

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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# TABLE OF CONTENTS

EXECUTIVE DOCUMENTS .....	1
Extending the Suspension of Enforcement of Statutes Relating to Telehealth Services (2020-69).....	1
Wildland Fire Management (2020-70) .....	3
NOTICES OF PROPOSED RULES .....	5
Administrative Services	
Finance	
R25-22-4. Documents Required for Validation of Financial Institutions .....	6
Agriculture and Food	
Regulatory Services	
R70-590. Utah Domestic Game Slaughter and Processing .....	7
Education	
Administration	
R277-622. School-based Mental Health Qualified Grant Program .....	10
Health	
Disease Control and Prevention, Environmental Services	
R392-105. Agritourism Food Establishment Sanitation.....	12
Health Care Financing, Coverage and Reimbursement Policy	
R414-12. Laboratory Services.....	14
R414-60-4. Program Coverage .....	15
R414-307. Eligibility for Home and Community-Based Services Waivers .....	17
R414-512-3. Use of Extrapolation Limited.....	19
Insurance	
Administration	
R590-258. Email Address Requirement .....	20
Lieutenant Governor	
Elections	
R623-4. Processing Partisan Candidate Nomination Petitions .....	22
Public Safety	
Fire Marshal	
R710-10. Rules Pursuant to Fire Service Training, Education, and Certification .....	24

TABLE OF CONTENTS

Public Service Commission  
Administration  
R746-8-301. Calculation and Application of UUSF Surcharge..... 26  
Tax Commission  
Auditing  
R865-19S-12. Filing of Returns Pursuant to Utah Code Ann. Sections 59-12-107  
and 59-12-118..... 27  
Motor Vehicle  
R873-22M-34. Rule for Denial of Personalized Plate Requests Pursuant to Utah Code Ann.  
Sections 41-1a-104 and 41-1a-411 ..... 29  
Property Tax  
R884-24P-53. 2020 Valuation Guides for Valuation of Land Subject to the Farmland  
Assessment Act ..... 31  
Transportation  
Administration  
R907-80. Disposition of Surplus Land ..... 33  
Preconstruction  
R930-5-8. Maintenance ..... 35  
  
NOTICES OF CHANGES IN PROPOSED RULES..... 37  
Agriculture and Food  
Regulatory Services  
R70-580. Kratom Product Registration and Labeling ..... 38  
Human Services  
Services for People with Disabilities  
R539-5. Self-Administered Services ..... 40  
  
NOTICES OF 120-DAY (EMERGENCY) RULES..... 43  
Health  
Health Care Financing, Coverage and Reimbursement Policy  
R414-60-4. Program Coverage ..... 43  
Pardons (Board of)  
Administration  
R671-302. News Media and Public Access to Hearings ..... 44  
School and Institutional Trust Lands  
Administration  
R850-80. Sale of Trust Lands ..... 45

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION ..... 47

    Commerce

    Administration

    R151-4. Department of Commerce Administrative Procedures Act Rule..... 47

    Health

    Family Health and Preparedness, Emergency Medical Services

    R426-7. Emergency Medical Services Prehospital Data System Rules ..... 48

    R426-8. Emergency Medical Services Ground Ambulance Rates and Charges ..... 48

    Heritage and Arts

    Library

    R458-2. Public Library Online Access for Eligibility to Receive Public Funds ..... 49

    Money Management Council

    Administration

    R628-4. Bonding of Public Treasurers..... 49

    R628-11. Maximum Amount of Uninsured Public Funds Allowed to be Held by Any Qualified  
 Depository ..... 50

    Public Safety

    Fire Marshal

    R710-6. Liquefied Petroleum Gas Rules ..... 51

    R710-10. Rules Pursuant to Fire Service Training, Education, and Certification ..... 51

    Public Service Commission

    Administration

    R746-407. Annualization of Test-year Data..... 52

NOTICES OF RULE EFFECTIVE DATES ..... 53



# EXECUTIVE DOCUMENTS

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

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

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## EXECUTIVE ORDER 2020-69

### 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 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**, on September 25, 2020, I issued Executive Order 2020-68, temporarily extending the suspension of enforcement of certain statutes within Utah Code Title 26, Chapter 60, Telehealth Act through September 29, 2020, to address the state of emergency while providing time for the Commission to make a recommendation on the continued suspension of enforcement those statutes;

**WHEREAS**, on September 29, 2020, the Commission unanimously recommended that I extend the suspension of enforcement of certain statutes within the Telehealth Act in Executive Order 2020-68;

**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;

EXECUTIVE DOCUMENTS

**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;

**WHEREAS**, a delay in the effect of this order facilitating access to healthcare services would increase the threat of serious bodily injury or loss of life;

**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 30, 2020, and shall remain in effect until the termination of the state of emergency declared in Executive Order 2020-63, or until otherwise lawfully modified, amended, rescinded, or superseded.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 29th day of September, 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/069/EO



**EXECUTIVE ORDER  
2020/70**

Wildland Fire Management

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

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

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

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

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

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

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

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

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

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

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

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

(State Seal)

**Gary R. Herbert  
Governor**

ATTEST:

**Spencer J. Cox  
Lieutenant Governor**

2020/070/EO

**End of the Executive Documents Section**



## NOTICES OF PROPOSED RULES

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

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

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least November 16, 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 February 12, 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.

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

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R25-22-4	Filing No. 53094

**Agency Information**

<b>1. Department:</b>	Administrative Services	
<b>Agency:</b>	Finance	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W, Third Floor	
<b>City, state:</b>	Taylorsville, UT 84127-2128	
<b>Mailing address:</b>	Division of Finance, PO Box 141031	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-1031	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Marilee P. Richins	801-957-7752	mprichins@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R25-22-4. Documents Required for Validation of Financial Institutions
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended to remove the language "incorporated by reference" from Subsection R25-22-4(4). The rule refers to the work product, SOC 2 Reporting on an Examination of Controls at a Service Organization Relevant to Security, Availability, Processing Integrity, Confidentiality, or Privacy - Type 2 report. It does not incorporate by reference the standard. Therefore, the "incorporate by reference" should be removed.
<b>4. Summary of the new rule or change:</b>
The language "incorporated by reference" is being removed from this rule. Subsection R25-22-4(4) refers to a work product not a standard and does not apply to this rule.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There are no anticipated costs or savings to state budget associated with this change because the incorporation being removed is not associated with any fiscal impact.

<b>B) Local governments:</b>																																
There are no anticipated costs to local governments. This rule will not impact local governments.																																
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>																																
There are no anticipated costs to small businesses. This rule will not impact small businesses.																																
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>																																
There are no anticipated costs or savings to non-small businesses associated by this change because the incorporation being removed is not associated with any fiscal impact.																																
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>																																
There are no anticipated costs or savings to small businesses, non-small businesses, state, or local government entities, associated by this change because the incorporation being removed is not associated with any fiscal impact.																																
<b>F) Compliance costs for affected persons:</b>																																
There are no other affected persons aside from the Division of Finance and Financial Institutions wishing to participate.																																
<b>G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)</b>																																
<b>Regulatory Impact Table</b>																																
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2021</th> <th>FY2022</th> <th>FY2023</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Non-Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Other Persons</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td><b>Total Fiscal Cost</b></td> <td><b>\$0</b></td> <td><b>\$0</b></td> <td><b>\$0</b></td> </tr> <tr> <td><b>Fiscal Benefits</b></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Fiscal Cost	FY2021	FY2022	FY2023	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0	Small Businesses	\$0	\$0	\$0	Non-Small Businesses	\$0	\$0	\$0	Other Persons	\$0	\$0	\$0	<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>Fiscal Benefits</b>			
Fiscal Cost	FY2021	FY2022	FY2023																													
State Government	\$0	\$0	\$0																													
Local Governments	\$0	\$0	\$0																													
Small Businesses	\$0	\$0	\$0																													
Non-Small Businesses	\$0	\$0	\$0																													
Other Persons	\$0	\$0	\$0																													
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>																													
<b>Fiscal Benefits</b>																																

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

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

I have reviewed the regulatory impact table and agree with the described fiscal impacts associated with this rule. Tani Pack Downing, Executive Director.

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

I have reviewed this rule and agree with the impact described in Sections 5C-F as associated with this rule.

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

Tani Pack Downing, Executive Director

**Citation Information**

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

Subsection 4-41 a-103(6)(a)		
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**Public Notice Information**

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

**A) Comments will be accepted until:** 11/16/2020

<b>10. This rule change MAY become effective on:</b>	11/23/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Marilee P. Richins, Deputy Executive Director	<b>Date:</b>	09/30/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> New		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R70-590</b>	<b>Filing No. 53081</b>

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Regulatory Services	
<b>Street address:</b>	350 N Redwood Road	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	801-982-2204	ambermbrown@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R70-590. Utah Domestic Game Slaughter and Processing

**3. Purpose of the new rule or reason for the change:**  
 Currently, producers of domestic game animals are required to transport their live animals to a state or USDA inspected facility for slaughter and processing. This is not only onerous, but expensive and impractical for producers. Under this rule, that fulfills the requirements of H.B. 412, that was passed during the 2019 General Session, producers will be allowed to harvest the animal(s) in the field under the supervision of a veterinarian or his designee.

**4. Summary of the new rule or change:**  
 This new rule provides guidelines to allow domestic game producers to slaughter animals in the field, including requirements for licensing, sanitation, slaughtering procedures, and antemortem and postmortem inspections, which will be conducted under the supervision of a veterinarian or his designee to ensure proper sanitation and handling and transportation and animals.

**Fiscal Information**

**5. Aggregate anticipated cost or savings to:**  
**A) State budget:**  
 This is a new program that will cost the state budget approximately \$241,00 per year to hire two full time employees, including one veterinarian and one inspector to conduct postmortem and antemortem inspections. The current fees set in the fee schedule for the program will help to pay for the cost, including a domestic game slaughter licensing fee paid by each facility of \$500, and an inspection fee of \$100 per hour. Each facility would also need to register as a food manufacturing facility. The amount of this fee varies, depending on the size of the facility (between \$50 - 150). The Department of Agriculture and Food (Department) has averaged this fee to \$100 for the purpose of this analysis. The Department has estimated that 30 facilities will be interested in this program, that there would be approximately 52 slaughter events per year, and that will each require 11.5 inspection hours. This should raise a total of \$77,800. Given the difference between the cost of the program and the amount that will be raised in fees, the Department will consider making changes to the program to make it revenue neutral, which would likely involve increasing the fees charged.

**B) Local governments:**  
 There should be no cost to local governments related to this rule because local governments will not be subject to or involved in the administration of the program.

**C) Small businesses** ("small business" means a business employing 1-49 persons):  
 The Department estimates that 50% of producers that will utilize this program will be classified as small businesses, or 15 facilities and 26 events per year. Given the fees

listed above, this program will cost small businesses in the state approximately \$38,900 per year. Although the savings is not quantifiable, businesses will benefit from being able to slaughter their domestic game in the field rather than take them to a USDA or state inspected facility.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):  
 The Department estimates that 50% of producers that will utilize this program will be classified as non-small businesses, or 15 facilities and 26 events per year. Given the fees listed above, this program will cost small businesses in the state approximately \$38,900 per year. Although the savings is not quantifiable, businesses will benefit from being able to slaughter their domestic game in the field rather than take them to a USDA or state inspected facility.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):  
 No other individuals will be affected by or subject to this program.

**F) Compliance costs for affected persons:**  
 Compliance costs for affected persons utilizing this program will consist of a \$500 facility licensing fee, an averaged \$100 food manufacturing facility licensing fee, and a \$100 per hour inspection fee for each slaughter event.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$241,000	\$241,000	\$241,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$38,900	\$38,900	\$38,900
Non-Small Businesses	\$38,900	\$38,900	\$38,900
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$318,800</b>	<b>\$318,800</b>	<b>\$318,000</b>
<b>Fiscal Benefits</b>			

State Government	\$77,800	\$77,800	\$77,800
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$77,800</b>	<b>\$77,800</b>	<b>\$77,800</b>
<b>Net Fiscal Benefits</b>	<b>\$(241,000)</b>	<b>\$(241,000)</b>	<b>\$(241,000)</b>

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

The Commissioner of the Utah 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:**

While this new program does involve some cost for businesses, it is voluntary and allows businesses the option to slaughter domestic game in the field, which removes a burdensome process and will provide cost savings as well.

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

R. Logan Wilde, Commissioner

**Citation Information**

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

Section 4-32a-208		
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**Incorporations by Reference Information**

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

	<b>First Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	9 CFR Section 310 Post-Morten Inspection
<b>Publisher</b>	US Federal Government
<b>Date Issued</b>	January 1, 2012

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

	<b>Second Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	9 CFR Section 352.10 Ante-Mortem Inspection
<b>Publisher</b>	US Federal Government
<b>Date Issued</b>	January 1, 2003

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

	<b>Third Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	9 CFR 313.2 Handling of Livestock
<b>Publisher</b>	US Federal Government
<b>Date Issued</b>	January 1, 2011

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

	<b>Fourth Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	9 CFR 314, Handling and Disposal of Condemned or Other Inedible Products at Official Establishments
<b>Publisher</b>	US Federal Government
<b>Date Issued</b>	January 1, 2012

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

	<b>Fifth Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	9 CFR 317.2 Labels; definition; required features
<b>Publisher</b>	US Federal Government
<b>Date Issued</b>	January 1, 2011

**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

NOTICE OF PROPOSED RULES

the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	11/16/2020

<b>10. This rule change MAY become effective on:</b>	11/23/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	R. Logan Wilde, Commissioner	<b>Date:</b>	09/16/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-622</b>	<b>Filing No. 53100</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-622. School-based Mental Health Qualified Grant Program
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended to reflect the changes made the regional service center code in S.B. 79 passed in the 2020 General Session. S.B. 79 renamed regional service centers, regional education service agencies (RESA) and

authorizes a RESA to apply for grant programs under certain circumstances. This rule is being amended to specify how a RESA may receive funding for this particular school based mental health grant program.

<b>4. Summary of the new rule or change:</b>
The amendments to the funding distribution allow RESAs to receive \$50,000 per local education agency (LEA) member of the RESA as the funding formula for the grant governed by this rule. This rule also clarifies that any grant recipient will receiving 25% of their allocation upfront and 75% on a reimbursement basis in a post-performance manner.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have independent fiscal impacts on state government revenues or expenditures. The amendments align the rule with statutory changes found in S.B. 79 (2020). The change affects distributions of an existing grant program to LEAs but this does not change overall amounts funded or expended by Utah State Board of Education (USBE).

<b>B) Local governments:</b>
This rule change is not expected to have independent fiscal impacts on local governments' revenues or expenditures. The amendments align this rule with statutory changes found in S.B. 79 (2020). The change affects distributions of an existing grant program to LEAs but this does not change overall amounts funded or expended by USBE.

<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This rule change is not expected to have independent fiscal impacts on small businesses' revenues or expenditures. The amendments align this rule with statutory changes found in S.B. 79 (2020). The change affects distributions of an existing grant program to LEAs but this does not change overall amounts funded or expended by USBE.

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



small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have independent fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments align this rule with statutory changes found in S.B. 79 (2020). The change affects distributions of an existing grant program to LEAs but this does not change overall amounts funded or expended by USBE.

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

There are no independent compliance costs for affected persons. The amendments align this rule with statutory changes found in S.B. 79 (2020). The change affects distributions of an existing grant program to LEAs but this does not change overall amounts funded or expended by USBE.

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

**Regulatory Impact Table**

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

Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The State Superintendent 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	Section 53F-2-415	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:** 11/16/2020

NOTICE OF PROPOSED RULES

<b>10. This rule change MAY become effective on:</b>	11/23/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	10/01/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> New		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R392-105</b>	<b>Filing No. 53095</b>

**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Disease Control and Prevention, Environmental Services	
<b>Room no.:</b>	Second Floor	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 142102	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2102	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Karl Hartman	801-538-6191	khartman@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R392-105. Agritourism Food Establishment Sanitation
<b>3. Purpose of the new rule or reason for the change:</b>
The Department of Health (Department) has developed this rule as required in the Agritourism Food Establishment Act Subsection 26-15b-105(2), which requires that the Department make rules regarding sanitation, equipment, and maintenance requirements for agritourism food establishments.

<b>4. Summary of the new rule or change:</b>
The agritourism food establishment sanitation rule establishes minimum standards for the sanitation, operation, and maintenance of an agritourism food establishment and, in order to safeguard public health and ensure that food is safe, unadulterated, and honestly presented, provides for the prevention and control of health hazards associated with an agritourism food establishment.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
Enacting Rule R392-105 will not result in a cost or benefit to the state budget because the proposed rule does not require a change to state operations or programs, and it does not include requirements for the payment of fines or fees to the state.
<b>B) Local governments:</b>
Enacting Rule R392-105 will not result in a direct cost or benefit to a local health jurisdiction because this rule allows a local health department to impose a fee for an agritourism food establishment permit in an amount that reimburses the local health department for the cost of regulating the agritourism food establishment.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There are approximately 136 small businesses currently operating as working farms, ranches, or other commercial agricultural, aquacultural, horticultural, or forestry operations in Utah that may be affected by the proposed rule. These 136 businesses operate in the state under the North American Industry Classification System (NAICS) codes of 111199, 111998, 112111, 111150, 112519, 111191, 111336, 112511, 111335, 112340, and 111421. Enacting Rule R392-105 may result in an inestimable direct fiscal cost to small businesses that obtain a permit to operate as an agritourism food establishment. The cost to small business will vary depending on the scale of each agritourism food establishment and the permit fee to be assessed by the local health department to reimburse for the cost of regulating. The full fiscal impact to small businesses cannot be estimated as the necessary data are unavailable, and the cost to the state to obtain said data would be prohibitively costly.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There is one non-small business currently operating as a working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation in Utah that may be affected by the proposed rule. This business operates in the state under the NAICS codes of 111421. Enacting Rule R392-105 may result in an inestimable

direct fiscal cost to non-small businesses that obtain a permit to operate as an agritourism food establishment. The cost to non-small businesses will vary depending on the scale of each agritourism food establishment and the permit fee to be assessed by the local health department to reimburse for the cost of regulating. The full fiscal impact to non-small businesses cannot be estimated as the necessary data are unavailable, and the cost to the state to obtain said data would be prohibitively costly.

**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**):

Enacting Rule R392-105 will not result in a direct cost or benefit to any one specific person.

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

No specific person will be affected by this rule. No compliance costs.

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

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

<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Interim Executive Director of the Department of Health, Richard 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:**

Due to the variations in costs based on the size of the business and costs imposed by each local health department, the fiscal impact on businesses are inestimable at this time.

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

Richard 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	Subsection 26-1-30(23)	Section 26-15-2
Subsection 26-15b-105(2)		

**Public Notice Information**

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

**A) Comments will be accepted until:** 11/30/2020

**10. This rule change MAY become effective on:** 12/07/2020

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

NOTICE OF PROPOSED RULES

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Richard Saunders, Interim Executive Director	<b>Date:</b>	09/28/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> New		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-12</b>	<b>Filing No. 53099</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R414-12. Laboratory Services
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this new rule is to implement provisions of laboratory drug testing for Medicaid members, based upon appropriation reductions in S.B. 5001 from the Fifth Special Session of the 2020 State Legislature to reduce the scope of drug testing covered by Utah Medicaid.
<b>4. Summary of the new rule or change:</b>
This new rule implements eligibility requirements, program access requirements, and provisions of coverage and limitations for drug testing services.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is a total annual savings of about \$2,620,000 to the state budget.

<b>B) Local governments:</b>			
There is no impact on local governments because they neither fund nor provide laboratory services to members under the Medicaid program.			
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>			
About 47 small businesses may see a share of \$2,620,000 in total revenue reductions for providing statewide drug testing.			
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>			
About 138 non-small businesses may see a share of \$2,620,000 in total revenue reductions for providing statewide drug testing.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>			
About 13 private and public health providers may see a share of \$2,620,000 in total revenue reductions for providing statewide drug testing.			
<b>F) Compliance costs for affected persons:</b>			
A single provider of drug testing services may see a share of \$2,620,000 in total revenue reductions for providing statewide drug testing.			
<b>G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)</b>			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$500,000	\$0	\$0
Non-Small Businesses	\$1,855,000	\$0	\$0
Other Persons	\$265,000	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$2,620,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			

State Government	\$2,620,000	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$2,620,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The 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 may see a share of reductions in revenues for providing statewide drug testing.

**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:** 11/16/2020

**10. This rule change MAY become effective on:** 11/23/2020

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

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Richard G. Saunders, Interim Executive Director	<b>Date:</b>	10/01/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-60-4</b>	<b>Filing No.</b>	<b>53090</b>
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**Agency Information**

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

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

**General Information**

**2. Rule or section catchline:**  
R414-60-4. Program Coverage

**3. Purpose of the new rule or reason for the change:**  
The purpose of this change is to allow Medicaid members easier access to medications.

**4. Summary of the new rule or change:**  
This amendment waives the proof of delivery requirement for pharmacies that distribute Non-Controlled Schedule 2 (Non-CII) medications, to allow Medicaid members easier access to prescriptions. The amendment, however, also maintains the proof of delivery requirement for Controlled Schedule 2 (CII) medications, and further clarifies documentation requirements for pharmacies. This amendment also makes other clarifications and changes. (EDITOR'S NOTE: A corresponding 120-day emergency rule that is effective as of 09/23/2020, is under Filing No. 53087 in this issue, October 15, 2020, of the Bulletin.)

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>			
<b>A) State budget:</b>			
There is no anticipated impact to the state budget as there are no additional costs associated with waiving proof of delivery of Non-CII medications.			
<b>B) Local governments:</b>			
There is no anticipated impact to local governments as there are no additional costs associated with waiving proof of delivery of Non-CII medications.			
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
There is no anticipated impact to small businesses as there are no additional costs associated with waiving proof of delivery of Non-CII medications.			
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
There is no anticipated impact to non-small businesses as there are no additional costs associated with waiving proof of delivery of Non-CII medications.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
There is no anticipated impact to pharmacies and other service providers, as there are no additional costs associated with waiving proof of delivery of Non-CII medications.			
<b>F) Compliance costs for affected persons:</b>			
There is no anticipated impact to a single pharmacy or other service provider, as there are no additional costs associated with waiving proof of delivery of Non-CII medications.			
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Interim Executive Director of the Department of Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
Businesses will neither see cost nor revenue through waiver of the proof of delivery requirement.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Richard G. Saunders, Interim Executive Director			

**Citation Information**

<b>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Section 26-1-5	Section 26-18-3	

**Public Notice Information**

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

**A) Comments will be accepted until:** 11/16/2020

**10. This rule change MAY become effective on:** 11/23/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Richard G. Saunders, Interim Executive Director	<b>Date:</b>	09/25/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-307</b>	<b>Filing No.</b>	<b>53083</b>
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**Agency Information**

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

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

**General Information**

**2. Rule or section catchline:**  
R414-307. 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 implement the new Community Transitions Waiver (CTW), in accordance with Section 1915(c) Home and Community Based Services Waivers.

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

This amendment implements the new CTW group, sets forth provisions for eligibility, spells out agency procedures, and makes other technical changes.

**Fiscal Information**

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

**A) State budget:**

There is an anticipated cost of about \$24,771,000 to the state budget.

**B) Local governments:**

There is no impact on local governments because they neither fund nor provide services under the CTW.

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

About 22 small business providers of CTW services may see a share in revenue based on the total amount of \$24,771,000. Conversely, about 15 small businesses that own intermediate care facilities (ICFs) will see a decrease in revenue based on that amount as individuals move out of ICFs into the CTW.

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

About 7 non-small business providers of CTW services may see a share in revenue based on the total amount of \$24,771,000. Conversely, about three non-small businesses that own ICFs may see a decrease in revenue based on that amount as individuals move out of ICFs into the CTW.

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

About 139 providers of CTW services may see a share in revenue based on the total amount of \$24,771,000. Conversely, about 46 Medicaid providers in ICFs may see a decrease in revenue based on that amount as individuals move out of ICFs into the CTW. Medicaid members who qualify for the CTW may see out-of-pocket savings.

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

A single ICF may see a decrease in revenue based on the total amount of \$24,771,000 as individuals move into the CTW.

**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**

NOTICE OF PROPOSED RULES

this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$24,771,000	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$2,972,520	\$0	\$0
Non-Small Businesses	\$743,130	\$0	\$0
Other Persons	\$8,669,850	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$37,156,500</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$5,945,040	\$0	\$0
Non-Small Businesses	\$1,486,260	\$0	\$0
Other Persons	\$17,339,700	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$24,771,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The 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:**

Some businesses may see a share in revenue as more individuals access HCBS, while other businesses may see a decrease in revenue as individuals move from ICFs into HCBS.

**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	Pub L. No. 111-148
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	11/16/2020
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<b>10. This rule change MAY become effective on:</b>	11/23/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Richard G. Saunders, Interim Executive Director	<b>Date:</b>	09/22/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b>	Amendment	
<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-512-3</b>	<b>Filing No. 53086</b>

**Agency Information**

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



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:
R414-512-3. Use of Extrapolation Limited
3. Purpose of the new rule or reason for the change:
This change is necessary to be in accordance with the provisions of Section 26-18-20, which set forth criteria for extrapolation in provider audits.
4. Summary of the new rule or change:
This amendment removes a reference to a rule and provisions that no longer exist. It also makes other technical corrections.

**Fiscal Information**

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no impact to the state budget as this amendment only updates this rule to be consistent with state law and Medicaid policy.
B) Local governments:
There is no impact on local governments because they neither fund nor perform provider audits under the Medicaid program.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as this amendment only updates this rule to be consistent with state law and Medicaid policy.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no impact on non-small businesses as this amendment only updates this rule to be consistent with state law and Medicaid policy.

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

There is no impact on Medicaid providers and Medicaid members as this amendment only updates this rule to be consistent with state law and Medicaid policy.

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

There are no compliance costs to a single Medicaid provider or Medicaid member as this amendment only updates this rule to be consistent with state law and Medicaid policy.

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

**Regulatory Impact Table**

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

NOTICE OF PROPOSED RULES

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>				
The Interim Executive Director of the Department of Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.				
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>				
Businesses will see neither revenue nor cost as this amendment simply updates current Medicaid policy.				
<b>B) Name and title of department head commenting on the fiscal impacts:</b>				
Richard G. Saunders, Interim Executive Director				

**Citation Information**

<b>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Section 26-1-5	Section 26-18-3	Section 26-18-20

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	11/16/2020

<b>10. This rule change MAY become effective on:</b>	11/23/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Richard G. Saunders, Interim Executive Director	<b>Date:</b>	09/22/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R590-258</b>	<b>Filing No. 53097</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R590-258. Email Address Requirement
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended to remove an outdated reference to a defunct program, remove the enforcement date, update the severability clause, and make a small number of clerical changes.
<b>4. Summary of the new rule or change:</b>
A reference to the Utah Health Exchange is being removed because that program is no longer in operation, the enforcement date is being removed because the rule is currently in force, the severability clause is being updated to reflect the Insurance Department's current preferred language, and a small number of clerical changes are being made to promote clarity in this rule.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no anticipated cost or savings to the state budget. The changes are merely clean-up amendments that do not create or remove requirements.

<b>B) Local governments:</b>			
There is no anticipated cost or savings to local governments. The changes are merely clean-up amendments that do not apply to local governments.			
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
There is no anticipated cost or savings to small businesses. The changes are merely clean-up amendments that do not create or remove requirements.			
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
There is no anticipated cost or savings to non-small businesses. The changes are merely clean-up amendments that do not create or remove requirements.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
There is no anticipated cost or savings to any other persons. The changes are merely clean-up amendments that do not create or remove requirements.			
<b>F) Compliance costs for affected persons:</b>			
There are no compliance costs for any affected persons. The changes are merely clean-up amendments that do not create or remove requirements, and as such have no attendant costs.			
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			

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

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

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

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

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

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

Todd E. Kiser, Commissioner

**Citation Information**

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

Subsection 31A-2-201(3)	Section 31A-23a-412	Subsection 46-4-501(1)
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**Public Notice Information**

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

**A) Comments will be accepted until:** 11/16/2020

**10. This rule change MAY become effective on:** 11/23/2020

NOTICE OF PROPOSED RULES

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer 1	<b>Date:</b>	09/29/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R623-4</b>	<b>Filing No. 52996</b>

**Agency Information**

<b>1. Department:</b>	Lieutenant Governor	
<b>Agency:</b>	Elections	
<b>Room no.:</b>	Suite 220	
<b>Building:</b>	Utah State Capitol	
<b>Street address:</b>	350 N State Street	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142325	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2325	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Derek Branchley	801-538-1746	dbrenchley@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R623-4. Processing Partisan Candidate Nomination Petitions
<b>3. Purpose of the new rule or reason for the change:</b>
This amendment is designed to make technical changes, align requirements with current statute, and provide clarity on the processing of candidate nomination petitions.
<b>4. Summary of the new rule or change:</b>
This amendment does the following: (1) Makes technical changes to align with rulemaking guidelines. (2) Eliminates Section R624-4-6, Declarations of Candidacy for State and Local School Board Candidates,

because this is now outlined by statute.  
 (3) Modifies the information required on a signature removal statement to align with signature removal statements for other types of petitions (e.g., initiatives) that are outlined in statute.  
 (4) Clarifies that supplemental nomination petitions do not need to contain sufficient signatures to meet or exceed the qualification threshold.  
 (5) Clarifies that if an individual signed two candidate nomination petitions for the same office, the signature on the first submitted nomination petition that meets or exceeds the qualification threshold is counted.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
Because this amendment makes minor technical changes and clarifies political petition processes, the Division of Elections (Division) does not anticipate any cost or savings to the state's budget.
<b>B) Local governments:</b>
Because this amendment makes minor technical changes and clarifies political petition processes, the Division does not anticipate any cost or savings to local governments.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
Because this amendment makes minor technical changes and clarifies political petition processes, the Division does not anticipate any cost or savings to small businesses.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
Because this amendment makes minor technical changes and clarifies political petition processes, the Division does not anticipate any cost or savings to non-small businesses.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
Because this amendment makes minor technical changes and clarifies political petition processes, the Division does not anticipate any cost or savings to other persons.
<b>F) Compliance costs for affected persons:</b>
Because this amendment makes minor technical changes and clarifies political petition processes, the Division does not anticipate any cost or savings to affected persons.

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

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

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

The Director of the Division of Elections, Justin Lee, has reviewed and approved this fiscal analysis.

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

Because this amendment makes minor technical changes and clarifies political petition processes, I do not anticipate any fiscal impact on businesses.

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

Justin Lee, 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 20A-9-403(3)(f)	Section 20A-9-410	
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	11/16/2020
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<b>10. This rule change MAY become effective on:</b>	11/23/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Justin Lee, Director	<b>Date:</b>	07/31/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Repeal		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R710-10</b>	<b>Filing No.</b> <b>53085</b>

**Agency Information**

<b>1. Department:</b>	Public Safety
<b>Agency:</b>	Fire Marshal
<b>Street address:</b>	410 W 9800 S, Suite 372
<b>City, state:</b>	Sandy, UT 84070
<b>Mailing address:</b>	410 W 9800 S, Suite 372
<b>City, state, zip:</b>	Sandy, Ut 84070

NOTICE OF PROPOSED RULES

<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-556-8198	kgibb@utah.gov
Coy Porter	801-256-2383	coyporter@utah.gov
Ted Black	801-256-2380	tblack@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R710-10. Rules Pursuant to Fire Service Training, Education, and Certification
<b>3. Purpose of the new rule or reason for the change:</b>
The authorizing statutory language for this rule was removed from the Utah Code as a result of the passage of SB209 during 2020 General Session. The language that was previously found under Subsection 53-7-204(1)(g), which authorized the rule, was stricken and replaced. In addition, the language previously found under Subsection 53-7-204(1)(i) was also stricken. The responsibility and oversight of the fire and rescue training program has been moved from Title 53, Chapter 7, to a newly created statute under Title 53B, Chapter 29, Utah Valley University.
<b>4. Summary of the new rule or change:</b>
This rule is being repealed in its entirety as a result of the passage of S.B. 209 during the 2020 General Session. The authority for this rule has been removed from statute, and the responsibility for oversight of the fire and rescue training program has been transferred to Utah Valley University.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is not an anticipated cost or savings to the state budget because this rule is being repealed due to the fact that oversight of the fire and rescue training program has been transferred from the Department of Public Safety, Fire Marshal, to the Utah Valley University, and the statutory language that previously authorized this rule has been repealed.

<b>B) Local governments:</b>
There is not an anticipated cost or savings to local governments because this rule is being repealed due to the fact that oversight of the fire and rescue training program has been transferred from the Department of Public Safety, Fire Marshal, to the Utah Valley University, and the statutory language that previously authorized this rule has been repealed.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is not an anticipated cost or savings to small businesses because this rule is being repealed due to the fact that oversight of the fire and rescue training program has been transferred from the Department of Public Safety, Fire Marshal, to the Utah Valley University, and the statutory language that previously authorized this rule has been repealed.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There is not an anticipated cost or savings to non-small businesses because this rule is being repealed due to the fact that oversight of the fire and rescue training program has been transferred from the Department of Public Safety, Fire Marshal, to the Utah Valley University, and the statutory language that previously authorized this rule has been repealed.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
There is not an anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities because this rule is being repealed due to the fact that oversight of the fire and rescue training program has been transferred from the Department of Public Safety, Fire Marshal, to the Utah Valley University, and the statutory language that previously authorized this rule has been repealed.
<b>F) Compliance costs for affected persons:</b>
There are not anticipated compliance costs for affected persons because this rule is being repealed due to the fact that oversight of the fire and rescue training program has been transferred from the Department of Public Safety, Fire Marshal, to the Utah Valley University, and the statutory language that previously authorized this rule has been repealed.

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

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

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

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this fiscal analysis.

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

There is not an anticipated impact to businesses as a result of the repeal of this rule. The repeal of this rule is necessary because the statutory language that previously authorized this rule was repealed upon passage of S.B. 209 during the 2020 General Session. Oversight of the fire and rescue training program has been transferred from the Department of Public Safety to Utah Valley University.

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

Jess L. Anderson, Commissioner

**Citation Information**

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

Section 53-7-204

**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:** 11/16/2020

**10. This rule change MAY become effective on:** 11/23/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Coy Porter, State Fire Marshal	<b>Date:</b>	09/23/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R746-8-301</b>	<b>Filing No. 53096</b>

**Agency Information**

<b>1. Department:</b>	Public Service Commission
<b>Agency:</b>	Administration
<b>Building:</b>	Heber M. Wells Building
<b>Street address:</b>	160 E 300 S, Fourth Floor
<b>City, state:</b>	Salt Lake City, UT 84111

NOTICE OF PROPOSED RULES

<b>Mailing address:</b> PO Box 4558		
<b>City, state, zip:</b> Salt Lake City, UT 84114-4558		
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Yvonne Hogle	801-530-6709	yhogle@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R746-8-301. Calculation and Application of UUSF Surcharge
<b>3. Purpose of the new rule or reason for the change:</b>
S.B. 225, enacted in the 2020 General Session, creates a statutory surcharge amount and collection method for prepaid wireless telecommunications service for the charges that are assessed on access line providers and connection providers to fund the Utah Universal Public Telecommunications Service Support Fund. This rule change is necessary to align the language in this rule with the language in Section 54-8b-15, that will be effective January 1, 2021.
<b>4. Summary of the new rule or change:</b>
This rule change aligns with the language in the prepaid wireless telecommunications service amendments which creates a statutory surcharge amount and collection method for prepaid wireless telecommunications service for the charges that are assessed on access line providers and connection providers to fund the Utah Universal Public Telecommunications Service Support Fund.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
None--The rule change is made solely to align the language in this rule with the language in the prepaid wireless telecommunications service amendments. Any cost or savings is due to the statutory change, not to the rule amendment.
<b>B) Local governments:</b>
None--The rule change is made solely to align the language in this rule with the language in the prepaid wireless telecommunications service amendments. Any cost or savings is due to the statutory change, not to the rule amendment.

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

None--The rule change is made solely to align this language in the rule with the language in the prepaid wireless telecommunications service amendments. Any cost or savings is due to the statutory change, not to the rule amendment.

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

None--The rule change is made solely to align the language in this rule with the language in the prepaid wireless telecommunications service amendments. Any cost or savings is due to the statutory change, not to the rule amendment.

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

None--The rule change is made solely to align the language in this rule with the language in the prepaid wireless telecommunications service amendments. Any cost or savings is due to the statutory change, not to the rule amendment.

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

None--The rule change is made solely to align the language in this rule with the language in the prepaid wireless telecommunications service amendments. Any cost or savings is due to the statutory change, not to the 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.)

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



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

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

The Chair of the Public Service Commission, Thad LeVar, has reviewed and approved this fiscal analysis.

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

There is no anticipated fiscal impact. S.B. 225 (2020) necessitated the proposed changes to this rule solely to align the language in this rule with the language in the prepaid wireless telecommunications service amendments. Any cost or savings is due to the statutory change, not to the rule amendment.

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

Thad LeVar, Chair

**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 54-8b-15

**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:** 11/16/2020

**10. This rule change MAY become effective on:** 11/23/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Thad LeVar, PSC Chair	<b>Date:</b>	10/01/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R865-19S-12</b>	<b>Filing No.</b>	<b>53093</b>
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**Agency Information**

<b>1. Department:</b>	Tax Commission	
<b>Agency:</b>	Auditing	
<b>Building:</b>	Utah State Tax Commission	
<b>Street address:</b>	210 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT 84134	
<b>Mailing address:</b>	210 N 1950 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84134	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Chantay Asper	801-297-3901	casper@utah.gov

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

**General Information**

**2. Rule or section catchline:**  
R865-19S-12. Filing of Returns Pursuant to Utah Code Ann. Sections 59-12-107 and 59-12-118

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

The reason for the change is to increase efficiency and save processing costs, the Tax Commission (Commission) seeks to require all sales and use tax returns to be filed electronically. Pursuant to Section 59-12-107, the Commission must prescribe, by administrative rule, the form in which a sales and use tax return shall be filed. This amendment specifies that all sales and use tax returns must be filed in an approved electronic form.

**4. Summary of the new rule or change:**  
 Section 59-12-107 requires the Commission to prescribe, by administrative rule, the form in which a sales and use tax return shall be filed. This amendment specifies that all sales and use tax returns must be filed with the Commission in an approved electronic format.

**Fiscal Information**

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

**A) State budget:**  
 This proposed amendment is expected to reduce state government expenditures by approximately \$95,000 annually. This savings results from the elimination of printing and postage costs associated with mailing paper returns to taxpayers for filing.

**B) Local governments:**  
 This proposed amendment is not expected to have any fiscal impact on local governments' revenues or expenditures because sales and use tax returns are filed and processed by the Commission who then distributes the appropriate revenues to local governments.

**C) Small businesses** ("small business" means a business employing 1-49 persons):  
 This proposed amendment is not expected to have any fiscal impact on small businesses' revenues or expenditures because it does not change the amount of sales and use tax due only the method of filing the return.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):  
 This proposed amendment is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because it does not change the amount of sales and use tax due only the method of filing the return.

**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 amendment is not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state governments, or local governments because it does not change the amount of sales and use tax due only the method of filing the return.

**F) Compliance costs for affected persons:**  
 The impact of compliance with this proposed amendment by affected persons is expected to be minimal.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$95,000	\$95,000	\$95,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$95,000</b>	<b>\$95,000</b>	<b>\$95,000</b>
<b>Net Fiscal Benefits</b>	<b>\$95,000</b>	<b>\$95,000</b>	<b>\$95,000</b>

**H) Department head approval of regulatory impact analysis:**  
 Commissioner Rebecca L. Rockwell of the Utah State Tax Commission 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 proposed amendment is not expected to result in either costs or savings to businesses.

**B) Name and title of department head commenting on the fiscal impacts:**  
 Rebecca Rockwell, Commissioner

**Citation Information**

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

Section 59-12-107	Section 59-12-118
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	11/16/2020
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<b>10. This rule change MAY become effective on:</b>	11/23/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Rebecca L. Rockwell, Commissioner	<b>Date:</b>	09/24/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R873-22M-34</b>	<b>Filing No.</b>	<b>53062</b>
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**Agency Information**

<b>1. Department:</b>	Tax Commission
<b>Agency:</b>	Motor Vehicle
<b>Building:</b>	Utah State Tax Commission
<b>Street address:</b>	210 N 1950 W
<b>City, state:</b>	Salt Lake City, UT 84134
<b>Mailing address:</b>	210 N 1950 W
<b>City, state, zip:</b>	Salt Lake City, UT 84134

<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R873-22M-34. Rule for Denial of Personalized Plate Requests Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-411

<b>3. Purpose of the new rule or reason for the change:</b>
The reason for the change is to clarify the grounds and procedure for denial of a personalized license plate consistent with S.B. 97 passed in the 2020 General Session.

<b>4. Summary of the new rule or change:</b>
The changes: 1) amend this section to remove language that was codified under S.B. 97 (2020); 2) clarify the definition of "offensive to good taste and decency or would be misleading" as grounds for denial of a personalized license plate; and 3) authorize a stay of an appeal proceeding under certain circumstances and makes technical changes.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This proposed amendment is not expected to have any fiscal impact on state government revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for S.B. 97 (2020).

<b>B) Local governments:</b>
This proposed amendment is not expected to have any fiscal impact on local governments' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for S.B. 97 (2020).

<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This proposed amendment is not expected to have any fiscal impact on small businesses' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for S.B. 97 (2020).

NOTICE OF PROPOSED RULES

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

This proposed amendment is not expected to have any fiscal impacts on non-small businesses' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for S.B. 97 (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**):

This proposed amendment is not expected to result in costs or savings to persons other than small businesses, non-small businesses, state, or local governments because any fiscal impact would have been addressed in the legislative fiscal note for S.B. 97 (2020).

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

This proposed rule is not expected to impact compliance costs on affected persons.

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

**Regulatory Impact Table**

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

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

Commissioner Rebecca L. Rockwell of the Utah State Tax Commission 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 proposed amendment is unlikely to result in either costs or savings to businesses.

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

Rebecca Rockwell, Commissioner

**Citation Information**

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

Section 41-1a-104	Section 41-1a-411	
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**Public Notice Information**

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

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

<b>Agency head or designee, and title:</b>	Rebecca L. Rockwell, Commissioner	<b>Date:</b>	09/10/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R884-24P-53	Filing No. 53092

**Agency Information**

<b>1. Department:</b>	Tax Commission	
<b>Agency:</b>	Property Tax	
<b>Building:</b>	Utah State Tax Commission	
<b>Street address:</b>	210 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT 84134	
<b>Mailing address:</b>	210 N 1950 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84134	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Chantay Asper	801-297-3901	casper@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R884-24P-53. 2020 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act
<b>3. Purpose of the new rule or reason for the change:</b>
Under Section 59-2-515, the Tax Commission (Commission) may promulgate rules necessary to effectuate the purposes of the Farmland Assessment Act. In order to effectuate the purposes of the Farmland Assessment Act, it is necessary to annually amend this rule containing the agricultural production values applied to land qualifying for valuation and assessment under the Farmland Assessment Act.
<b>4. Summary of the new rule or change:</b>
This amendment annually updates the agricultural production values to be applied by county assessors to land qualifying for valuation and assessment under the Farmland Assessment Act. The values are recommended to the Commission by the State Farmland Evaluation Advisory Committee, which meets under the authority of Section 59-2-514.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting and for the Education Fund based on increased or decreased real and personal property valuation, including property assessed under the Farmland Assessment Act (FAA). Property valuation (taxable value) changes have been recommended by class and by county. This year it is proposed that 120 rates increase slightly, 108 rates decrease, and 190 have no change. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA in the coming year. However, it is estimated that the overall change is minimal due to this amendment.
<b>B) Local governments:</b>
The amount of saving or cost to local governments is undetermined. Local governmental entities receive tax revenue based on increased or decreased property valuation, including property assessed under FAA. Property valuation changes have been recommended by class and by county. This year it is proposed that 120 rates increase slightly, 108 rates decrease, and 190 have no change. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA in the coming year. However, it is estimated that the overall change is minimal due to this amendment. County assessors' offices statewide will be required to input the new value indicators into their computer systems to be applied against the acreage for individual properties. This input process is easily accomplished on an annual basis and represents no significant cost in time or money to the assessors' offices.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
Each property owner with property eligible for assessment under FAA may see a change in value, depending on property class and situs county. The effect on the property owner will depend on the mix of property types and situs. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA in the coming year. In addition, the cost will be further altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

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

Each property owner with property eligible for assessment under FAA may see a change in value, depending on property class and situs county. The effect on the property owner will depend on the mix of property types and situs. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA in the coming year. In addition, the cost will be further altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

**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**):

Each property owner with property eligible for assessment under FAA may see a change in value, depending on property class and situs county. The effect on the property owner will depend on the mix of property types and situs. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA in the coming year. In addition, the cost will be further altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

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

Local owners and property tax practitioners will be required to be aware of the new valuation figures. This is an annual occurrence; therefore, the ongoing compliance cost to complete this assessment process will not change. The change in taxes charged for these persons depends entirely on the owner's mix of property types and situs.

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

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

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

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

Commissioner Rebecca L. Rockwell of the Utah State Tax Commission 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 fiscal impact on businesses is undetermined. Some acreage value rate are raised, some are lowered, and some remain the same. Without knowing the 2021 property mix compared to the previous year, it is not possible to determine the impact on affected businesses.

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

Rebecca Rockwell, Commissioner

**Citation Information**

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

Section 59-2-515

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	11/16/2020
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<b>10. This rule change MAY become effective on:</b>	11/23/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Rebecca L. Rockwell, Commissioner	<b>Date:</b>	09/24/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R907-80</b>	<b>Filing No.</b> <b>53088</b>

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b>
R907-80. Disposition of Surplus Land

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

The Department of Transportation (Department) proposes this rule change to update, clarify, and correct procedures included in this rule to conform to practices that work most efficiently for the Department. In the years since the Department promulgated this rule is has changed from a rule that allowed but required live and mail auctions only to authorizing online auctions. The Department has learned much from the transition and this proposed change eliminates some things that have not worked and added some things that the Department hopes will make this rule work better.

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

The proposed change eliminates redundant and unnecessary text, deletes a subsection that is no longer necessary, adds a subsection that is needed to increase efficiency, and adds text to various subsections that is needed to protect the interests of the state and the Department. The proposed changes also make numerous technical, grammatical, and formatting changes.

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

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

Carlos M, Braceras, the Executive Director of the Department of Transportation, 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 72-5-117	Section 72-5-111	Section 72-5-404
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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:** 11/16/2020

**10. This rule change MAY become effective on:** 11/23/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Carlos M. Braceras, Executive Director	<b>Date:</b>	09/24/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R930-5-8</b>	<b>Filing No. 53084</b>

**Agency Information**

<b>1. Department:</b>	Transportation
<b>Agency:</b>	Preconstruction
<b>Room no.:</b>	Administrative Suite, First floor
<b>Building:</b>	Calvin Rampton
<b>Street address:</b>	4501 S 2700 W



<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 148455	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-8455	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	ledwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R930-5-8. Maintenance
<b>3. Purpose of the new rule or reason for the change:</b>
The Department of Transportation (Department) proposes this change to Section R930-5-8 to clarify the Department's intent when it originally promulgated this rule in 2008.
<b>4. Summary of the new rule or change:</b>
The change to Section R930-5-8 adds text to make it clear that Section R930-5-8 requires Railroads to maintain their railroad crossings through state owned right of way and to pay for maintenance of their railroad crossings through state owned right of way. The Department's original intent was that meaning of the phrase "responsibility for maintenance" includes the obligation to perform and pay for the maintenance of railroad crossings.

**Fiscal Information**

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

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

NOTICE OF PROPOSED RULES

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

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

Carlos M. Braceras, PE, Executive Director of the Department of Transportation, 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, PE, 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-1205	Section 54-4-14	Section 54-4-15
Section 72-1-201		

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	11/16/2020
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<b>10. This rule change MAY become effective on:</b>	11/23/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Carlos M. Braceras, PE, Executive Director	<b>Date:</b>	09/18/2020
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**End of the Notices of Proposed Rules Section**

## NOTICES OF CHANGES IN PROPOSED RULES

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

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends November 16, 2020.

From the end of the 30-day waiting period through February 12, 2021, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

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

NOTICE OF CHANGE IN PROPOSED RULE		
Utah Admin. Code Ref (R no.):	R70-580	Filing No. 52663

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Regulatory Services	
<b>Street address:</b>	350 N Redwood Road	
<b>City, state, zip:</b>	Salt Lake City, UT 84115	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	801-982-2204	ambermbrown@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R70-580. Kratom Product Registration and Labeling
<b>3. Change in Proposed Rule:</b>
Changes FILING Name, Publication date of prior filing: R70-580. Kratom Product Registration and Labeling, First CPR Filing No. 52663, Published 06/15/2020
<b>4. Reason for this change:</b>
Additional changes are needed to the change in proposed rule (CPR) filling published on June 15, 2020, based on feedback from the Department's lab director and industry stakeholders. The changes clarify the testing requirements and allow for an additional product form to be sold.
<b>5. Summary of this change:</b>
The changes add clarification to testing requirements for the Certificate of Analysis in Section R70-580-5 with regard to microbials and heavy metals by adding specific reference values. The changes provide specificity to cannabis and benzodiazepine testing as well, however, those tests are moved from Section R70-580-5, along with fentanyl testing requirements, to the Inspection and

Testing Section of the rule, Section R70-580-8. This change will allow for Department of Agriculture and Food (Department) random sampling and testing but not require it in each certificate of analysis. The ability to test for pesticides is added to Section R70-580-8 as well. The changes also add gummies as a potential approved kratom delivery form. (DAR NOTE: This is the second change in proposed rule (CPR) for Rule R70-580. The original proposed new rule upon which the first CPR was based was published in the May 1, 2020, issue of the Utah State Bulletin, on page 16. The first CPR upon which this second CPR is based was published in the June 15, 2020, issue of the Utah State Bulletin, on page 105. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike out indicates text that has been deleted. You must view the first CPR, the second CPR, and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**Fiscal Information**

<b>6. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The changes do not affect the cost to the state for the Department to administer the kratom program nor does it change the fees collected by the Department.
<b>B) Local government:</b>
The changes do not create any costs or savings for local governments because they do not regulate kratom or act as kratom processors.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
The changes do not create new costs or savings to small businesses because the fees charged by the Department remain the same.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
The changes do not create new costs or savings to non-small businesses because the fees charged by the Department remains the same.
<b>E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
The changes do not affect any other individuals because they do not act as kratom processors in the .

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

The changes do not affect compliance costs for affected persons because the fees 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.)

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

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

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

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

These rule changes will allow for improved administration of the kratom program but will not have any fiscal impact on business.

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

R. Logan Wilde, Commissioner

**Citation Information**

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

Section 4-15-107

**Public Notice Information**

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

**A) Comments will be accepted until:** 11/16/2020

**11. This rule change MAY become effective on:** 11/23/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	R. Logan Wilde, Commissioner	<b>Date:</b>	09/16/2020
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**NOTICE OF CHANGE IN PROPOSED RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R539-5</b>	<b>Filing No. 53010</b>
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**Agency Information**

<b>1. Department:</b>	Human Services
<b>Agency:</b>	Services for People with Disabilities
<b>Building:</b>	MASOB
<b>Street address:</b>	195 N 1950 W

NOTICES OF CHANGES IN PROPOSED RULES

<b>City, state, zip:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kelly Thomson	435-669-4855	kthomson@utah.gov
Jonah Shaw		jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>		
R539-5. Self-Administered Services		
<b>3. Change in Proposed Rule:</b>		
Changes Name, Publication date of prior filing:	FILING	R539-5. Self-Administered Services, Published 09/01/2020
<b>4. Reason for this change:</b>		
Incorporation by reference error. The wrong code of conduct is incorporated.		
<b>5. Summary of this change:</b>		
The Department of Human Services Code of Ethics, referenced in Subsection R539-5-5(3)(e), will change to the Department of Human Services Provider Code of Conduct. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the September 1, 2020, issue of the Utah State Bulletin, on page 59. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)		

**Fiscal Information**

<b>6. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This amendment does not have anticipated costs or savings associated with it. The document change does not impact Self-Administered Services spending.
<b>B) Local government:</b>
There is no anticipated impact. Local governments do not contribute funds to state provided waiver services.

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

There is no anticipated impact. Small businesses do not contribute funds to state provided waiver services.

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

There is no anticipated impact. Non-small businesses do not contribute funds to state provided waiver services.

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

Persons other than small businesses, non-small businesses, state, or local government entities will not see a cost or savings. Self-Administered Services budgets are funded by state and federal money.

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

This amendment will not result in compliance costs for affected parties. The management of Self-Administered Services budgets will not change.

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

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

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

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

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

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

The Department does not anticipate any fiscal impacts on businesses as a result of amending this rule.

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

Ann Williamson, Executive Director

**Citation Information**

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

Section 62A-5-102 | Section 62A-5-103 |

**Incorporations by Reference Information**

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

	First Incorporation
<b>Official Title of Materials</b>	Department of Human Services Policy and Procedures, Provider

<b>Incorporated (from title page)</b>	Code of Conduct 05-03
<b>Publisher</b>	Department of Human Services
<b>Date Issued</b>	June 15, 2020

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	11/16/2020
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<b>11. This rule change MAY become effective on:</b>	11/23/2020
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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 11, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mark Brasher, Deputy Director	<b>Date:</b>	09/17/2020
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**End of the Notices of Changes in Proposed Rules Section**





## NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R414-60-4	Filing No. 53087

### Agency Information

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

### General Information

<b>2. Rule or section catchline:</b>
R414-60-4. Program Coverage
<b>3. Effective Date:</b>
09/23/2020

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

The purpose of this change is to allow Medicaid members easier access to medications during the Coronavirus (COVID-19) Pandemic.

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

This amendment waives the proof of delivery requirement for pharmacies that distribute Non-CII medications, to allow Medicaid members easier access to prescriptions during the COVID-19 Pandemic. The amendment, however, also maintains the proof of delivery requirement for Controlled Schedule 2 (CII) medications, and further clarifies documentation requirements for pharmacies. (EDITOR'S NOTE: A corresponding proposed amendment is under Filing No. 53090 in this issue, October 15, 2020, of the Bulletin.)

### 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:

This emergency amendment is necessary to provide Medicaid members easier access to medications during the COVID-19 Pandemic.

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no anticipated impact to the state budget as there are no additional costs associated with the temporary flexibility surrounding proof of delivery of Non-CII medications.
<b>B) Local governments:</b>
There is no impact to local governments as there are no additional costs associated with the temporary flexibility surrounding proof of delivery of Non-CII medications.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no anticipated impact to small businesses as there are no additional costs associated with the temporary flexibility surrounding proof of delivery of Non-CII medications.
<b>D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
There is no anticipated impact to pharmacies and other service providers, as there are no additional costs associated with the temporary flexibility surrounding proof of delivery of Non-CII medications.
<b>8. Compliance costs for affected persons:</b>
There is no anticipated impact to a single pharmacy or other service providers, as there are no additional costs associated with the temporary flexibility surrounding proof of delivery of Non-CII medications.
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>
Businesses will neither see cost nor revenue through waiver of the proof of delivery requirement.
<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Richard G. Saunders, Interim Executive Director

**Citation Information**

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Richard G. Saunders, Interim Executive Director	<b>Date:</b>	09/23/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R671-302</b>	<b>Filing No. 53089</b>
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**Agency Information**

<b>1. Department:</b>	Pardons (Board of)	
<b>Agency:</b>	Administration	
<b>Room no.:</b>	300	
<b>Street address:</b>	448 E Winchester St	
<b>City, state, zip:</b>	Murray, UT 84107	
<b>Mailing address:</b>	448 E Winchester St, #300	
<b>City, state, zip:</b>	Murry, UT 84107	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Brett Varoz	801-261-6464	bopinfo@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R671-302. News Media and Public Access to Hearings
<b>3. Effective Date:</b>
09/25/2020
<b>4. Purpose of the new rule or reason for the change:</b>
The Board of Pardons (Board) hearings are open to the public. However, due to the current health emergency, public access to Board hearings will be provided primarily through live streaming on the internet.
<b>5. Summary of the new rule or change:</b>
The Board may suspend in-person access to hearings in a declared emergency or under extraordinary circumstances. Public access will be maintained through live streaming of hearings.
<b>6. Regular rulemaking would:</b>
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/> place the agency in violation of federal or state law.

<b>Specific reason and justification:</b>
Current health and safety requirements limit or preclude in-person attendance at the facilities where hearings are conducted. Authorizing the Board to live stream hearings will allow the Board to meet its statutory obligation to provide public access while preserving the health and safety of people in prison and members of the public.

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
No costs or savings are anticipated as a result of this emergency rule. The Board can perform the live internet stream access to hearings without additional funding at this time.
<b>B) Local governments:</b>
No costs are imposed on local governments for pardon or parole hearings.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
Small businesses are not directly involved in pardon or parole proceedings and will not be affected.
<b>D) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
In spite of restrictions on in-person access to prison facilities, Board hearings must still be accessible to victims, family, news media, and other interested observers. Live streaming increases the public's access to Board hearings and preserves public health.
<b>8. Compliance costs for affected persons:</b>
No costs for live streaming are imposed on people who are incarcerated, victims, or public observers.
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>
This emergency rule provides expanded access to Board hearings without fiscally impacting businesses and is necessary during this public health emergency when in-person access may be limited.
<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Carrie Cochran, Board Chair

**Citation Information**

<b>10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Subsection 63G-3-201(3)	Section 77-27-1 et seq.	Subsection 77-27-9(4)

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Carrie Cochran, Chair	<b>Date:</b>	09/24/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R850-80</b>	<b>Filing No. 53098</b>
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**Agency Information**

<b>1. Department:</b>	School and Institutional Trust Lands	
<b>Agency:</b>	Administration	
<b>Room no.:</b>	Suite 500	
<b>Street address:</b>	675 E 500 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84102-2818	
<b>Mailing address:</b>	675 E 500 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84102-2818	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Michelle McConkie	801-538-5183	meastmconkie@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R850-80. Sale of Trust Lands
<b>3. Effective Date:</b>
11/01/2020
<b>4. Purpose of the new rule or reason for the change:</b>
Due to the COVID-19 epidemic, restrictions for a public gathering at a land sale auction are limited.
<b>5. Summary of the new rule or change:</b>
This rule change allows the sale procedure to be conducted electronically, as well as orally, limiting a public gathering due to COVID-19 epidemic's restrictions.

<b>6. Regular rulemaking would:</b>	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
X	place the agency in violation of federal or state law.
<b>Specific reason and justification:</b>	
Due to the COVID-19 epidemic and subsequent restrictions on the size of public gatherings, an in-person public land sale auction would cause peril to public health and would violate local requirements. The agency therefore desires for the public auction to be held electronically.	

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>	
<b>A) State budget:</b>	
The purpose of this rule amendment is to establish an electronic bidding process for public land sales. The contractor the agency will use for the online auction charges 3% of the sales price for their services. The agency has increased the minimum sales prices for the auction parcels to account for the 3%. Since the price for these services will be included in the final purchase price of each parcel and will therefore be passed on to the successful bidder of the parcel, it is not anticipated that any additional costs will be incurred by the state due to this rule amendment.	
<b>B) Local governments:</b>	
The purpose of this rule amendment is to establish an electronic bidding process for public lands sales. It is not anticipated that local governments will be affected as a result of this rule amendment because local governments typically do not participate in land sale auctions.	
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>	
The purpose of this rule amendment is to establish an electronic bidding process for public land sales. If a small business is the successful bidder for a parcel, then the 3% contractor charge would be passed along to that bidder. These costs are unknown since the final purchase price of a parcel will not be determined until the close of the auction.	
Potential bidders (including small businesses) may save money as a result of this rule amendment if they would have ordinarily paid to travel to an in-person public auction held by the agency since these expenses would no longer be required for online bidding.	

<b>D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
The purpose of this rule amendment is to establish an electronic bidding process for public land sales. If a person is the successful bidder for a parcel, then the 3% contractor charge would be passed along to that bidder. These costs are unknown since the final purchase price of a parcel will not be determined until the close of the auction.
Potential bidders may save money as a result of this rule amendment if they would have ordinarily paid to travel to an in-person public auction held by the agency since these expenses would no longer be required for online bidding.

<b>8. Compliance costs for affected persons:</b>
The purpose of this rule amendment is to establish an electronic bidding process for public land sales. No compliance costs will be charged by the contractor providing this service or incurred by the agency.
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>
The intent of this rule is to provide another mechanism for offering trust lands for sale to the private sector. As such, no adverse fiscal impact for business is anticipated.
<b>B) Name and title of department head commenting on the fiscal impacts:</b>
David Ure, Director

**Citation Information**

<b>10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
28 Stat. 107-112, Utah Enabling Act of 1894, Sections 6, 8, 10, and 12	Subsection 53C-2-201(1)(a)	Subsection 53C-1-302(1)(a)(ii)
Articles X and XX	Subsection 53C-4-101(1)	Subsection 53C-4-102

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	David Ure, Director	<b>Date:</b>	09/28/2020
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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.):	R151-4	Filing No. 50237

### Agency Information

<b>1. Department:</b>	Commerce	
<b>Agency:</b>	Administration	
<b>Building:</b>	Heber M. Wells Bldg.	
<b>Street address:</b>	160 E 300 S, Second Floor	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	Box 146701	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6701	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Masuda Medcalf	801-530-7663	mmedcalf@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule catchline:</b>
R151-4. Department of Commerce Administrative Procedures Act Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Rule R151-4 was adopted pursuant to Subsection 63G-4-102(6) and Section 13-1-6 to define, clarify, or establish the procedures governing adjudicative proceedings before the Department of Commerce (Department).

<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments have been received.

<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Department and its agencies continue to conduct adjudicative proceedings governed by this rule. This rule is necessary to conduct these proceedings. Therefore, this rule should be continued.

### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Chris Parker, Executive Director	<b>Date:</b>	09/22/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R426-7	Filing No. 51033

### Agency Information

<b>1. Department:</b>	Health
<b>Agency:</b>	Family Health and Preparedness, Emergency Medical Services
<b>Room no.:</b>	416
<b>Building:</b>	Highland Office
<b>Street address:</b>	3760 S Highland Drive
<b>City, state, zip:</b>	Salt Lake City, UT 84114

Contact person(s):		
Name:	Phone:	Email:
Guy Dansie	801-560-1544	gdansie@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

2. Rule catchline:
R426-7. Emergency Medical Services Prehospital Data System 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:
Subsection 26-8a-203(2) states that "The department shall establish an emergency medical services data system which shall provide for the collection of information, as defined by the committee, relating to the treatment and care of patients who use or have used the emergency medical services system." Rule R426-7 supports the requirement, and specifies the information needed as approved by the EMS (Emergency Medical Services) Committee and the Utah Department of Health.
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 official comments were received. Discussions with the State EMS Committee and stakeholders have been positive. Some amendments were made in the past five years to reflect changes in the national standards, and to clarify state data requirements.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Section 26-8a-203 still requires that pre-hospital data is collected. The value of data is extensive in providing improved patient care, early indications of health events, and overall perspective for public health, the health care system, national programs, etc. Therefore, this rule should be continued.

**Agency Authorization Information**

Agency head or designee, and title:	Richard Saunders, Interim Executive Director	Date:	09/24/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R426-8	Filing No.	51032

**Agency Information**

1. Department:	Health	
Agency:	Family Health and Preparedness, Emergency Medical Services	
Room no.:	416	
Building:	Highland Office	
Street address:	3760 S Highland Drive	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Guy Dansie	801-560-1544	gdansie@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

2. Rule catchline:
R426-8. Emergency Medical Services Ground Ambulance Rates and Charges
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 26-8a-403(1) requires that the Department of Health (Department) establishment of maximum rates for licensed ground ambulance providers. It says the following, "(1) The department shall, after receiving recommendations under Subsection (2) establish maximum rates for ground ambulance providers and paramedic providers that are just and reasonable." Rule R426-8 contains the information about the current allowable rates.
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 official comments received. Discussions with the State EMS (Emergency Medical Services) Committee and stakeholders have been positive. Amendments were made in all of the past five years to reflect rate increases as indicated by financial reports for licensed ground ambulance providers.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Section 26-8a-403 still requires that the Department and EMS Committee work together to set maximum ground

ambulance rates and charges. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Richard Saunders, Interim Executive Director	<b>Date:</b>	09/24/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R458-2</b>	<b>Filing No. 51135</b>

**Agency Information**

<b>1. Department:</b>	Heritage and Arts	
<b>Agency:</b>	Library	
<b>Street address:</b>	250 N 1950 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	250 N 1950 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Josh Loftin	801-245-7205	jloftin@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R458-2. Public Library Online Access for Eligibility to Receive Public Funds

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

A public library that offers public access to the Internet must adhere to this rule to qualify and retain eligibility to receive state funds. This rule is enacted under Section 9-7-216.

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

No comments have been received.

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

It requires public libraries to create policies for internet access to qualify for public money. Without this rule, the Library Division would not be able to enforce guidelines for access and safety. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Colleen Eggett, State Librarian	<b>Date:</b>	09/24/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R628-4</b>	<b>Filing No. 51526</b>

**Agency Information**

<b>1. Department:</b>	Money Management Council	
<b>Agency:</b>	Administration	
<b>Room no.:</b>	180	
<b>Building:</b>	Utah State Capitol Complex	
<b>Street address:</b>	350 N State Street	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	PO Box 142315	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2315	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Ann Pedroza	801-538-1883	apedroza@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R628-4. Bonding of Public Treasurers

**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 Utah Money Management Act (Title 51, Chapter 7) in Section 51-7-15 states that any public treasurer the council designates in rule shall be bonded or may procure crime or theft insurance in an amount established by council rule. This section also states that the bond or crime or theft insurance will be based on the amount of public funds held or in control of the public treasurer. These amounts are described in Rule R628-4.

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

There have been no written comments received since the last five-year review either supporting or opposing this rule.

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

The Money Management Council reviewed this rule in their August 2020 meeting and noted that this rule is necessary to provide criteria for the amount a public treasurer may either bond or obtain crime or theft insurance for to protect public funds from loss in the event of malfeasance by a treasurer or treasurer's staff. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Doug DeFries, Council Chair	<b>Date:</b>	09/18/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R628-11</b>	<b>Filing No. 51520</b>
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**Agency Information**

<b>1. Department:</b>	Money Management Council		
<b>Agency:</b>	Administration		
<b>Room no.:</b>	180		
<b>Building:</b>	Utah State Capitol Complex		
<b>Street address:</b>	350 North State St		
<b>City, state, zip:</b>	Salt Lake City, UT 84114		
<b>Mailing address:</b>	PO Box 142315		
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2315		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Ann Pedroza	801-538-1883	apedroza@utah.gov	
Please address questions regarding information on this notice to the agency.			

**General Information**

<b>2. Rule catchline:</b>
R628-11. Maximum Amount of Uninsured Public Funds Allowed to be Held by Any Qualified Depository

**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 51-7-18.1 of the Utah Money Management states that the Council shall determine by rule the amount of uninsured public funds a qualified depository may hold above the federal insured amount. This section states that the Council shall base the amount on the depository's capital and the amount may not be more than two times the depository's capital as defined in council 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:**

There have been no written comments regarding 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:**

Rule R628-11 provides the formula for the Department of Financial institutions to determine the maximum uninsured funds a qualified depository may accept. Without this rule, public entities could not deposit public funds in financial institutions. Council reviewed this rule in their last meeting and confirmed that it needs to be continued so that they may continue to monitor the condition of financial institutions that hold public funds and to protect public funds deposited in these institutions. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Douglas DeFries, Council Chair	<b>Date:</b>	09/30/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R710-6</b>	<b>Filing No. 51909</b>
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**Agency Information**

<b>1. Department:</b>	Public Safety		
<b>Agency:</b>	Fire Marshal		
<b>Street address:</b>	410 W 9800 S, Suite 372		
<b>City, state, zip:</b>	Sandy, UT 84070		
<b>Mailing address:</b>	410 W 9800 S, Suite 372		
<b>City, state, zip:</b>	Sandy, UT 84070		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Kim Gibb	801-556-8198	kgibb@utah.gov	



Coy Porter	801-256-2383	coyporter@utah.gov
Ted Black	801-256-2380	tblack@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R710-6. Liquefied Petroleum Gas Rules
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized by Section 53-7-305, which states the Utah Fire Prevention Board (Board) shall make rules as reasonably necessary for the protection of the health, welfare, and safety of the public and persons using liquefied petroleum gas (LPG). It is required that the rules shall be in substantial conformity with the generally accepted standards of safety concerning LPG, and shall include rules relating to safety in the storage, distribution, dispensing, transporting, and use of LPG in this state and in the manufacture, fabrication, assembly, sale, installation, and use of LPG systems, containers, apparatus, or appliances. It is also required that the rules conform as nearly as possible to the standards of the National Fire Protection Association, relating to the design, construction, installation, and use of systems, containers, apparatus, appliances, and pertinent equipment for the storage, transportation, dispensation, and use of LPG.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There have been no written comments received during and since the last five-year review of this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is required under Section 53-7-305, and is necessary in order to outline licensing and certification requirements for individuals who distribute, transfer, dispense, or install LPG and/or its appliances in the , including adjudicative procedures for those who are licensed or certified. This rule also outlies rules relating to safety in the storage, distribution, dispensing, transporting, and use of LPG in this state and in the manufacture, fabrication, assembly, sale, installation, and use of LPG systems, containers, apparatus, or appliances, as required under Section 53-7-305. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Coy Porter, State Fire Marshal	<b>Date:</b>	09/23/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R710-10</b>	<b>Filing No. 51908</b>
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**Agency Information**

<b>1. Department:</b>	Public Safety	
<b>Agency:</b>	Fire Marshal	
<b>Street address:</b>	410 W 9800 S, Suite 372	
<b>City, state, zip:</b>	Sandy, UT 84070	
<b>Mailing address:</b>	410 W 9800 S, Suite 372	
<b>City, state, zip:</b>	Sandy, UT 84070	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-556-8198	kgibb@utah.gov
Coy Porter	801-256-2383	coyporter@utah.gov
Ted Black	801-256-2380	tblack@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R710-10. Rules Pursuant to Fire Service Training, Education, and Certification
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
The authorizing statutory language for this rule was removed from the Utah Code as a result of the passage of S.B. 209 during the 2020 General Session. The language that was previously found under Subsections 53-7-204(1)(g) and (i), which authorized this rule, was stricken and replaced. The responsibility and oversight of the fire and rescue training program has been moved from Title 53, Chapter 7, to a newly created statute under Title 53B, Chapter 29, Utah Valley University.

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

There have been no written comments received during and since the last five-year review of this rule.

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

The Fire Marshal Division is in the process of repealing this rule and needs it to be in place until the repeal can be made effective. Therefore, this rule should be continued. (EDITOR'S NOTE: The filing to repeal Rule R710-10 is under Filing No. 53085 in this issue, October 15, 2020, of the Bulletin.)

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Coy Porter, State Fire Marshal	<b>Date:</b>	09/23/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R746-407</b>	<b>Filing No. 51985</b>
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**Agency Information**

<b>1. Department:</b>	Public Service Commission	
<b>Agency:</b>	Administration	
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 E 300 S, Fourth Floor	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 4558	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4558	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Mike Hammer	801-530-6729	michaelhammer@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R746-407. Annualization of Test-year Data

**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 pertains to Subsection 54-4-4(3) which describes the Public Service Commission's (PSC) use of test year data to set just and reasonable utility rates. This rule provides direction on how test year data may be adjusted to reflect partial period effects of test year events.

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

The PSC has received no written comments since the last five-year review in 2015.

**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 will enable the PSC to more accurately coordinate a utility's rates with the utility's anticipated revenues and costs by recognizing that some of the conditions which arise during a test period are ongoing and must be spread over the entire period. Because of the use of test period operations as a measure of future operations to establish future rates, the need to focus on the quality of the test period data continues to be necessary. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Thad LeVar, PSC Chair	<b>Date:</b>	10/01/2020
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**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF RULE EFFECTIVE DATES

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

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

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

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### Agriculture and Food

#### Plant Industry

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

### 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

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

NOTICES OF RULE EFFECTIVE DATES

No. 52970 (Amendment): R277-912. Law Enforcement  
Related Incident Reporting  
Published: 08/01/2020  
Effective: 09/24/2020

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. 52995 (Amendment): R386-800. Immunization  
Coordination  
Published: 08/15/2020  
Effective: 09/23/2020

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. 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

Substance Abuse and Mental Health  
No. 52768 (New Rule): R523-21. Behavioral Health  
Receiving Centers Standards  
Published: 08/01/2020  
Effective: 09/29/2020

No. 52985 (New Rule): R523-23. Assisted Outpatient  
Treatment Court Orders  
Published: 08/15/2020  
Effective: 09/29/2020

Insurance

Administration  
No. 52980 (Amendment): R590-225. Documents  
Incorporated by Reference  
Published: 08/15/2020  
Effective: 09/22/2020

No. 52982 (Amendment): R590-237. Rural Health  
Notification  
Published: 08/15/2020  
Effective: 09/22/2020

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