

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed October 02, 2020, 12:00 a.m. through October 15, 2020, 11:59 p.m.

Number 2020-21  
November 01, 2020

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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Utah state digest.

Semimonthly.

1. Delegated legislation--Utah--Digests. I. Utah. Office of Administrative Rules.

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# EDITOR'S NOTES

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## Notice of a Public Hearing for Proposed Rule R414-12

On November 16, 2020, from 9:00 AM - 11:00 AM, the Utah Department of Health will hold a public hearing on Medicaid's proposed new Rule R414-12, Laboratory Services, that was published in the October 15, 2020, Utah State Bulletin under Filing No. 53099 on page 27.

The public hearing will be held as a virtual meeting and can be accessed by:

Phone: +1 641-569-8627

PIN: 691 187 565#

Google Meet:

Meeting ID: [meet.google.com/wmh-yong-ida](https://meet.google.com/wmh-yong-ida)

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## Processing Error for the Effective Date for Rule R501-22

There was a processing error in the publication of the notice of effective date for Rule R501-22, DAR No. 44034. The effective date, which is 01/16/2020, was not published, but it was appropriately filed by the agency. The notice should have been:

### Human Services

Administration, Administrative Services, Licensing

No. 44034 (Repeal and Reenact): R501-22. Residential Support Programs

Published: 10/01/2019

Effective: 01/16/2020

*If you have any questions about the issues addressed in this editor's note, please contact the Office of Administrative Rules by telephone at 801-957-7110, or by email at [rulesonline@utah.gov](mailto:rulesonline@utah.gov)*

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



# EXECUTIVE DOCUMENTS

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

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

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## PROCLAMATION 2020/09/E

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

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

**NOW, THEREFORE**, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 63rd Legislature of the State of Utah into the Ninth Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 21st day of October 2020, at 4:30 p.m., for the following purpose:

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

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 20th day of October 2020

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/09/E

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

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

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least December 01, 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 March 01, 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.):	R68-29	Filing No. 53103

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant Industry	
<b>Street address:</b>	350 N Redwood Road	
<b>City, state:</b>	Salt Lake City, UT 84115	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	801-982-2204	ambermbrown@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R68-29. Quality Assurance Testing on Cannabis
<b>3. Purpose of the new rule or reason for the change:</b>
The reason for the amendment is to remove Greek symbols from the rule, consistent with Utah rulewriting requirements. A change is also needed to add units to the mycotoxin table.
<b>4. Summary of the new rule or change:</b>
Greek symbols are removed and replaced with non-special characters that represent the same value. Units are added to values in the mycotoxin table in Section R58-29-12 which were inadvertently removed in a previous filing. Two other typos in the rule are also fixed.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There are no cost or savings to the state budget because the changes are to make this rule consistent with state requirements and correct typos and do not affect cannabis testing requirements.

<b>B) Local governments:</b>																								
There are no cost or savings to local governments because the changes are to make this rule consistent with state requirements and correct typos and do not affect cannabis testing requirements.																								
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>																								
There are no cost or savings to small businesses because the changes are to make this rule consistent with state requirements and correct typos and do not affect cannabis testing requirements or fees charged.																								
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>																								
There are no cost or savings to non-small businesses because the changes are to make this rule consistent with state requirements and correct typos and do not affect cannabis testing requirements or fees charged.																								
<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 cost or savings to other persons because the changes are to make this rule consistent with state requirements and correct typos and do not affect cannabis testing requirements or fees charged.																								
<b>F) Compliance costs for affected persons:</b>																								
There are no compliance costs for affected persons because the changes will have no effect on compliance costs for cannabis production establishments who must comply with this rule.																								
<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> </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
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>	\$0	\$0	\$0
<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>	\$0	\$0	\$0
<b>Net Fiscal Benefits</b>	\$0	\$0	\$0
<b>H) Department head approval of regulatory impact analysis:</b>			
The Commissioner of the Department of Agriculture and Food, R. Logan Wilde, has reviewed and approved the regulatory impact analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
The changes to this rule will not have a fiscal impact on businesses.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
R. Logan Wilde, Commissioner			

**Citation Information**

<b>7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</b>		
Subsection		
4-41a-701(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 the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	12/01/2020

<b>10. This rule change MAY become effective on:</b>	12/08/2020
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>	10/06/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> New			
<b>Utah Admin. Code Ref (R no.):</b>	R68-32	<b>Filing No.</b>	53110

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant Industry	
<b>Building:</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
Cody James	801-982-2376	codyjames@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R68-32. Sale and Transfer of Industrial Hemp Waste Material to Medical Cannabis Cultivators
<b>3. Purpose of the new rule or reason for the change:</b>
This new rule provides guidelines governing the sale of industrial hemp waste to medical cannabis cultivators, which was allowed by S.B. 121 from the 2020 General Session.

**4. Summary of the new rule or change:**  
 This new rule provides guidelines governing the sale of industrial hemp waste to medical cannabis cultivators, including related to Department of Agriculture and Food pre-approval of sales, sale requirements, and record keeping and transportation requirements.

**Fiscal Information**

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

**A) State budget:**

There is no anticipated cost or savings to the state budget because sales would occur under existing licenses of industrial hemp processors and cultivators and medical cannabis cultivators. No additional inspections will be required. Industrial hemp waste will be tested in the same way as other cannabis products and testing fees cover the cost of testing.

**B) Local governments:**

There is no anticipated cost or savings to local governments because local governments are not industrial hemp or cannabis cultivators or processors and do not participate in the sale or regulation of the sale of industrial hemp waste.

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

There are no anticipated additional costs to small businesses (industrial hemp cultivators and processors and cannabis cultivators) because the testing and licensing required would be the same as for other cannabis products. Those who are able to sell industrial hemp waste will benefit from the sale although it is difficult to know at the outset of this program how many sales will occur.

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

There are no anticipated additional costs to non-small businesses (industrial hemp cultivators and processors and cannabis cultivators) because the testing and licensing required would be the same as for other cannabis products. Those who are able to sell industrial hemp waste will benefit from the sale although it is difficult to know at the outset of this program how many sales will occur.

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

There are no anticipated cost or benefits to persons other than small businesses, non-small businesses, or state or local government entities because other persons are not regulated as industrial hemp cultivators or processors or

cannabis cultivators and do not participate in the sale of industrial hemp waste under this program.

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

Compliance costs would not change for cannabis cultivators as the industrial hemp waste products would be subject to the same testing requirements as other cannabis products. Industrial hemp cultivators and processors would be subject to the same licensing requirements as prior to the new rule.

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

<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 Agriculture and Food, R. Logan Wilde, has reviewed and approves this regulatory impact analysis.

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

This rule is necessary to allow for the sale of industrial hemp waste into the medical cannabis marketplace to cultivators as allowed under recently passed legislation. This rule is not associated with an anticipated fiscal impact on businesses.

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

R. Logan Wilde, Commissioner

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

Subsection	Subsection	Title 4, Chapter 41a
4-2-103(1)(i)	4-41a-603(3)	
Section 4-41a-102		

**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:** 12/01/2020

**10. This rule change MAY become effective on:** 12/08/2020

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

**Agency Authorization Information**

Agency head or designee, and title:	Date:
R. Logan Wilde, Commissioner	10/14/2020

**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R156-11a</b>	<b>Filing No. 53108</b>
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**Agency Information**

<b>1. Department:</b>	Commerce	
<b>Agency:</b>	Occupational and Professional Licensing	
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 E 300 S	
<b>City, state:</b>	Salt Lake City UT 84111-2316	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state, zip:</b>	Salt Lake City UT 84114-6741	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Allyson Pettley	801-530-6179	apettley@utah.gov

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

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

R156-11a. Cosmetology and Associated Professions Licensing Act Rule

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

The amendments are proposed in accordance with S.B. 23 and S.B. 201 passed in the 2020 General Session.

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

Minor grammatical changes and formatting changes are made throughout for clarity.

Subsection R156-11a-102(25) is amended to maintain consistency by referring to Section 15A-3-402 and to delete unnecessary language.

Section R156-11a-301 is amended to delete an obsolete statutory reference.

Section R156-11a-302 is amended to delete subsections (3) and (4) in compliance with statutory changes made by S.B.201 (2020). The remaining subsection is renumbered.

Sections R156-11a-302b, R156-11a-302c, and R156-11a-303 are amended to correct and update references.

Subsections R156-11a-502(5) and (7) are updated to include the hair designer profession to the unprofessional conduct provisions, in compliance with S.B. 23 (2020).

Subsection R156-11a-503 is amended to update the rule per new citation rules and policy.

Subsection R156-11a-603(1)(c) is amended to make a minor numbering correction.

Section R156-11a-607 is amended to make minor formatting corrections for clarity.

Subsection R156-11a-609 is amended as follows: Subsection (1) references are updated to Section 58-11a-102 for instructors. Subsection (2) is amended to clarify the areas in which a cosmetologist/barber instructor may teach -- Subsection (2)(a) adds nail technology which was unintentionally omitted from previous rule filings and Subsection (2)(b) adds hair design in accordance with S.B. 23 (2020).

Section R156-11a-610 is amended to update references.

Sections R156-11a-611 and -612 are amended to update references.

Section R156-11a-800 is amended to add hair design school, which was unintentionally omitted from previous rule filings, and to make minor formatting changes for clarity.

Sections R156-11a-801 through (newly renumbered) R156-11a-805 are amended to make minor formatting changes for clarity.

New Section R156-11a-804 is added to establish hair design apprenticeship standards to comply with S.B. 23 (2020). Sections R156-11a-804 and -805 are renumbered with minor formatting changes for clarity.

Public hearing information:

Join with Google Meet: [meet.google.com/khv-eoxr-sxm](https://meet.google.com/khv-eoxr-sxm)  
Join by phone: (US) +1 402-772-0160 (PIN: 825629334)

**Fiscal Information**

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

**A) State budget:**

No impact is expected to the state budget. Any costs or savings to comply with these changes are a result of the statutory requirements of S.B. 23 and S.B. 201 (2020) that permitted hair design licenses through apprenticeship and consideration of criminal history, respectively. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process. All other amendments are nonsubstantive and do not create any additional costs or savings.

**B) Local governments:**

No impact is expected to local governments. Any costs or savings to comply with these changes are a result of the statutory requirements of S.B. 23 and S.B. 201 (2020) that permitted hair design licenses through apprenticeship and consideration of criminal history, respectively. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process. All other amendments are nonsubstantive and do not create any additional costs or savings.

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

No impact is expected to small businesses. Any costs or savings to comply with these changes are a result of the statutory requirements of S.B. 23 and S.B. 201 (2020) that permitted hair design licenses through apprenticeship and consideration of criminal history, respectively. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process. All other amendments are nonsubstantive and do not create any additional costs or savings.

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

No impact is expected to non-small business. Any costs or savings to comply with these changes are a result of the statutory requirements of S.B. 23 and S.B. 201 (2020) that permitted hair design licenses through apprenticeship and consideration of criminal history, respectively. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process. All other amendments are nonsubstantive and do not create any additional costs or savings.

**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 impact is expected to other persons. Any costs or savings to comply with these changes are a result of the statutory requirements of S.B. 23 and S.B. 201 (2020) that permitted hair design licenses through apprenticeship and consideration of criminal history, respectively. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process. All other amendments are nonsubstantive and do not create any additional costs or savings.

<b>F) Compliance costs for affected persons:</b>			
No impact is expected to any affected persons. Any costs or savings to comply with these changes are a result of the statutory requirements of S.B. 23 and S.B. 201 (2020) that permitted hair design licenses through apprenticeship and consideration of criminal history, respectively. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process. All other amendments are nonsubstantive and do not create any additional costs or savings.			
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Commerce, Chris Parker, 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>
The Division of Occupational and Professional Licensing proposes amendments to update Cosmetology and Associated Professions Licensing Act Rule to conform to S.B. 23 (2020). Further, the revisions are for minor grammatical changes, formatting changes for clarity, deleting unnecessary language, and updating statutory and rule section references.
Small Businesses (less than 50 employees): There are no anticipated costs or savings for small businesses to comply with the changes as a result of the statutory requirements of S.B. 23 and S.B. 201 (2020) that now require hair designers to have a criminal history report for apprenticeships. Thus, all amendments as a whole should allow for greater efficiency in documentation. Accordingly, no fiscal impact is expected for small business over and above any fiscal impact described in the Legislative fiscal notes for S.B. 23 and S.B. 201 (2020) as these costs are either inestimable or there is no fiscal impact.
Regulatory Impact to Non-Small Businesses (50 or more employees): These amendments will have no expected fiscal impact for non-small businesses in the cosmetology and associated professional fields in Utah for the same reasons as described above for small businesses. These costs are either inestimable, for the reasons stated, or there is no fiscal impact.
<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Chris Parker, 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 58-11a-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)

**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>	12/08/2020
<b>B) A public hearing (optional) will be held:</b>	

NOTICES OF PROPOSED RULES

<b>On:</b>	<b>At:</b>	<b>At:</b>
12/07/2020	9:00 AM	See details in Box 4 above.

<b>10. This rule change MAY become effective on:</b>	12/15/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	10/13/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R156-46a</b>	<b>Filing No. 53102</b>

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b>
R156-46a. Hearing Instrument Specialist Licensing Act Rule
<b>3. Purpose of the new rule or reason for the change:</b>
The proposed amendments update this rule in accordance with statutory changes made by S.B. 23 and H.B. 10 in the 2020 General Session.

<b>4. Summary of the new rule or change:</b>
Section R156-46a-102 is amended to update a citation.
In Sections R156-46a-302b and R156-46a-304, the proposed amendments remove references to the Hearing Instrument Specialists Licensing Act Board, in accordance with H.B. 10 (2020), which repealed Section 58-46a-201 and disbanded the Board.
In Section R156-46a-302a, the proposed amendments add clarification to exam requirements.
In Section R156-46a-302b, the proposed amendments make formatting changes, grammatical changes, and clarifies supervision requirements for interns.
In Section R156-46a-303, the proposed amendments update citations to renewal procedures in Rule R156-1.
In Section R156-46a-304, the proposed amendments make grammatical changes and clarify continuing education provisions.
In Section R156-46a-502a, the proposed amendments make grammatical changes and clarify unprofessional conduct provisions.
In Section R156-46a-502b, the proposed amendments make grammatical changes.
In Section R156-46a-502c, the proposed change is a formatting change.
In Section R156-46a-502d, the proposed change is a formatting change.
Public Hearing Information: Rule hearing will be held before the Division electronically only. Join with Google Meet: <a href="https://meet.google.com/aip-ypgz-njr">meet.google.com/aip-ypgz-njr</a> Join by phone: (US) +1 216-352-4359 (PIN: 857010725)

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
No state agencies will be directly or indirectly affected by this filing because the proposed amendments merely update and clarify provisions and conform this rule to statutory changes. Accordingly, the amendments are not expected to impact the state.
<b>B) Local governments:</b>
No local governments will be directly or indirectly affected by this filing because the proposed amendments merely update and clarify provisions and conform this rule to statutory changes.



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

There are approximately 96 small businesses in Utah owned by individuals in the hearing aid dispensing industries (North American Industry Classification System (NAICS) 446199). No small businesses are expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform this rule to statutory changes.

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

There are approximately three non-small businesses in Utah owned by individuals in the hearing aid dispensing industries (NAICS 446199). No non-small businesses are expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform this rule to statutory changes.

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

In Utah there are 125 licensed hearing instrument specialists and 27 licensed hearing instrument interns, but these persons are not expected to be impacted by filing because the proposed amendments merely update and clarify provisions and conform this rule to statutory changes.

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

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

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

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

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

The Division of Occupational and Professional Licensing proposes amendments to update the Hearing Instrument Specialist Licensing Act Rule in accordance with S.B. 23 and H.B. 10 (2020). The revisions remove references to the now disbanded Hearing Instrument Specialist Licensing Board, clarify licensing requirements in concern to exams and obtaining hours toward licensure, and make grammatical changes relating to unprofessional conduct. Amendments are also made to update section references and make nonsubstantive formatting changes for clarity.

**Small Businesses (less than 50 employees):**

In Utah, there are approximately 96 small businesses owned by individuals in the hearing aid dispensing industries (NAICS 446199). No costs or benefits are expected for small businesses by this filing because the proposed amendments merely update and clarify provisions and conform the rule to statutory changes. Accordingly, no fiscal impact is expected for small business over and above any fiscal impact described in the Legislative fiscal notes for S.B. 23 and H.B. 10 (2020) as these costs are either inestimable or there is no fiscal impact.

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

In Utah, there are approximately three non-small businesses owned by individuals in the hearing aid dispensing industries (NAICS 446199). For the same reasons as for small businesses, this filing is not expected to generate costs or benefits as these are merely updating amendments to harmonize the rules with the statute. Any fiscal impact beyond those described in the Legislative

NOTICES OF PROPOSED RULES

fiscal notes for S.B. 23 and H.B. 10 (2020) are either inestimable or there is simply no fiscal impact.

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

Chris Parker, Executive Director

**Citation Information**

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

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-46a-101
Section 58-46a-304		

**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>		12/01/2020
<b>B) A public hearing (optional) will be held:</b>		
<b>On:</b>	<b>At:</b>	<b>At:</b>
11/16/2020	9:00 a.m.	See details in Box 4 above.

**10. This rule change MAY become effective on:** 12/08/2020

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	10/06/2020
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<b>NOTICE OF PROPOSED RULE</b>		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-462</b>	<b>Filing No. 53111</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>
R277-462. School Counseling Program
<b>3. Purpose of the new rule or reason for the change:</b>
The Utah State Board of Education (USBE), Law and Licensing Committee, directed USBE School Counseling staff to update Appendix C of the Utah College and Career Readiness School Counseling Program Model to align with the language in the Rule R277-464: School Counselor Direct and Indirect Services Incorporation of School Counselor Services document.
<b>4. Summary of the new rule or change:</b>
This rule change will provide consistency concerning direct and indirect school counselor services among all school counseling programs (those that receive CTE add-on funding and those who do not). The addition of Appendix C and revisions for Americans with Disabilities Act (ADA) compliance resulted in a third edition of the model.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. It provides for greater consistency for direct and indirect school counselor services among school counseling programs.

<b>B) Local governments:</b>			
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. It provides for greater consistency for direct and indirect school counselor services among school counseling programs.			
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. It provides for greater consistency for direct and indirect school counselor services among school counseling programs.			
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate, revenue for non-small businesses.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. It provides for greater consistency for direct and indirect school counselor services among school counseling programs.			
<b>F) Compliance costs for affected persons:</b>			
There are no significant compliance costs for affected persons. This rule change provides for greater consistency for direct and indirect school counselor services among school counseling programs.			
<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 State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate, revenue for non-small businesses. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Sydnee Dickson, State Superintendent			

**Citation Information**

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

Article X, Section 3	Subsection 53E-2-304(2)(b)	Section 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.)

12/01/2020

**10. This rule change MAY become effective on:** 12/08/2020

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>	10/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-494</b>	<b>Filing No.</b>	<b>53112</b>
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**Agency Information**

<b>1. Department:</b>	Education
<b>Agency:</b>	Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 144200
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4200

**Contact person(s):**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

**General Information**

**2. Rule or section catchline:**

R277-494. Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities

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

The rule was amended and updated to reflect recent changes in the Utah Code under H.B. 80 passed in the 2020 General Session.

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

The amendments are mostly technical in nature and include two amendments to defined terms that were recently added to the Utah Code. The amended definitions direct the reader to defined terms in the Utah Code.

**Fiscal Information**

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

**A) State budget:**

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

**B) Local governments:**

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

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

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

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not

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

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

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

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

There are no compliance costs for affected persons. The changes to this rule are technical and clarifying in nature.

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

**Regulatory Impact Table**

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

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

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

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

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

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

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Subsection 53G-6-705(6)	Subsection 53G-6-704(6)(a)
Subsection 53E-3-401(4)		

**Public Notice Information**

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

**A) Comments will be accepted until:** 12/01/2020

<b>10. This rule change MAY become effective on:</b>	12/08/2020
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>	10/15/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Repeal		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-508</b>	<b>Filing No. 53107</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>
R277-508. Employment of Substitute Teachers
<b>3. Purpose of the new rule or reason for the change:</b>
The Utah State Board of Education (USBE) reviewed rule requirements for substitute teachers.
<b>4. Summary of the new rule or change:</b>
The USBE felt the existing rule for substitute teachers is obsolete and poses undue burdens on schools and districts in a time where it's difficult to find substitutes, therefore, this rule is being repealed in its entirety.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The rule repeal removes a rule that is not current or necessary. The change may create savings for school districts, but it will not likely impact programs and processes at USBE.
<b>B) Local governments:</b>
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The rule repeal removes a rule that is not current or necessary. The change may create savings for school districts, but it will not likely impact programs and processes at 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 impact on small businesses' revenues or expenditures. The rule repeal removes a rule that is not current or necessary. The change may create savings for school districts, but it will not likely impact programs and processes at 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.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The rule repeal removes a rule that is not current or necessary. The change may create savings for school districts, but it will not likely impact programs and processes at USBE.

<b>F) Compliance costs for affected persons:</b>			
There are no compliance costs for affected persons. The rule repeal removes a rule that is not current or necessary. The change may create savings for school districts, but it will not likely impact programs and processes at USBE.			
<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 State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary			

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

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

**Citation Information**

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

Article X, Section 3	Subsection 53E-3-501(1)(a)	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:** 12/01/2020

**10. This rule change MAY become effective on:** 12/08/2020

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>	10/13/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R277-611	Filing No. 53113

**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>
R277-611. Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools
<b>3. Purpose of the new rule or reason for the change:</b>
The authorizing statute has been repealed by the legislature and this rule's relevant portions are being considered as an addition to a forthcoming rule related to a new program. The repeal of Section 53F-6-201 was removed in H.B. 327 passed in the 2018 General Session.
<b>4. Summary of the new rule or change:</b>
Rule R277-611 is obsolete; therefore, the Utah State Board of Education is repealing this rule in its entirety.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. Statute related to the program was repealed and relevant portions of this rule will be added to a forthcoming rule.
<b>B) Local governments:</b>
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. Statute related to the program was

repealed and relevant portions of this rule will be added to a forthcoming rule.

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. Statute related to the program was repealed and relevant portions of this rule will be added to a forthcoming rule.

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Statute related to the program was repealed and relevant portions of this rule will be added to a forthcoming rule.

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

There are no independent compliance costs for affected persons. Statute related to the program was repealed and relevant portions of this rule will be added to a forthcoming rule.

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

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



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

**Citation Information**

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

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

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

<b>A) Comments will be accepted until:</b>	12/01/2020
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<b>10. This rule change MAY become effective on:</b>	12/08/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	10/15/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-616</b>	<b>Filing No. 53114</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

Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

2. Rule or section catchline:
R277-616. Education for Homeless and Emancipated Students
3. Purpose of the new rule or reason for the change:
This rule is being amended to include language that brings this rule into compliance with federal requirements for a state education agency to have a policy regarding fee waivers for homeless students.
4. Summary of the new rule or change:
The amendment adds that a student the qualifies as homeless under the McKinney-Vento Act have all fee's waived pursuant to process outlined in Section R277-407-5. The amendments also make technical corrections to numbering and citations.

**Fiscal Information**

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. It brings this rule into compliance with federal requirements under the McKinney-Vento Act.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. It brings this rule into compliance with federal requirements under the McKinney-Vento Act.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impacts on small businesses' revenues or expenditures. It brings this rule into compliance with federal requirements under the McKinney-Vento Act.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. It brings this rule into compliance with federal requirements under the McKinney-Vento Act.

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

There are no independent compliance costs for affected persons. This rule change brings this rule into compliance with federal requirements under the McKinney-Vento Act.

**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>
<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 local education agencies and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

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

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

<b>A) Comments will be accepted until:</b>	12/01/2020
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<b>10. This rule change MAY become effective on:</b>	12/08/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	10/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-706</b>	<b>Filing No.</b>	<b>53106</b>
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**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-706. Public Education Regional Service Centers

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

This rule needs to be updated due to the passage of S.B. 79, Regional Education Service Agencies, passed in the 2020 General Session. S.B. 79 renamed what were formerly known as Regional Education Service Centers and directed the Utah State Board of Education to make rules establishing a coordinating council and further establishing the powers and duties of what are now known as Regional Education Service Agencies.

**4. Summary of the new rule or change:**  
 The amendments update the terminology consistent with the statutory changes, outline Regional Education Service Agency (RESA) powers, and establish a RESA statewide coordinating council. The amendments further clarify when RESAs can seek grant funding beyond what is allocated for the RESA's member schools.

**Fiscal Information**

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

**A) State budget:**  
 This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The changes align this rule with statutory changes found in S.B. 79 (2020).

**B) Local governments:**  
 This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The changes align this rule with statutory changes found in S.B. 79 (2020).

**C) Small businesses** ("small business" means a business employing 1-49 persons):  
 This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The changes align rule with statutory changes found in S.B. 79 (2020).

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

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):  
 This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The changes align this rule with statutory changes found in S.B. 79 (2020).

**F) Compliance costs for affected persons:**  
 There are no independent compliance costs for affected persons. The changes align this rule with statutory changes found in S.B. 79 (2020).

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
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 local education agencies and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Section 53G-4-410	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:** 12/01/2020

**10. This rule change MAY become effective on:** 12/08/2020

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>	10/13/2020
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<b>NOTICE OF PROPOSED RULE</b>		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-752</b>	<b>Filing No. 53109</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 84114	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

**General Information**

**2. Rule or section catchline:**  
R277-752. Special Education Intensive Services Fund

**3. Purpose of the new rule or reason for the change:**  
This rule is amended to address carry forward and application requirements for the special education intensive services fund appropriation.

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

**Fiscal Information**

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

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

<b>B) Local governments:</b>			
This rule change may impact local governments' revenues and/or expenditures. It requires the USBE to recoup special education intensive service carry forward funds in excess of 20% of an LEA's special education budget. These revenues are not retained by the state but go into the special education intensive services program, allowing the USBE to fund additional requests from other LEAs. The net benefit/cost to LEAs is zero as the rule only redistributes funding amongst LEAs.			
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. The amendments in this rule change directly impact only state and local governments.			
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate, revenue for non-small businesses.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments in this rule change directly impact only state and local governments.			
<b>F) Compliance costs for affected persons:</b>			
There are no compliance costs for affected persons.			
<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 State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate, revenue for non-small businesses. This rule change has no fiscal impact on LEAs and will not have a fiscal impact on small businesses either.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Sydnee Dickson, State Superintendent			

**Citation Information**

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

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

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

<b>A) Comments will be accepted until:</b>	12/01/2020
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<b>10. This rule change MAY become effective on:</b>	12/08/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	10/13/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R384-415</b>	<b>Filing No. 53115</b>

**Agency Information**

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

**Contact person(s):**

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

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

**General Information**

**2. Rule or section catchline:**  
R384-415. Electronic-Cigarette Substance Standards

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

These changes revise this rule to align with changes in Section 26-57-103, which became effective 07/01/2020. The changes are needed due to the passage of H.B. 23 during the 2020 General Session, requiring the Department of Health (Department) to establish labeling; nicotine content; packaging; and product quality standards for manufacturer sealed electronic cigarette substances. Between July and September 2020, the Department consulted with representatives from local health departments and members of the public to establish the language for this rule amendment.

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

The rule amendment to Rule R384-415 revises this rule to align with definition changes throughout Utah Code. In addition, the rule amendment establishes labeling; nicotine content; packaging; and product quality standards and requirements for retailers that sell manufacturer sealed electronic cigarette substances.

Public hearing information: Virtual Public Hearing via WexEx  
-  
<https://tccp.my.webex.com/tccp.my/j.php?MTID=m4855fc7f9d49cfb1517f6b5fbf07485>.

Join by phone: +1-510-338-9438 USA Toll. Access code: 126 477 2173

Please contact Christy Cushing for questions or to sign up to provide public comment at 801-538-6260 or [ccushing@utah.gov](mailto:ccushing@utah.gov).

**Fiscal Information**

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

Enactment of this rule amendment is not expected to have any fiscal costs to the state budget; however, there are costs to Utahns who use electronic cigarettes, especially to those who use them now during the COVID-19 pandemic.

An electronic cigarette with a higher concentration of

nicotine has a greater likelihood of being a more addictive. Utahns who are addicted to nicotine products and want to quit are more likely to need tobacco cessation services to be able to quit successfully. Currently, tobacco cessation services are provided by the Utah Department of Health through the state tobacco quit line and through quit services covered by health insurance plans. The continued sale of addictive products results in higher cost to the state tobacco quit line and health insurance companies to cover treatment for nicotine dependence.

In 2018, 13.3% of Utah's Medicaid recipients used electronic cigarettes. Reducing the nicotine content in electronic cigarettes sold in Utah could reduce electronic cigarette use among this population and subsequently decrease nicotine dependence treatment and healthcare expenditures for Medicaid clients, both in the short and long term. The Utah Medicaid program currently spends an estimated \$125,900,000 each year to treat tobacco-related diseases.

The Utah state quit line budget is approximately \$1,000,000 annually and all of the tobacco cessation services provided is free and confidential for users. The average state cost for treating nicotine dependence using the Utah quit line ranges between \$273 - \$300 per user. The Utah youth tobacco cessation program "My Life My Quit" (for both vaping and smoking), offered by the Utah tobacco quit line for individuals between the ages of 13-17, cost per user (counseling calls, text messaging, email support) is \$273. The Utah adult cessation program provided by the Utah tobacco quit line, cost per user (counseling calls, text messaging, email support, NRT) is \$300.

In Utah, an estimated 30,000 youth currently use electronic cigarette products (12.4%). 44.5% of U.S. adolescents who vape are seriously interested in quitting, and 24.9% tried to quit in the past year (Smith, 2020). To offer tobacco cessation services to 44.5% of Utah youth who vape (13,350) would cost Utah an estimated \$3,600,000. To offer tobacco cessation services to 50% of young adults who vape (ages 18-34) (~55,000) would cost Utah an estimated \$16,600,000.

Enactment of the rule amendment would result in the sale of manufacturer sealed electronic cigarette substances with a nicotine concentration equal to, or less than 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine, which conceivably is a less addictive product, being that "the amount of nicotine delivered and the way in which it is delivered influences the addictiveness of a tobacco product" (Eaton DL et al., 2018; HHS, 2010b). Reducing the nicotine content in electronic cigarettes sold in Utah can aid in preventing youth and adult initiation of electronic cigarette products among Utahans who do not already smoke or vape. Electronic cigarette use is more popular among Utah youth than all other tobacco products combined, therefore limiting youth access to highly addictive electronic cigarette products is critical for preventing a new epidemic of nicotine addiction.

A study of youth and young adults ages 13 - 24 argues that those who have ever used e-cigarettes are five times more likely to contract COVID-19 than those who do not use tobacco products. Dual users of cigarettes and e-cigarettes are nearly seven times more likely to contract the respiratory disease (Gaiha, S. M, et al., 2020).

**B) Local governments:**

Enactment of this rule amendment is not expected to have any fiscal impact on the local governments, as local health departments will continue to conduct retail observations and investigations in accordance with respective state tobacco control laws, state administrative rules and local health department regulations using existing allocated resources to enforce the amended rule.

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

The rule amendment may result in a direct cost to small businesses that employ fewer than 50 employees and choose to sell manufacturer sealed electronic cigarette substances. The rule amendment may result in a direct fiscal cost to small businesses that primarily rely on the sale of tobacco products (retail tobacco specialty businesses) and operate under the North American Industry Classification System (NAICS) codes of 453991, 424940. Other small businesses that sell electronic cigarette substances among other products they choose to sell include (445120) convenience stores, (447110) gas stations with convenience stores, (445110) supermarkets and other grocery stores, (452319) general merchandise and discount stores, (447190) other gasoline stations, (453991) tobacco stores, (424940) tobacco product merchant wholesalers, (453220) gift, novelty and souvenir stores, (721110) hotels, (813410) civic and social organizations.

A review of the Department combined local health department tobacco retail compliance check logs for fiscal year 2020 and cross-referenced with Utah Department of Workforce Services (DWS) Firm Find Data, shows that there are approximately 1,175 small businesses that sell some type of electronic cigarette substances in Utah, or approximately 88% of Utah tobacco retailers. The Department does not know how many of these 1,175 small businesses sell manufacturer sealed electronic cigarette substances with nicotine concentrations higher than 3% by weight per container or exceed 36 mg/ml concentration of nicotine. Approximately 168 small business tobacco retailers, or approximately 12% choose to not sell electronic cigarette substances and these businesses will not be affected by this rule amendment.

Effective July 1, 2021, the rule amendment prohibits a tobacco retailer that sells a manufacturer sealed electronic cigarette substance from selling a manufacturer sealed electronic cigarette substance with a nicotine concentration higher than 3% nicotine by weight per container, or exceeding a 36mg/mL concentration of



nicotine. Only tobacco retailer that currently sell manufacturer sealed electronic cigarette substances that contains more than 3% nicotine by weight per container, or exceeds a 36mg/mL concentration of nicotine may experience a direct fiscal impact.

According to Statista's E-cigarette market share in the United States in 2020, by brand, 9/4/2020 report, five electronic cigarette manufacturer brands account for 97% of the U.S. market share: Juul (42%), Vuse (36%), blu (9%), Logic (8%) and Njoy (2%). Some of these electronic cigarette brands sell products with a nicotine concentration that is more than 3% nicotine by weight or 36mg/ml concentration of nicotine. Nevertheless, all of these brands also offer electronic cigarette products with less than a 3% nicotine by weight per container or 36 mg/ml concentration of nicotine. Utah tobacco retailers that sell manufacturer sealed electronic cigarette substances (or prefilled pods or cartridges) will continue to have the option to sell manufacturer sealed electronic cigarette substances with a nicotine concentration equal to or less than 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine. As indicated, the five electronic cigarette manufacturer brands listed above all offer manufacturer sealed electronic cigarette substances that meet this nicotine concentration requirement.

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

The rule amendment may result in a direct cost to non-small businesses that employ more than 50 employees and choose to sell manufacturer sealed electronic cigarette substances. The rule amendment may result in a direct fiscal cost to non-small businesses that sell electronic cigarette substances among other products they choose to sell include (445120) convenience stores, (447110) gas stations with convenience stores, (445110) supermarkets and other grocery stores, (452319) general merchandise and discount stores, (447190) other gasoline stations, and (453220) gift, novelty and souvenir stores. A review of the Department combined local health department tobacco retail compliance check logs for fiscal year 2020 and cross-referenced with Utah Department of Workforce Services (DWS) Firm Find Data, shows that there are approximately 208 non-small businesses that sell some type of electronic cigarette substances in Utah, or approximately 12% of Utah tobacco retailers. The Department does not know how many of these 208 non-small businesses sell manufacturer sealed electronic cigarette substances with nicotine concentrations higher than 3% by weight per container or exceed 36 mg/ml concentration of nicotine. Approximately 164 non-small business tobacco retailers, or approximately 9.6%, choose to not sell any electronic cigarette substances and these businesses will not be affected by this rule amendment.

Effective July 1, 2021, the rule amendment prohibits a tobacco retailer that sells a manufacturer sealed electronic cigarette substance from selling a manufacturer sealed electronic cigarette substance with a nicotine concentration higher than 3% nicotine by weight per container, or exceeding a 36mg/mL concentration of nicotine. A tobacco retailer that currently sells a manufacturer sealed electronic cigarette substance that contains more than 3% nicotine by weight per container, or that exceeds a 36mg/mL concentration of nicotine may experience a direct fiscal cost.

According to Statista's E-cigarette market share in the United States in 2020, by brand, 09/04/2020 report, 5 electronic cigarette manufacturer brands account for 97% of the U.S. market share: Juul (42%), Vuse (36%), blu (9%), Logic (8%) and Njoy (2%). Some of these electronic cigarette brands sell products with a nicotine concentration that is more than 3% nicotine by weight or 36mg/ml concentration of nicotine. Nevertheless, all of these brands also offer electronic cigarette products with less than a 3% nicotine by weight per container or 36 mg/ml concentration of nicotine. Utah tobacco retailers that sell manufacturer sealed electronic cigarette substances (or prefilled pods or cartridges) will continue to have the option to sell manufacturer sealed electronic cigarette substances with a nicotine concentration equal to or less than 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine. As indicated, the five electronic cigarette manufacturer brands listed above all offer manufacturer sealed electronic cigarette substances that meet this nicotine concentration requirement.

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

The rule amendment to Rule R384-415 may result in an indirect cost or indirect benefit to persons, which can include both consumers who buy electronic cigarette substances and individuals who work for small businesses or non-small businesses that sell electronic cigarette substances.

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

The rule amendment to Rule R384-415 may result in an indirect cost or indirect benefit to persons, which can include both consumers who buy electronic cigarette substances and individuals who work for small businesses or non-small businesses that sell electronic cigarette substances.

**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:**

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses is inestimable because retailers have the option to sell this product.

**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):**

Subsection 26-57-103(2)		
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**Public Notice Information**

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

**A) Comments will be accepted until: 12/01/2020**

**B) A public hearing (optional) will be held: Virtual Public Hearing via WebEx**

<b>On:</b>	<b>At:</b>	<b>At:</b>
11/19/2020	09:30 AM	See the details in Box 4 above.

**10. This rule change MAY become effective on:** 12/08/2020

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 Saunders, Interim Executive Director	<b>Date:</b>	10/15/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> New		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R746-315</b>	<b>Filing No. 53104</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	
<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>
Michael Hammer	801-530-6729	michaelhammer@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R746-315. Wildland Fire Protection Plans
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this rule is to comply with the recently enacted Wildland Fire Planning and Cost Recovery Act (Act) from H.B. 66 passed in the 2020 General Session. The Act requires the Public Service Commission (PSC) to initiate rulemaking proceedings to implement the Act and, specifically, to establish procedures for review and approval of a utility's wildland fire protection plans and attendant expenditures, Section 54-24-103.
<b>4. Summary of the new rule or change:</b>
This rule adopts procedures for the PSC's prompt review and approval of utilities' wildland fire protection plans and the expenditures utilities incur to implement such plans.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule is not anticipated to affect the state budget. This rule contemplates that the State Division of Forestry, Fire, and State Lands will have an opportunity to provide input in proceedings to review utilities' wildland fire protection plans, but it is not required to do so and its right to do so originates in the Act.
<b>B) Local governments:</b>
This rule does not pertain in any manner to local governments and is not anticipated to affect local governments.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule does not pertain to small businesses and is not anticipated to affect them.

<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
The only non-small businesses this rule may potentially affect are qualified utilities. Any expense or burden this rule imposes on such utilities, such as preparing and filing a wildland fire protection plan, are created and imposed by the Act itself, not this rule. This rule imposes no additional obligations on such entities but creates a process by which they may receive timely review from the PSC to recoup costs they incur in complying with the Act through utility rates.

<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
This rule does not pertain to and is not anticipated to affect any other individual, partnership, corporation, association, governmental entity, or public or private organization.

<b>F) Compliance costs for affected persons:</b>
This rule imposes no compliance costs on affected utilities, rather any costs for compliance stem from obligations expressly created in the Act.

<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.)
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**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

NOTICES OF PROPOSED RULES

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:**

As discussed above, this rule merely complies with rulemaking the Act requires. The only businesses it stands to affect are qualified utilities and any expense or burden imposed on such utilities arises out of the Act, not the rule.

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

Thad LeVar, PSC 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 54-24-103

**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:** 12/01/2020

**10. This rule change MAY become effective on:** 12/08/2020

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>	10/08/2020
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**End of the Notices of Proposed 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.):	R270-5	Filing No. 50379

### Agency Information

<b>1. Department:</b>	Crime Victim Reparations	
<b>Agency:</b>	Administration	
<b>Street address:</b>	350 E 500 S, Suite 200	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Connie Wettlaufer	801-238-2371	cwettlaufer@utah.gov
Gary Scheller	801-238-2362	garys@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule catchline:</b>
R270-5. Electronic Meetings
<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>
Section 52-4-207 requires any public body that convenes or conducts an electronic meeting to adopt a rule governing the use of electronic meetings. This Rule R270-5 establishes procedures for conducting Crime Victim Reparations and Assistance Board meetings by electronic means.

<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 comments received.

<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
Perhaps now more than ever in the midst of the COVID-19 pandemic, it has been prudent and required that the Board meet electronically rather than in person. Additionally, electronic meetings allow for greater public attendance of the meetings rather than holding the meeting in only one accessible physical location. Therefore, this rule should be continued.

### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Gary Scheller, Director	<b>Date:</b>	10/13/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-494	Filing No. 50454

### Agency Information

<b>1. Department:</b>	Education
<b>Agency:</b>	Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state, zip:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 144200
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4200

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R277-494. Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities

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

This rule is authorized by Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board; Subsection 53E-3-401(4) which permits the Board to adopt rules in accordance with its responsibilities; Subsection 53G-6-704(6)(a) which directs the Board to make rules establishing fees for a charter school student's participation in extracurricular or co-curricular activities at certain public schools; and Subsection 53G-6-705(6), which directs the Board to make rules establishing fees for an online student's participation in extracurricular or co-curricular activities at certain public schools.

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

There were no written comments received.

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

This rule continues to be necessary because it informs school districts, charter and online schools, and parents of: school participation fees; and state-determined requirements for a charter school or a public online school student to participate in an extracurricular activity at a student's boundary school. This rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	10/15/2020
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<b>FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION</b>		
<b>Utah Admin. Code Ref (R no.):</b>	R317-102	<b>Filing No. 50791</b>

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Water Quality	
<b>Room no.:</b>	DEQ Third Floor	
<b>Building:</b>	Multi Agency State Office Building (MASOB)	
<b>Street address:</b>	195 N 1950 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144870	
<b>City, state, zip:</b>	Salt Lake City, Utah 84114-4870	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Ken Hoffman	801-536-4313	kenhoffman@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R317-102. Utah Wastewater State Revolving Fund (SRF) Program

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

Subsection 10-5-104(1)(f) authorizes the Utah Water Quality Board to adopt rules to implement awarding construction loans to political subdivisions and municipal authorities under Section 11-8-2. The authority for the Department of Environmental Quality, acting through the Utah Water Quality Board, to issue loans to finance all or part of wastewater project costs from the State Revolving Fund (SRF) is provided in Title VI of the Federal Clean Water Act and Section 73-10c-1.

**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 during the last five-year review period for this rule.

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

This rule establishes policies and procedures for implementing the Utah SRF Program. This rule contains definitions, eligibility requirements, application procedures, and prioritization procedures central to the Water Quality Board's implementation of their statutory charge. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Erica Brown Gaddis, Division Director	<b>Date:</b>	10/14/2020
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**End of the Five-Year Notices of Review and Statements of Continuation Section**





## NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

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Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

**EXTENSIONS** are governed by Subsection 63G-3-305(6).

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NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	R277-611	Filing No. 50503

### Agency Information

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

### General Information

<b>2. Rule catchline:</b>
R277-611. Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools
<b>3. Reason for requesting the extension and the new deadline date:</b>
The Utah State Board of Education approved the repeal of Rule R277-611 on October 1, 2020. This extension will provide enough time for the repeal to be published in the November 1, 2020, Bulletin and be repealed on the first possible effective date in December 2020. (EDITOR'S NOTE: The proposed repeal of Rule R277-611 is under Filing No. 53113 in this issue, November 1, 2020, of the Bulletin.)

### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	10/13/2020
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**End of the Notices of Five-Year Review Extensions Section**



## NOTICES OF RULE EFFECTIVE DATES

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

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

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

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### Administrative Services

#### Records Committee

No. 52790 (Amendment) R35-2-2: Scheduling and Declining Requests for Hearings

Published: 09/15/2020

Effective: 10/16/2020

#### Records Management Committee

No. 52975 (New Rule) R36-1: Records Management Committee

Published: 08/15/2020

Effective: 10/16/2020

### Agriculture and Food

#### Regulatory Services

No. 53005 (Amendment) R70-201: Compliance Procedures

Published: 09/01/2020

Effective: 10/14/2020

### Alcoholic Beverage Control

#### Administration

No. 53013 (Amendment) R82-1: General

Published: 09/15/2020

Effective: 10/27/2020

No. 53014 (Amendment) R82-1-208: Percentage Lease Agreements

Published: 09/15/2020

Effective: 10/27/2020

No. 53015 (Amendment) R82-1-304: Background Checks for Resort Licenses

Published: 09/15/2020

Effective: 10/27/2020

No. 53016 (Amendment) R82-2-303: Non-Consignment Inventory

Published: 09/15/2020

Effective: 10/27/2020

No. 53017 (Amendment) R82-5-101: General Retail License Provisions

Published: 09/15/2020

Effective: 10/27/2020

No. 53018 (Amendment) R82-5-102: Licensing Ownership, and Transfer of License

Published: 09/15/2020

Effective: 10/27/2020

No. 53019 (Amendment) R82-5-104: Liquor Dispensing Systems

Published: 09/15/2020

Effective: 10/27/2020

No. 53020 (Amendment) R82-5-107: Identification

Published: 09/15/2020

Effective: 10/27/2020

No. 53021 (Amendment) R82-6-602: Reporting Requirement for Banquet Licensees

Published: 09/15/2020

Effective: 10/27/2020

No. 53022 (Amendment) R82-6-1005: Hospitality Amenity Licensee Notice and Records

Published: 09/15/2020

Effective: 10/27/2020

No. 53023 (Amendment) R82-7-102: Off-Premise Beer Retailer State License and Master Off-Premise Beer Retailer License

Published: 09/15/2020

Effective: 10/27/2020

NOTICES OF RULE EFFECTIVE DATES

Commerce

Consumer Protection  
No. 53044 (Amendment) R152-49: Immigration  
Consultants Registration Act Rule  
Published: 09/15/2020  
Effective: 10/26/2020

Occupational and Professional Licensing  
No. 53041 (Amendment) R156-28: Veterinary Practice Act  
Rule  
Published: 09/15/2020  
Effective: 10/23/2020

Real Estate  
No. 52504 (Amendment) R162-2f: Real Estate Licensing  
and Practices Rules  
Published: 09/01/2020  
Effective: 10/21/2020

Education

Administration  
No. 53031 (Amendment) R277-552: Charter School  
Timelines and Approval Processes  
Published: 09/15/2020  
Effective: 10/23/2020

Judicial Performance Evaluation Commission

Administration  
No. 52954 (Amendment) R597-3: Judicial Performance  
Evaluations  
Published: 08/01/2020  
Effective: 10/13/2020

No. 52955 (Amendment) R597-4: Mid-level Evaluation of  
Justice Court Judges  
Published: 08/01/2020  
Effective: 10/13/2020

No. 52958 (Amendment) R597-5: Electronic Meetings  
Published: 08/01/2020  
Effective: 10/13/2020

Labor Commission

Adjudication  
No. 53008 (Amendment) R602-2: Pleadings and Discovery  
Published: 09/01/2020  
Effective: 10/22/2020

Occupational Safety and Health  
No. 53033 (Amendment) R614-1: Incorporation of Federal  
Standards  
Published: 09/15/2020  
Effective: 10/23/2020

Tax Commission

Property Tax  
No. 53011 (Amendment) R884-24P-33: 2020 Personal  
Property Valuation Guides and Schedules Pursuant to Utah  
Code Ann. Section 59-2-107  
Published: 09/01/2020  
Effective: 10/20/2020

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