Standards for Universal Waste Management, Petitions to Include Other Wastes Under Rule R315-273 -- General
Published: 08/01/2020
Effective: 09/14/2020

Health

Children's Health Insurance Program
No. 52938 (Amendment): R382-10. Public Health Emergency Provisions
Published: 08/01/2020
Effective: 09/16/2020

Disease Control and Prevention, Epidemiology
No. 52934 (Amendment): R386-702. Communicable Disease Rule
Published: 08/01/2020
Effective: 09/08/2020

No. 52995 (Amendment): R386-800. Immunization Coordination
Published: 08/15/2020
Effective: 09/23/2020

Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health
No. 52750 (Amendment): R388-805. Ryan White Part B Program
Published: 06/01/2020
Effective: 09/01/2020

Disease Control and Prevention, Environmental Services
 No. 52875 (Amendment): R392-101. Food Safety Manager
 Certification
 Published: 07/15/2020
 Effective: 09/15/2020

No. 52876 (Amendment): R392-103. Food Handler
 Training and Certificate
 Published: 07/15/2020
 Effective: 09/15/2020

Health Care Financing, Coverage and Reimbursement Policy
 No. 52948 (Amendment): R414-1. Utilization Review
 Published: 08/01/2020
 Effective: 10/01/2020

No. 52936 (New Rule): R414-1C. Coronavirus Public
 Health Emergency Period
 Published: 08/01/2020
 Effective: 09/07/2020

No. 52949 (Amendment): R414-2a. Limitations
 Published: 08/01/2020
 Effective: 10/01/2020

No. 52990 (Amendment): R414-42. Telemedicine
 Published: 08/15/2020
 Effective: 09/22/2020

No. 52939 (Amendment): R414-303. Coronavirus (COVID-
 19) Testing Coverage
 Published: 08/01/2020
 Effective: 09/16/2020

No. 52940 (Amendment): R414-304. Public Health
 Emergency Income Provisions
 Published: 08/01/2020
 Effective: 09/16/2020

No. 52941 (Amendment): R414-308. Public Health
 Emergency Provisions
 Published: 08/01/2020
 Effective: 09/16/2020

No. 52942 (Amendment): R414-311. Public Health
 Emergency Provisions
 Published: 08/01/2020
 Effective: 09/16/2020

No. 52943 (Amendment): R414-312. Public Health
 Emergency Provisions
 Published: 08/01/2020
 Effective: 09/16/2020

No. 52981 (Amendment): R414-312. Definitions
 Published: 08/15/2020
 Effective: 09/22/2020

No. 52944 (Amendment): R414-320. Public Health
 Emergency Provisions
 Published: 08/01/2020
 Effective: 09/16/2020

No. 52945 (Amendment): R414-502. Approval of Level of
 Care
 Published: 08/01/2020
 Effective: 09/22/2020

No. 52991 (Amendment): R414-504. Nursing Facility
 Payments
 Published: 08/15/2020
 Effective: 10/01/2020

No. 52946 (Amendment): R414-510. Definitions
 Published: 08/01/2020
 Effective: 09/22/2020

No. 52947 (New Rule): R414-525. Interpretive Services
 Invoice Requirements
 Published: 08/01/2020
 Effective: 10/01/2020

Family Health and Preparedness, Licensing
 No. 52937 (Amendment): R432-270. Assisted Living
 Facilities
 Published: 08/01/2020
 Effective: 09/15/2020

Family Health and Preparedness, Primary Care and Rural
 Health
 No. 52997 (New Rule): R434-20. Behavioral Health
 Workforce Reinvestment Initiative
 Published: 08/15/2020
 Effective: 09/22/2020

Disease Control and Prevention, Laboratory Services
 No. 52786 (Amendment): R438-15. Newborn Screening
 Published: 06/01/2020
 Effective: 09/15/2020

Heritage and Arts

Administration
 No. 52959 (New Rule): R450-4. Multicultural Commission
 Published: 08/01/2020
 Effective: 09/24/2020

Human Services

Administration, Administrative Hearings
 No. 52874 (Amendment): R497-100. Adjudicative
 Proceedings
 Published: 07/15/2020
 Effective: 09/01/2020

Insurance

Administration
 No. 52980 (Amendment): R590-225. Documents
 Incorporated by Reference
 Published: 08/15/2020
 Effective: 09/22/2020

NOTICES OF RULE EFFECTIVE DATES

No. 52982 (Amendment): R590-237. Rural Health
Notification
Published: 08/15/2020
Effective: 09/22/2020

No. 52843 (Amendment): R657-60. Aquatic Invasive
Species Interdiction
Published: 08/01/2020
Effective: 09/08/2020

Natural Resources

Wildlife Resources

No. 52844 (Repeal and Reenact): R657-56. Walk-in
Access
Published: 08/01/2020
Effective: 09/08/2020

Transportation

Program Development

No. 52931 (Amendment): R926-11. Clean Fuel Vehicle
Decal Program
Published: 08/01/2020
Effective: 09/09/2020

End of the Notices of Rule Effective Dates Section