

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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# EXECUTIVE DOCUMENTS

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

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

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## EXECUTIVE ORDER 2020-75

### Temporary Statewide COVID-19 Restrictions

**WHEREAS**, on November 8, 2020, I issued Executive Order 2020-72, declaring a state of emergency Due to Rising COVID-19 Case Counts Creating a Shortage of Hospital Beds;

**WHEREAS**, COVID-19 has been characterized by the World Health Organization as a worldwide pandemic caused by Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

**WHEREAS**, the number of COVID-19 cases in Utah has sharply increased, causing serious illness and death to Utah residents, threatening public health and wellness throughout the state;

**WHEREAS**, Utah is experiencing a significant increase in the use of medical resources;

**WHEREAS**, new minimum standards are needed to prevent and control the rapidly changing consequences of COVID-19 throughout the state;

**WHEREAS**, the Centers for Disease Control (CDC) has called on Americans to wear face coverings, with the CDC director stating that "[c]loth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus--particularly when used universally within a community setting," and that "[a]ll Americans have a responsibility to protect themselves, their families, and their communities";

**WHEREAS**, analysis by Brigham Young University researchers reviewing more than 115 studies on the effectiveness of masks in controlling COVID-19 found that "[t]here is clear evidence that face coverings reduce the spray of droplets produced during speaking, coughing, and sneezing" and that "masks could be one of the most powerful and cost-effective tools to stop COVID-19 and accelerate the economic recovery";

**WHEREAS**, published scientific research has shown that the probability of transmission during exposure between a person infected with COVID-19 to an uninfected person is 17.4% if face coverings are not worn, and 3.1% if face coverings are worn;

**WHEREAS**, Utah Code § 53-2a-209(1) provides that orders issued by the governor under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act, have the "full force and effect of law";

**WHEREAS**, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency; and

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

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

1. **Definitions.** As used in this Order:

- a. "COVID-19" means Novel Coronavirus Disease 2019 caused by Severe Acute Respiratory Syndrome Coronavirus 2, also known as SARS-CoV-2.
- b. "Department" means the Department of Health created in Utah Code § 26-1-8.
- c. "Event host" means a person that owns, operates, provides facilities for, or has formal oversight over any of the following where a social gathering occurs: an amusement or water park, arena, aquarium, aviary, botanical garden, ceremony, cinema, comedy club, commercial event venue, commercial party venue, concert or concert hall, conference, convention or convention center, dance or dance hall, driver's education training, fair or fairground, museum, organized athletic or sporting event, recital, stadium, theater, or zoo.
- d. "Extracurricular activity" means an activity, a course, or a program that is:
  - i. not directly related to delivering instruction;
  - ii. not a curricular activity or co-curricular activity as those terms are defined in Utah Code § 53G-7-501; and
  - iii. provided, sponsored, or supported by a school or a public or private institution of higher education, including a degree-granting institution and a technical college.
- e. "Face mask" means a mask that completely covers the nose and mouth, is made of synthetic or natural fabrics, and fits snugly against the nose and sides of the face and under the chin. "Face mask" does not include a mask with an exhalation valve, vent, or other hole or opening, or a mask that is crocheted or made of lace, mesh, or similar open weblike construction or material.
- f. "Face shield" means a shield that covers the entire face—including the eyes, nostrils, and mouth of the wearer—is made of clear plastic or similar nonpermeable transparent material, and can be used in conjunction with a face mask for enhanced protection.
- g. "Household" means an individual or a group of individuals who reside in the same residence.
- h. "Local Education Agency" or "LEA" means a school district or a charter school.
- i. "Person" means the same as that term is defined in Utah Code § 68-3-12.5(18).
- j. "School" means an LEA or private school that provides any kindergarten through grade-12 program or service, including a residential treatment center that provides any kindergarten through grade-12 program or service.
- k. "Social gathering" means an in-person gathering of individuals from separate households. "Social gathering" does not include a gathering for a primarily educational or religious purpose, a business service provided at a place of residence, a physical custody exchange of a child, the exercise of parent-time pursuant to Utah Code § 30-3-32, or a childcare service, including a daycare, nanny, or babysitting service, regardless of whether the childcare service is provided as part of a financial transaction.

2. **Restrictions.** The following restrictions apply statewide:

- a. *Individuals.* An individual:
  - i. shall wear a face mask while within six feet of any individual from a separate household;
  - ii. may not eat or drink within six feet of an individual from a separate household while at a bar or restaurant; and
  - iii. may not attend a social gathering unless:
    - A. the social gathering has an event host or occurs at a business, including a bar or restaurant;
    - B. the individual complies with all face mask and physical distancing requirements.
- b. *Event hosts.* An event host of a social gathering shall:
  - i. require each individual attending the social gathering to wear a face mask, including in an area of ingress or egress;
  - ii. require at least six feet of physical distance between individuals from separate households who attend the social gathering, including in an area of ingress or egress, unless the event host received a waiver pursuant to State Public Health Order 2020-19 or State Public Health Order 2020-20;
  - iii. post conspicuous signage at the social gathering that:
    - A. lists COVID-19 symptoms;
    - B. asks individuals experiencing COVID-19 symptoms to stay home; and
    - C. provides notice of face mask and physical distancing requirements; and
  - iv. complete and implement the Event Management Template provided by the Department.
- c. *Businesses.*
  - i. A business, including a bar or restaurant, whether or not acting as an event host, shall:
    - A. require each employee and contractor to wear a face mask while at work;
    - B. require each patron that enters the premises of the business to wear a face mask, including in an area of ingress or egress;

C. except as provided in Subsection (2)(c)(iii), require at least six feet of physical distance, including in an area of ingress or egress, between each:

1. separate household group at a business other than a bar or restaurant; or
2. separate party at a bar or restaurant; and

D. post conspicuous signage at each entrance to the business that:

1. lists COVID-19 symptoms;
2. asks employees and customers experiencing COVID-19 symptoms to stay home; and
3. provides notice of face mask and physical distancing requirements.

ii. An on-premise licensee of the Department of Alcoholic Beverage Control shall not sell, offer to sell, or furnish liquor or beer after 10:00 p.m.

iii. Notwithstanding Subsection (2)(c)(i)(C), a business that provides a childcare service may permit a child, parent, or care provider to be within six feet of another child, parent, or care provider while in the course of providing or receiving the childcare service.

d. *Athletic and Extracurricular Social Gatherings.*

i. Except as provided in Subsection (2)(d)(ii), a person may not participate in or be an event host for a social gathering that is an organized athletic or sporting event or extracurricular activity.

ii. Subsection (2)(d)(i) does not apply to:

A. an intercollegiate or professional athletic event; or

B. a high school football practice or competition if the following conditions are met:

1. in-person attendance is limited to only participating athletes—including football players, cheerleaders, and drill team members—and their coaches, trainers, staff members, and no more than two additional individuals per attending coach, trainer, athlete, or staff member;

2. each attending athlete, coach, trainer, and staff member, wears a face mask, except as provided in Subsection (3)(a)(viii);

3. each attending spectator wears a face mask and maintains at least six feet of physical distance from any other individual from a separate household;

4. an athlete, coach, trainer, or staff member is permitted to participate in a competition only if the coach, trainer, staff member, or athlete receives a negative test result from a diagnostic test approved by the United States Food and Drug Administration to determine current COVID-19 infection within 72 hours before the game; and

5. an Event Management Template provided by the Department is completed and implemented for the practice or competition.

C. an athletic event held by a private business or organization, that is not a school, including a fitness facility or athletic club, if the following conditions are met:

1. in-person attendance is limited to only participating athletes and their coaches, trainers, staff members, and no more than two additional individuals per attending coach, trainer, athlete, or staff member;

2. each attending athlete, coach, trainer, and staff member maintains six feet physical distance from any individual from a separate household;

3. each attending spectator wears a face mask and maintains at least six feet of physical distance from an individual from a separate household; and

4. an Event Management Template provided by the Department is completed and implemented for the athletic event.

iii. A person that owns, operates, provides facilities for, or has formal oversight over an athletic event, including a practice or competition, authorized under Subsection (2)(d)(ii) is not subject to the requirements of Subsection (2)(b) for that event.

e. *Institutions of Higher Education.* Beginning as soon as possible, but no later than January 1, 2021, a public or private institution of higher education, including a degree-granting institution or technical college, shall require each individual age 18 years or older who is enrolled as a student of the institution of higher education and who lives in on-campus housing or attends at least one in-person class provided by the institution of higher education to obtain a diagnostic test approved by the United States Food and Drug Administration to determine current COVID-19 infection each week.

3. **Face mask exceptions.**

a. Notwithstanding any other provision of this Order, an individual who is otherwise required by this Order to wear a face mask may remove the face mask in the following situations:

i. while actively eating or drinking;

ii. while as the sole occupant of a room, cubicle, or similar enclosure;

iii. when communicating with an individual who is deaf or hard of hearing if:

A. communication cannot be achieved through other means; and

B. the speaker wears a face shield or uses alternative protection such as a plexiglass barrier;

iv. while obtaining or providing a service that requires the temporary removal of the face mask, such as dental services or speech therapy services;

v. while sleeping;

EXECUTIVE DOCUMENTS

- vi. while exercising or engaging in athletic training while:
  - A. outdoors; or
  - B. indoors and maintaining at least six feet of physical distance from any other individual from a separate household;
- vii. while swimming or on duty as a lifeguard;
- viii. while actively performing as an athlete at an organized athletic event authorized under Subsection (2)(d)(ii);
- ix. while giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation or performance for an audience;
  - x. when engaging in work where wearing a face mask would create a risk to the individual, as determined by government safety guidelines;
  - xi. when necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution; and
  - xii. when federal or state law or regulations prohibit wearing a face mask.
- b. The following individuals are exempt from the face mask requirements in Section (2):
  - i. a child who is younger than three years old;
  - ii. an individual who is unconscious, incapacitated, or otherwise unable to remove the face mask without assistance; and
  - iii. an individual with a medical condition, mental health condition, or intellectual or developmental disability, that prevents the individual from wearing a face mask; and
  - iv. an individual who is incarcerated.
- 4. **Local education agencies.**
  - a. An LEA is not subject to the provisions of Section (2)(b) and (2)(c).
  - b. An LEA shall comply with the requirements of the "Planning Requirements and Recommendations for K-12 School Reopening," created by the Utah State Board of Education.
- 5. **Religious services.** This Order does not apply to a religious service. Faith-based organizations are strongly encouraged to implement protocols to mitigate the spread of COVID-19.
- 6. **Effect on other laws.**
  - a. This Order supersedes Executive Order 2020-74.
  - b. To the extent that any provision of this Order conflicts with a provision of a State Public Health Order issued by the Department on or after November 10, 2020, the provision of the State Public Health Order shall control, otherwise this Order shall control.
  - c. Nothing in this Order may be construed to prohibit a local health department from issuing a health order that is more stringent than this Order.
- 7. **Severability.** If a provision of this Order or the application of a provision to any person or circumstance is held invalid, the remainder of this Order shall be given effect without the invalid provision or application. The provisions of this Order are severable.

This Order is effective immediately and shall remain in effect through November 23, 2020, unless otherwise modified, amended, rescinded, or superseded.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 12th day of November, 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/075/EO

**End of the Executive Documents Section**

## NOTICES OF PROPOSED RULES

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between November 03, 2020, 12:00 a.m., and November 16, 2020, 11:59 p.m. are included in this, the December 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 31, 2020. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through March 31, 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.):	R13-2	Filing No. 53213

**Agency Information**

<b>1. Department:</b>	Administrative Services	
<b>Agency:</b>	Administration	
<b>Street address:</b>	4315 S 2700 W, FLOOR 3	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 141002	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-1002	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kenneth A. Hansen	801-957-7171	khansen@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R13-2. Management of Records and Access to Records
<b>3. Purpose of the new rule or reason for the change:</b>
Amendments are required to Rule R13-2 because the Department of Administrative Services (Department) moved its physical offices earlier in 2020. Upon review, staff identified other changes that were needed to update the rule to reflect changes in assignments or changes in technology.
<b>4. Summary of the new rule or change:</b>
This proposed amendment does the following: clarify statutory authority; provides definitions; indicates duties required of divisions in the Department; provides that records requests be made through the state's Open Records Portal; describes an appeal process; indicates where fees may be found; and describes access to records maintained by the Division of Archives and Records Service.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The proposed amendments clarify definitions and procedures but impose no new burdens on divisions within the Department. There is no cost or savings to the state budget.

<b>B) Local governments:</b>
The proposed amendments clarify definitions and procedures but impose no new burdens on persons who may make records requests. There is no cost or savings to local governments.

<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
The proposed amendments clarify definitions and procedures but impose no new burdens on persons who may make records requests. There is no cost or savings to small businesses.

<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
The proposed amendments clarify definitions and procedures but impose no new burdens on persons who may make records requests. There is no cost or savings to non-small businesses.

<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
The proposed amendments clarify definitions and procedures but impose no new burdens on persons who may make records requests. There is no cost or savings to other persons.

<b>F) Compliance costs for affected persons:</b>
The proposed amendments clarify definitions and procedures but impose no new burdens on divisions within the Department. The infrastructure to respond to records requests already exists. There are no compliance costs for the divisions. Persons making records requests will be required to create a Utah-ID account to use the Open Records Portal. Account creation is free. There are no compliance costs for persons making records requests.

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

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

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

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

The Executive Director of the Department of Administrative Services, Tani Downing, has reviewed and approved this fiscal analysis.

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

This amendment will have no impact on business.

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

Tani Downing, Executive Director

**Citation Information**

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

Section 63A-1-105.5	Section 63A-12-104	Section 63G-2-204
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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:** 12/31/2020

**10. This rule change MAY become effective on:** 01/07/2021

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>	Tani Downing, Executive Director	<b>Date:</b>	11/04/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R68-26</b>	<b>Filing No.</b>	<b>53205</b>
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**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	
<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**

**2. Rule or section catchline:**

R68-26. Industrial Hemp Product Registration and Labeling

<p><b>3. Purpose of the new rule or reason for the change:</b></p> <p>The changes are needed to add clarifications for this rule that will improve the process by which the Department of Agriculture and Food (Department) will register industrial hemp products and oversee compliance with rules. The changes will also make this rule clearer for industrial hemp processors.</p>
<p><b>4. Summary of the new rule or change:</b></p> <p>The changes change the way a cannabinoid profile is represented, update labeling requirements, add additional information to the labeling requirements to explain Code of Federal Regulations (CFR) references, change testing requirements so that final products must be tested, removes the requirement for a Food and Drug Administration (FDA) supplement warning for products that contain CBD, and adds violation categories. Changes are also made to make rule text more consistent with the rulewriting manual.</p>

**Fiscal Information**

<p><b>5. Aggregate anticipated cost or savings to:</b></p>
<p><b>A) State budget:</b></p> <p>There are no anticipated costs or savings to the state budget because these changes just clarify current requirements and make it easier for products to be produced and for the Department to administer the hemp program. There are no changes to fees charged by the Department.</p>
<p><b>B) Local governments:</b></p> <p>There are no anticipated costs or savings to local governments because they do not regulate industrial hemp production or produce industrial hemp products.</p>
<p><b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>There are no anticipated costs or savings to small businesses because these changes just clarify current requirements and make it easier for products to be produced and for the Department to administer the hemp program. There are no changes to fees charged by the Department.</p>
<p><b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>There are no anticipated costs or savings to non-small businesses because these changes just clarify current requirements and make it easier for products to be produced and for the Department to administer the hemp program. There are no changes to fees charged by the Department.</p>

<p><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>):</p> <p>There are no anticipated costs or savings to other persons because these changes just clarify current requirements and make it easier for products to be produced and for the Department to administer the hemp program. There are no changes to fees charged by the Department.</p>
<p><b>F) Compliance costs for affected persons:</b></p> <p>There are no changes to compliance costs because the fees charged by the Department remain the same.</p>
<p><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.)</p>

<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 the regulatory impact analysis.

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

These changes will not have any 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 4-41-103(4)	Subsection 4-41-403(1)	Subsection 4-41-402(2)
Subsection 4-41-106(1)	Section 4-41-404	

**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:** 12/31/2020

**10. This rule change MAY become effective on:** 01/07/2021

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>	11/10/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> New		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R68-34</b>	<b>Filing No. 53151</b>

**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	
<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**

**2. Rule or section catchline:**  
R68-34. Educational Event and Educational Material Rules

**3. Purpose of the new rule or reason for the change:**  
This rule is required by Subsections 4-41a-403(5)(a) - (c) that allows cannabis production establishments to create educational materials and hold educational events if they follow rules set by the Department of Agriculture and Food (Department). The requirement was added as part of S.B. 121, passed during the 2020 General Session.

**4. Summary of the new rule or change:**  
This new rule sets guidelines for educational materials produced by and educational events held by a cannabis production establishment that relate to the use or production of cannabis. This includes specific standards for educational materials to ensure the materials do not include false, misleading, or dangerous information, as well as standards for educational events that include attendee requirements, presenter requirements, and information that can be shared.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>			
<b>A) State budget:</b>			
There is no anticipated cost or savings to the state budget. There are no fees associated with dissemination of materials or the holding of educational events and the Department is able to enforce the standards within our existing resources.			
<b>B) Local governments:</b>			
There are no anticipated costs or savings to local governments associated with this rule. Local governments will not be holding educational events or producing materials subject to this rule.			
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
There are no anticipated costs or savings to small businesses because the Department is not imposing fees related to educational events or materials.			
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
There are no anticipated costs or savings to non-small businesses because the Department is not imposing fees related to educational events or materials.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
There are no anticipated costs or savings to other persons businesses because the Department is not imposing fees related to educational events or materials.			
<b>F) Compliance costs for affected persons:</b>			
There are no fees associated with the production of educational materials or events so there should be 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 Commissioner of the Department of Agriculture and Food, R. Logan Wilde, has reviewed and approves the regulatory impact analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
This rule will allow for dissemination of safe and clear information regarding medical cannabis and will not have a fiscal impact on business in Utah.			
<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-403(5)(a)	Subsection 4-41a-403(5)(c)	Subsection 4-41a-403(5)(b)

**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:** 12/15/2020

**10. This rule change MAY become effective on:** 12/22/2020

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

#### Agency Authorization Information

<b>Agency head or designee, and title:</b>	R. Logan Wilde, Commissioner	<b>Date:</b>	10/28/2020
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#### NOTICE OF PROPOSED RULE

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R151-4</b>	<b>Filing No.</b>	<b>53220</b>
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#### Agency Information

<b>1. Department:</b>	Commerce		
<b>Agency:</b>	Administration		
<b>Street address:</b>	160 E 300 S 2nd FL		
<b>City, state, zip:</b>	Salt Lake City, UT 84111		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Jacob Hart	801-530-6636	jfhart@utah.gov	
Please address questions regarding information on this notice to the agency.			

#### General Information

<b>2. Rule or section catchline:</b>
R151-4. Department of Commerce Administrative Procedures Act Rule
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of the rule change is to update, streamline, and clarify procedures for administrative actions before the Department of Commerce and its Divisions.

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

- Updated the definition of "pleading" to make it more consistent with the term as used in the Utah Rules of Civil Procedure, i.e., a document that initiates an action or a document replying to a pleading. The term "pleading" no longer includes "motions". References to "pleading" throughout the rules were updated to also include "motion" where appropriate.
- The prior rule prohibited discovery in informal adjudicative proceedings in sections applicable only to formal adjudicative proceedings. The prohibition of discovery in informal adjudicative proceedings was moved to Section R151-4-114, the subsection addressing informal adjudicative proceedings. A reference to Subsection 63G-4-203(1)(e) was added noting that administrative subpoenas issued by agencies are permitted in informal proceedings.
- Amended Section R151-4-202 to add page limits to motions consistent with those found in the Utah Rules of Civil Procedure.
- Increased the time allowed to respond to motions in Section R151-4-303 consistent with the Utah Rules of Civil Procedure.
- Amended Section R151-4-306 to change the process and procedure for motions to disqualify board or commission members. Motions to disqualify are now decided by the presiding officer rather than the board or commission member at issue. This rule update also provides time frames for when a motion to disqualify may be made.
- Section R151-4-512 was updated to reflect changes to the Utah Rules of Civil Procedure that make certain provisions no longer applicable.
- Amended Section R151-4-602 to clarify and amend the interview process. This rule change provides for recording interviews and circulating copies of the recordings, amends what is required by a moving party to obtain a deposition, and provides that the parties may stipulate to a deposition.
- Removes references to "licensed" court reporters to reflect changes to Title 58, Chapter 74.
- Adds determinations made on an application for a division determination regarding criminal record to the list of orders not subject to agency review.
- Amends Section R151-4-902 in light of Utah Supreme Court case law, including *State v. Nielsen*, 2014 UT 10, governing the marshalling of evidence. A failure to marshal evidence may result in a persuasive failure but is no longer grounds for dismissal as a procedural matter. Citations to law and the record are still required in arguments on agency review.

11. The amendment makes other stylistic changes consistent with the *Rulewriting Manual for Utah*.

**Fiscal Information**

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

**A) State budget:**

This rule does not amend fees or any revenue generation for the state and will not affect the state budget.

**B) Local government:**

Local governments are typically not involved in administrative hearings before the Department of Commerce and are not impacted by this amendment.

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

This rule is procedural in nature and has no discernable impact on the costs required for a small business to appear in a matter before the Department of Commerce.

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

This rule is procedural in nature and has no discernable impact on the costs required for a non-small business to appear in a matter before the Department of Commerce.

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

This rule is procedural in nature and has no discernable impact on the costs required for other persons to appear in a matter before the Department of Commerce.

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

None--This rule only affects those appearing before the Department of Commerce in an administrative proceeding. These rule changes do not impose requirements that would increase compliance costs for affected persons.

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

<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:**

There will be no fiscal impact on businesses.

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

Chris Parker, Executive Director

**Citation Information**

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

Section 13-1-6	Subsection 63G-4-102(6)	
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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:** 12/31/2020

**10. This rule change MAY become effective on:** 01/07/2021

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:** Jacob Hart, Deputy Director  
**Date:** 11/16/2020

NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R156-31b</b>	<b>Filing No. 53200</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>
Jeff Busjahn	801-530-6789	jbusjahn@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R156-31b. Nurse Practice Act Rule
<b>3. Purpose of the new rule or reason for the change:</b>
The Division of Occupational and Professional Licensing (Division) in collaboration with the Board of Nursing and

the Nursing Advisory Peer Education Committee is filing these proposed amendments to clarify and update the rule and implement certain requirements in accordance with statutory changes made by S.B. 23, S.B. 127, H.B. 274, and H.B. 24 passed in the 2020 General Session.

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

The amendments to Section R156-31b-102 define "clinical practical experiences," add to the definition of "delegator" a responsible caregiver who delegates to an unlicensed direct care worker per Section 58-31b-308.1, remove unnecessary repetitive language and clarify that the definitions of "supervision" are the same as those globally defined in Section R156-1-102, and define "unlicensed assistive personnel."

The amendments to Subsection R156-31b-301c(2)(a)(i) clarify that 1,000 hours will be credited as a block for an applicant's completion of Advanced Practice Registered Nurses (APRN) clinical experience in an approved education program in psychiatric mental health nursing, regardless of the number of hours completed by the applicant. New Subsection R156-31b-301c(2)(a)(ii)(C)(iii) adds an additional supervisor option of a licensed psychiatrist for the completion of clinical hours. The Board of Nursing and the Nursing Advisory Peer Education Committee recommend these changes to provide needed clarification and additional flexibility for students and educational programs.

The amendments to Section R156-31b-402 organize and update the fine table, and also add fine amounts for violation of new Subsection 58-31b-502(1)(r) as enacted by 2020 H.B. 24.

In accordance with Subsection 58-31b-601(2) as amended by S.B. 127 (2020), the amendments to Section R156-31b-602 update the requirements for limited-time approval of non-accredited nursing education programs by extending the time frame for nursing education programs to achieve full accreditation to June 30, 2022, and updating the disclosure requirements.

In accordance with Section 58-1-307.1 enacted by H.B. 274 (2020), the amendments to Section R156-31b-701 (now renumbered to Section R156-31b-701a) refer to a new list that will be posted on the Division's website that will itemize the nursing tasks that an unlicensed individual may perform without delegation by a health care provider.

In accordance with Section 58-31b-308.1 enacted by H.B. 274 (2020), new Section R156-31b-701c clarifies that a responsible caregiver retains accountability for the appropriate delegation of a task, and prohibits a delegatee from further delegating to another person a delegated task or any part of a delegated task, and from expanding the scope of the delegated task.

Google Meet information for December 7, 2020, electronic rule hearing before the Division:

Join with Google Meet: [meet.google.com/wbh-dapw-ata](https://meet.google.com/wbh-dapw-ata)  
 Join by phone: (US) +1 615-486-2288 (PIN: 594866996)

**Fiscal Information**

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

**A) State budget:**

Most of the proposed amendments are not expected to result in any measurable fiscal impact to the state budget as they merely update and conform this rule to statutory changes and will not impact state practices or procedures over and above the statutory changes. The proposed amendment to Section R156-1-402 establishing a new fine is not expected to affect the state budget over and above the impact already contemplated by H.B. 24 (2020), as the fiscal note anticipated that beginning FY 2021 the Division would receive revenue of approximately \$1,000 per year annually and incur an estimated \$1,300 cost per year for investigation and oversight. The amendments to Section R156-31b-701 (renumbered to Section R156-31b-701a) that implement the requirements of Section 58-1-307.1 may cause the Division to incur an additional cost of \$100 per year ongoing due to the need to maintain the list of nursing tasks on the Division's (DOPL's) website if additions, clarifications, or subtractions occur during the year. This cost is expected to be absorbed within the Division's existing budget.

**B) Local governments:**

The Division estimates that the proposed amendments will have no measurable impact on local governments because none of these amendments are expected to impact existing local government practices or procedures.

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

Most of the proposed amendments are not expected to result in any measurable fiscal impact to small businesses as they merely update and conform this rule to statutory changes and will not impact small businesses' practices or procedures over and above the statutory changes. The proposed amendment to Section R156-31b-402 establishing a new fine may indirectly affect the estimated 740 small businesses in Utah comprising establishments employing nurses, such as private or group practices, hospitals, or medical centers (North American Industry Classification System (NAICS) 621399, 621330). However, the amendment is not expected to result in a measurable fiscal impact for small businesses over and above that provided for in the fiscal note for H.B. 24 (2020) because it only imposes a penalty for noncompliance as contemplated by the bill. Additionally, the practices of most small businesses should already be consistent with the Utah Code requirements enacted by H.B. 24 (2020), and as described below for other persons there will be no fiscal impact on the typical licensee so that most small businesses will never be impacted.

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

Most of the proposed amendments are not expected to result in any measurable fiscal impact to non-small businesses as they merely update and conform this rule to statutory changes and will not impact non-small business practices or procedures over and above the statutory changes. In particular, the proposed amendment to Section R156-31b-602 is expected to impact one non-small business (Utah NAICS 6112, 6113, 6115, 6116 and national NAICS code 611310) that currently has pre-accreditation status with its accrediting body for nursing education (the other Utah educational institutions have already achieved full accreditation status). However, this amendment also merely conforms the rule to the statutory changes made by S.B. 127 (2020) and is therefore not expected to impact this business beyond the statutory changes.

The proposed amendment to Section R156-31b-402 establishes a new fine that may indirectly affect the estimated 51 non-small businesses in Utah comprising establishments employing nurses, such as private or group practices, hospitals, or medical centers (NAICS 621399, 621330). However, the amendment is not expected to result in a measurable fiscal impact for non-small businesses over and above that provided for in the fiscal note for H.B. 24 (2020) because it only imposes a penalty for noncompliance as contemplated by the bill. Additionally, the practices of most non-small businesses should already be consistent with the Utah Code requirements enacted by H.B. 24 (2020), and as described below for other persons there will be no fiscal impact on the typical licensee so that most non-small businesses will never be impacted.

**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 approximately 4,475 licensed nurses that may be affected by the proposed amendment to Section R156-31b-402 establishing a new fine, but the Division does not anticipate any measurable fiscal impact to these persons over and above the statutory change and the impact already addressed in the fiscal note for H.B. 24 (2020). The practices of most licensees should already be consistent with the Utah Code requirements enacted by H.B. 24 (2020), and the amendment only imposes a penalty for noncompliance as contemplated by H.B. 24 (2020). Further, for the typical licensee the proposed amendment will have no fiscal impact, as the goal of the penalty is to provide a deterrent so that there is a \$0 net impact on all parties involved and minimal occasions to sanction a licensee for noncompliance.

These proposed amendments will be beneficial to clarify delegation of tasks for patients, responsible caregivers and providers.

The proposed amendments to Section R156-31b-301c that provide clarification for the number of hours credited for clinical experiences and an additional choice of supervisor may create a fiscal benefit for future APRN licensees who will specialize as psychiatric nurse practitioners as well as for some of the current 121 licensed APRNs in Utah who maintain a specialty as a psychiatric nurse practitioner and who still need to complete their remaining 3,000 required hours. However, the exact impact cannot be estimated as it will vary widely depending on individual circumstances and licensee choices.

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

As described above for other persons, the Division does not anticipate any compliance costs for any affected persons from these proposed amendments.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$100	\$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>\$100</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 Benefits</b>	<b>Fiscal \$-100</b>	<b>\$0</b>	<b>\$0</b>
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**H) Department head approval of regulatory impact analysis:**

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

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

The Division proposes amendments to update the Nurse Practice Act Rule after consultation with the Board of Nursing and the Nursing Advisory Peer Education Committee. These proposed amendments encompass the statutory changes in S.B 23, S.B. 127, H.B. 274 and H.B. 24 made in the 2020 General Session. The changes pertain to the details of license requirements and defining professional conduct. Further, other revisions are made to conform grammar, formatting changes for clarity, deleting unnecessary language, and updating statutory and rule section references.

**Small Businesses:** In Utah there are approximately 740 small business entities employing nurses, in private practices, hospitals, and medical centers (NAICS 621399, 621330) that may face a fiscal impact from the new fine table coming from changes to Section R156-1-402. Accordingly, most small businesses are already compliant with the practices in H.B. 24 (2020). Therefore, no fiscal impact is expected for small business over and above any fiscal impact described in the legislative fiscal note for H.B. 24 (2020) as these costs are either inestimable or there is no fiscal impact.

**Regulatory Impact to Non-Small Businesses:** There is one non-small business in Utah (Utah NAICS 6112, 6113, 6115, 6116 and national NAICS code 611310) that the proposed amendment to Section R156-31b-602 is expected to render a fiscal impact that is currently in pre-accreditation status for nursing education. Also, an indirect fiscal impact is expected to 51 non-small businesses and hospitals employing nursing staff in Utah (NAICS 621399, 621330). However, this amendment is conforming this rule to the statutory changes made by S.B. 1127 and H.B. 24 (2020) and it is not expected to impact these non-small businesses beyond expectations in the legislative fiscal notes. Similar to the above mentioned costs in small business, further costs are either inestimable, for the reasons stated, or there is no fiscal impact.

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

Chris Parker, Executive Director

**Citation Information**

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

Section 58-31b-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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**Public Notice Information**

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

**A) Comments will be accepted until:** 12/31/2020

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

On:	At:	At:
12/07/2020	10:30 am	see Box 4 above for Google Meet information for an electronic rule hearing to be conducted before the Division.

**10. This rule change MAY become effective on:** 01/07/2021

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>	11/09/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-100</b>	<b>Filing No.</b> <b>53206</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**

**2. Rule or section catchline:**  
R277-100. Definitions for Utah State Board of Education (Board) Rules

**3. Purpose of the new rule or reason for the change:**  
The Utah State Board of Education (Board) Rule R277-100 is being amended to use the exact definitions as Dewey Cornell in the Comprehensive Threat Assessment Guidelines (CSTAG) that was approved by the Board as the evidence-based threat assessment.

**4. Summary of the new rule or change:**  
The rule has been amended to define "Threat" and "Threat Assessment" in Rule R277-100.

**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 conform definitions with evidence-based threat assessment practices already approved by the Board.

**B) Local governments:**  
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The changes conform definitions with evidence-based threat assessment practices already approved by the Board.

**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 conform definitions with evidence-based threat assessment practices already approved by the Board.

**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 conform definitions with evidence-based threat assessment practices already approved by the Board.

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

There are no independent compliance costs for affected persons. The changes conform definitions with evidence-based threat assessment practices already approved by the Board.

**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	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:** 12/31/2020

**10. This rule change MAY become effective on:** 1/07/2021  
 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>	11/13/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> New		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-311</b>	<b>Filing No. 53207</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>
R277-311. Specialized Endorsements
<b>3. Purpose of the new rule or reason for the change:</b>
This rule has been adopted as part of the on-going changes to the State Board of Education's licensing processes. This new rule is intended to establish specific requirements for the driver's education and physical education endorsements.
<b>4. Summary of the new rule or change:</b>
This new rule outlines requirements for specialized endorsements on educator licenses, specifically establishing requirements to earn endorsements for driver education and physical education. These endorsements will expire along the same cycle as the underlying license if specified requirements are not met.

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. It provides additional clarity and direction regarding endorsements for driver and physical education.

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

There are no independent compliance costs for affected persons. It provides additional clarity and direction regarding endorsements for driver and physical education.

**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-10-507	Subsection 53E-3-501(1)(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:** 12/31/2020

**10. This rule change MAY become effective on:** 1/07/2021

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>	12/13/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-445</b>	<b>Filing No. 53208</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>
R277-445. Classifying Small Schools as Necessarily Existent
<b>3. Purpose of the new rule or reason for the change:</b>
In the 2020 Fifth Special Session under H.B. 5012, the Legislature authorized new funding under the Necessarily Existent Small School (NESS) program. This included new funding for schools with "isolating conditions" as defined by the Utah State Board of Education (Board), and for certain school districts.
<b>4. Summary of the new rule or change:</b>
This rule has been amended to define "isolating conditions" and to implement the new funding provided under Section 53F-2-304.

**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. S.B. 2 from the 2020 General Session directed the Board to define "isolating conditions" for new funding provided through the NESS program. This rule change defines "isolating conditions" to identify schools to receive this funding.

**B) Local governments:**

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. S.B. 2 (2020) directed the Board to define "isolating conditions" for new funding provided through the NESS program. This rule change defines "isolating conditions" to identify schools to receive this funding.

**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. S.B. 2 (2020) directed the Board to define "isolating conditions" for new funding provided through the NESS program. This rule change defines "isolating conditions" to identify schools to receive this funding.

**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. S.B. 2 (2020) directed the Board to define "isolating conditions" for new funding provided through the NESS program. This rule change defines "isolating conditions" to identify schools to receive this funding.

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

There are no independent compliance costs for affected persons. S.B. 2 (2020) directed the Board to define "isolating conditions" for new funding provided through the NESS program. This rule change defines "isolating conditions" to identify schools to receive this funding.

**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	Subsection 53F-2-304(3)	Subsection 53F-2-304(7)
Section 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:** 12/31/2020

**10. This rule change MAY become effective on:** 1/07/2021

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>	12/13/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R277-507	Filing No. 53209

**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>
R277-507. Driver Education Endorsement
<b>3. Purpose of the new rule or reason for the change:</b>
Utah State Board of Education (Board) Rule R277-311 has been adopted by the Board, which incorporates provisions of Rule R277-507 which means this rule will be obsolete. (EDITOR'S NOTE: The proposed new Rule R277-311 is under Filing No. 53207 in this issue, December 1, 2020, of the Bulletin.)
<b>4. Summary of the new rule or change:</b>
Rule R277-507 is being repealed in its entirety.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule repeal is not expected to have independent fiscal impact on state government revenues or expenditures. Board Rule R277-311, which was adopted by the Board, incorporates the provisions of Rule R277-507. Therefore, Rule R277-507 is unnecessary and is being repealed.
<b>B) Local governments:</b>
This rule repeal is not expected to have independent fiscal impact on local governments' revenues or expenditures. Board Rule R277-311, which was adopted by the Board, incorporates the provisions of Rule R277-507. Therefore, Rule R277-507 is unnecessary and is being repealed.

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

This rule repeal is not expected to have independent fiscal impact on small businesses' revenues or expenditures. Board Rule R277-311, which was adopted by the Board, incorporates the provisions of Rule R277-507. Therefore, Rule R277-507 is unnecessary and is being repealed.

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

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

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

This rule repeal is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Board Rule R277-311, which was adopted by the Board, incorporates the provisions of Rule R277-507. Therefore, Rule R277-507 is unnecessary and is being repealed.

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

There are no independent compliance costs for affected persons. Board Rule R277-311, which was adopted by the Board, incorporates the provisions of Rule R277-507. Therefore, Rule R277-507 is unnecessary and is being repealed.

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

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

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

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

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

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Section 53G-10-507	Subsection 53E-3-501(1)(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:** 12/31/2020

**10. This rule change MAY become effective on:** 1/07/2021

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>	12/13/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-626</b>	<b>Filing No.</b>	<b>53210</b>
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**Agency Information**

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

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

**General Information**

**2. Rule or section catchline:**

R277-626. Special Needs Opportunity Scholarship Program

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

The Legislature enacted H.B. 4003 in the 2020 Fourth Special Session, which created the Special Needs Scholarship Program. Through this program, the Utah State Board of Education (USBE) is required to contract with a provider to solicit funds and administer a private school scholarship program for eligible special education students. The bill further requires USBE to make rules to implement the program. Rule R277-626 was drafted to comply with H.B. 4003's rulemaking requirements and establish the Special Needs Scholarship Program.

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

This proposed rule is to provide guidelines for contracted scholarship granting organizations, and for the Superintendent to implement the Special Needs Opportunity Scholarship Program.

**Fiscal Information**

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

**A) State budget:**

This proposed rule is not expected to have independent fiscal impact on state government revenues or expenditures. This new rule is to comply with the requirements of H.B. 4003 (4th Spec Sess).

**B) Local governments:**

This proposed rule is not expected to have independent fiscal impact on local governments' revenues or expenditures. This new rule is to comply with the requirements of H.B. 4003 (4th Spec Sess).

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

This proposed rule is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This new rule is to comply with the requirements of H.B. 4003 (4th Spec Sess).

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

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

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

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

This proposed rule is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This new rule is to comply with the requirements of H.B. 4003 (4th Spec Sess).

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

There are no independent compliance costs for affected persons. This new rule is to comply with the requirements of H.B. 4003 (4th Spec Sess).

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

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Section 53E-7-404	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>	12/31/2020
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<b>10. This rule change MAY become effective on:</b>	1/07/2021
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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>	12/13/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-726</b>	<b>Filing No.</b>	<b>53221</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>
R277-726. Statewide Online Education Program

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

Utah State Board of Education Assessment staff and Statewide Online Education Program (SOEP) program staff have identified issues related to assessments SOEP providers are required to administer and questions related to student access to facility space, and for certain students who qualify for fee waivers, access to technology and WiFi when participating in the program.

**4. Summary of the new rule or change:**  
 This rule has been amended to update definitions and update the superintendent, local education agency (LEA), and provider requirements and responsibilities. This rule has also been amended to require LEAs to provide students access to facility space during the regular school day for students to participate in an SOEP course. This rule also clarifies that a student's primary school of enrollment is responsible to ensure students who qualify for fee waivers have the ability to access SOEP courses.

**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 SOEP is funded through the Minimum School Program for public school students and a state appropriation for home and private school students. The changes do not affect this state funding for the program.

**B) Local governments:**

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. This rule change clarifies that for participating students who qualify for a fee waiver, the student's primary LEA or school of enrollment shall provide the student with access to necessary technology during a school period or during the regular school day for the student to participate in an online course or provide the student with technology and WiFi for the student to participate outside of the school building. This clarification could require additional costs and/or resources from LEAs to the degree they are not already providing these resources to students who qualify. The impact of this change varies by LEA and the degree to which the LEA already complies with the changes and the number of participating students in the LEA eligible for a fee waiver.

**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 SOEP is funded through the Minimum School Program for public school students and a state appropriation for home and private school students. The changes do not affect this state funding for the program. The SOEP program providers are either school district or charter LEAs.

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

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. . This rule has been amended to require LEAs to provide students access to facility space during the regular school day for students to participate in an SOEP course. This rule also clarifies that a student's primary school of enrollment is responsible to ensure students who qualify for fee waivers have the ability to access SOEP courses.

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

There are no independent compliance costs for affected persons. This rule has been amended to require LEAs to provide students access to facility space during the regular school day for students to participate in an SOEP course. This rule also clarifies that a student's primary school of enrollment is responsible to ensure students who qualify for fee waivers have the ability to access SOEP courses.

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

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

Sydnee Dickson, State Superintendent

**Citation Information**

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

Article X, Section 3	Section 53F-4-514	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:** 12/31/2020

**10. This rule change MAY become effective on:** 1/07/2021

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>	11/16/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-920</b>	<b>Filing No. 53222</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**

**2. Rule or section catchline:**  
R277-920. School Improvement - Implementation of the School Turnaround and Leadership Development Act

**3. Purpose of the new rule or reason for the change:**  
Rule R277-920 is being amended due to the passage of H.B. 420 in the 2020 General Session, which allows the

Utah State Board of Education (Board) more flexibility to establish criteria for schools to exit turnaround.

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

This rule is being amended to address exit criteria for turnaround schools impacted by the Spring 2020 waiver in Section 53E-4-205.1 from the requirement to administer statewide assessments, as well as to amend exit criteria for schools in future years. This rule was reorganized structurally, which include an extensive amount of nonsubstantive changes. This amended rule also includes clarification on how qualifying school leaders will be compensated for an incentive to participate in a school leadership program and maintain employment in low performing schools.

**Fiscal Information**

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

**A) State budget:**

This rule change is not expected to have a material fiscal impact on state government revenues or expenditures. This rule alters exit criteria for turnaround schools, and addresses identification criteria for schools in a year with statewide assessment system irregularities and an exit criteria process for schools in a year with statewide assessment system irregularities. This program is funded through a state appropriation and none of these changes affect that appropriation.

**B) Local governments:**

This rule change is not expected to have a material fiscal impact on local governments' revenues or expenditures. This rule alters exit criteria for turnaround schools, and addresses identification criteria for schools in a year with statewide assessment system irregularities and an exit criteria process for schools in a year with statewide assessment system irregularities. This program is funded through a state appropriation and none of these changes affect that appropriation. The program funding available for schools also remains unchanged.

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

This rule change is not expected to have a material fiscal impact on small businesses' revenues or expenditures. This rule alters exit criteria for turnaround schools, and addresses identification criteria for schools in a year with statewide assessment system irregularities and an exit criteria process for schools in a year with statewide assessment system irregularities. This program is funded through a state appropriation and none of these changes affect that appropriation. The program funding available for schools also remains unchanged. Local education boards will continue to use the funding to contract with an independent school turnaround expert as detailed in 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 a material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This rule alters exit criteria for turnaround schools, and addresses identification criteria for schools in a year with statewide assessment system irregularities and an exit criteria process for schools in a year with statewide assessment system irregularities.

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

There are no independent compliance costs for affected persons. This rule alters exit criteria for turnaround schools, and addresses identification criteria for schools in a year with statewide assessment system irregularities and an exit criteria process for schools in a year with statewide assessment system irregularities.

**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	Title 53E, Chapter 5, Part 3	Subsection 53E-3-401(4)
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**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.** (The public may also

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

**A) Comments will be accepted until:** 12/31/2020

**10. This rule change MAY become effective on:** 1/07/2021

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>	11/16/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R313-36</b>	<b>Filing No.</b>	<b>53211</b>
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**Agency Information**

<b>1. Department:</b>	Environmental Quality		
<b>Agency:</b>	Waste Management and Radiation Control, Radiation		
<b>Room no.:</b>	Second Floor		
<b>Building:</b>	Multi-Agency State Office Building (MASOB)		
<b>Street address:</b>	195 N 1950 W		
<b>City, state:</b>	Salt Lake City, UT		
<b>Mailing address:</b>	PO Box 144880		
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4880		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Rusty Lundberg	801-536-4257	rlundberg@utah.gov	
Tom Ball	801-536-0251	tball@utah.gov	

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

**General Information**

<b>2. Rule or section catchline:</b>
R313-36. Special Requirements for Industrial Radiographic Operations
<b>3. Purpose of the new rule or reason for the change:</b>
Rule R313-36 incorporates selected sections of 10 CFR Part 34, Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations. The proposed changes add the additional statutory reference to Subsection 19-3-103.1(1)(a) due to changes made to Radiation Control Act by S.B. 88 passed in the 2020 General Session. These proposed changes also correct references to the appropriate Nuclear Regulatory Commission (NRC) office and federal regulation references.
<b>4. Summary of the new rule or change:</b>
In Section R313-36-1, the reference to Subsection 19-3-103.1(1)(a) in the Radiation Control Act is added to the list to be consistent with changes made to this act by S.B. 88 (2020). Subsection 19-3-103.1(1)(a) states that "the Board may make rules ... that are necessary to implement this part [the Radiation Control Act]." Consequently, it is appropriate to include that reference with the other statutory references in Section R313-36-1 for added clarity and consistency. In Section R313-36-3, the proposed changes correct the referenced NRC office to the current office, "Office of Nuclear Material Safety and Safeguards", correct the reference from "30.6(a)(2)" to "30.6(b)(2)", and delete the phrase "such as Section 21.21" to be accurate with corresponding text in the appropriate places in 10 CFR Part 34 of the federal regulations. Corresponding references in Part 34 do not include the phrase "such as Section 21.21".

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
These proposed changes are minor and do not affect the intent, scope, meaning, or application of the requirements for industrial radiographic operations of 10 CFR Part 34 and that are incorporated by reference in Rule R313-36. Consequently, there are no cost or savings impacts to the state budget nor are there any state agencies that are subject to the requirements of Rule R313-36.
<b>B) Local governments:</b>
These proposed changes are minor and do not affect the intent, scope, meaning, or application of the requirements for industrial radiographic operations of 10 CFR Part 34 and that are incorporated by reference in Rule R313-36. Consequently, there are no cost or savings impacts to local governments nor are there any local governments that are subject to the requirements of Rule R313-36.

<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):								
These proposed changes are minor and do not affect the intent, scope, meaning, or application of the requirements for industrial radiographic operations of 10 CFR Part 34 and that are incorporated by reference in Rule R313-36. Consequently, there are no cost or savings impacts to any small businesses that are licensed to possess and use industrial radiographic equipment within Utah and therefore, are subject to the requirements of Rule R313-36.								
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):								
These proposed changes are minor and do not affect the intent, scope, meaning, or application of the requirements for industrial radiographic operations of 10 CFR Part 34 and that are incorporated by reference in Rule R313-36. Consequently, there are no cost or savings impacts to non-small businesses that are licensed to possess and use industrial radiographic equipment within Utah and therefore, are subject to the requirements of Rule R313-36.								
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):								
These proposed changes are minor and do not affect the intent, scope, meaning, or application of the requirements for industrial radiographic operations of 10 CFR Part 34 and that are incorporated by reference in Rule R313-36. Consequently, there are no cost or savings impacts to persons other than small businesses, non-small businesses, state, or local government entities that may be licensed to possess and use industrial radiographic equipment within Utah and therefore, are subject to the requirements of Rule R313-36.								
<b>F) Compliance costs for affected persons:</b>								
These proposed changes are minor and do not affect the intent, scope, meaning, or application of the requirements for industrial radiographic operations of 10 CFR Part 34 and that are incorporated by reference in Rule R313-36. Consequently, there are no compliance costs to any of the currently licensed industrial radiographers in Utah.								
<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>								
<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> </tbody> </table>	Fiscal Cost	FY2021	FY2022	FY2023	State Government	\$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>	<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 Environmental Quality, Scott Baird, has reviewed and approved this fiscal analysis.

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

While the proposed changes are necessary to maintain regulatory compatibility, they do not affect the intent, scope, meaning, or application of the requirements for industrial radiographic operations of 10 CFR Part 34 and that are incorporated by reference in Rule R313-36. Consequently, there is no fiscal impact associated with the proposed changes to Rule R313-36.

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

Scott Baird, Executive Director

**Citation Information**

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

Subsection 19-3-103.1(1)(a)	Subsection 19-3-104(4)	Subsection 19-3-104(7)
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**Public Notice Information**

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

**A) Comments will be accepted until:** 01/04/2021

**10. This rule change MAY become effective on:** 01/11/2021

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

**Agency Authorization Information**

**Agency head or designee, and title:** Ty Howard, Division Director  
**Date:** 11/02/2020

**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

**Utah Admin. Code Ref (R no.):** R313-37  
**Filing No.:** 53212

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Waste Management and Radiation Control, Radiation	
<b>Room no.:</b>	Second Floor	
<b>Building:</b>	Multi-Agency State Office Building (MASOB)	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 144880	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4880	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Rusty Lundberg	801-536-4257	rlundberg@utah.gov

Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

**2. Rule or section catchline:**  
 R313-37. Physical Protection of Category 1 or Category 2 Quantities of Radioactive Material

**3. Purpose of the new rule or reason for the change:**  
 Rule R313-37 incorporates selected sections of 10 CFR Part 37, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material. The proposed changes update the date of the incorporation by reference from 2017 to 2020 to incorporate minor corrections made by the Nuclear Regulatory Commission (NRC) and published in the June 28, 2018 (83 FR 30285), November 21, 2018 (83 FR 58721), and November 18, 2019 (84 FR 63565), issues of the *Federal Register*. By updating this date, the minor corrections made by the NRC in the referenced *Federal Registers* are incorporated into the state radiation control rules. As an Agreement State with the NRC for the radioactive materials program, Utah is required to maintain regulatory compatibility with the corresponding NRC radioactive materials regulations. While the proposed changes are minor in nature, the NRC designated the changes as necessary for an Agreement State to adopt in order to maintain regulatory compatibility with the NRC. Also, the other proposed changes add the additional statutory reference to Subsection 19-3-103.1(1)(a) due to changes made to Radiation Control Act by S.B. 88 passed in the 2020 General Session, and correct references to the appropriate NRC office and federal regulation references.

**4. Summary of the new rule or change:**  
 In Section R313-37-1, the reference to Subsection 19-3-103.1(1)(a) in the Radiation Control Act is added to the list to be consistent with changes made to this act by S.B. 88 (2020). Subsection 19-3-103.1(1)(a) states that "the Board may make rules ... that are necessary to implement this part [the Radiation Control Act]." Consequently, it is appropriate to include that reference with the other statutory references in Section R313-37-1 for added clarity and consistency. In Section R313-37-3, the date of the incorporation by reference to selected sections of 10 CFR Part 37 is updated from 2017 to 2020. This results in incorporating the minor changes made by the NRC in the above referenced *Federal Registers* to: update references to the appropriate NRC office and related websites; add the phrase "list of individuals that have been approved for unescorted access" to designated paragraphs in Section R313-37.43; and correct the reference of "30.6(a)(2)" to "30.6(b)(2)" in Subsection R313-37.45(b). Also in Section R313-37-3, the other proposed changes: delete references to designated offices in the NRC so that applicable radioactive material licensees in Utah are to

also submit the information already required to be submitted to the director of the Division of Waste Management and Radiation Control (DWMRC); correct referenced text from 10 CFR Part 37; and delete "second instance" since there is only one instance in the referenced subsection (10 CFR 37.77(c)(1)).

**Fiscal Information**

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

These proposed changes are minor and do not affect the intent, scope, meaning, or application of the requirements for the physical protection of category 1 and category 2 quantities of radioactive material of 10 CFR Part 37 and that are incorporated by reference in Rule R313-37. Consequently, there are no cost or savings impacts to the state budget.

**B) Local governments:**

These proposed changes are minor and do not affect the intent, scope, meaning, or application of the requirements for the physical protection of category 1 and category 2 quantities of radioactive material of 10 CFR Part 37 and that are incorporated by reference in Rule R313-37. Consequently, there are no cost or savings impacts to local governments nor are there any local governments that are subject to the requirements of Rule R313-37.

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

These proposed changes are minor and do not affect the intent, scope, meaning, or application of the requirements for the physical protection of category 1 and category 2 quantities of radioactive material of 10 CFR Part 37 and that are incorporated by reference in Rule R313-37. Consequently, there are no cost or savings impacts to any small businesses within Utah that have a radioactive materials license and are subject to the requirements of Rule R313-37.

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

These proposed changes are minor and do not affect the intent, scope, meaning, or application of the requirements for the physical protection of category 1 and category 2 quantities of radioactive material of 10 CFR Part 37 and that are incorporated by reference in Rule R313-37. Consequently, there are no cost or savings impacts to any non-small businesses within Utah that have a radioactive materials license and are subject to the requirements of Rule R313-37.

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

These proposed changes are minor and do not affect the intent, scope, meaning, or application of the requirements for the physical protection of category 1 and category 2 quantities of radioactive material of 10 CFR Part 37 and that are incorporated by reference in Rule R313-37. Consequently, there are no cost or savings impacts to any persons other than small businesses, non-small businesses, state, or local government entities within Utah that have a radioactive materials license and are subject to the requirements of Rule R313-37.

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

These proposed changes are minor and do not affect the intent, scope, meaning, or application of the requirements for the physical protection of category 1 and category 2 quantities of radioactive material of 10 CFR Part 37 and that are incorporated by reference in Rule R313-37. Consequently, there are no compliance costs to any of the current radioactive materials licensees that are subject to Rule R313-37.

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

**Regulatory Impact Table**

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

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

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

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

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

While the proposed changes are necessary to maintain regulatory compatibility, they do not affect the intent, scope, meaning, or application of the requirements the physical protection of category 1 and category 2 quantities of radioactive material of 10 CFR Part 37 and that are incorporated by reference in Rule R313-37. Consequently, there is no fiscal impact associated with the proposed changes to Rule R313-37.

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

Scott Baird, Executive Director

**Citation Information**

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

Subsection 19-3-103.1(1)(a)	Subsection 19-3-104(4)	Subsection 19-3-104(7)
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**Incorporations by Reference Information**

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

	First Incorporation
<b>Official Title of Materials Incorporated (from title page)</b>	10 CFR Part 37
<b>Publisher</b>	U.S. Government Printing Office
<b>Date Issued</b>	January 1, 2020
<b>Issue, or version</b>	January 1, 2020

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it

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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:** 01/04/2021

**10. This rule change MAY become effective on:** 01/11/2021

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Ty Howard, Director	<b>Date:</b>	11/02/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-60</b>	<b>Filing No. 53214</b>
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**Agency Information**

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

**General Information**

**2. Rule or section catchline:**  
R414-60. Medicaid Policy for Pharmacy Program

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

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

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

This amendment includes new definitions and clarifies eligibility, program coverage, copayment policy, patient counseling, drug compounds, and clarifies provisions for provider-administered drugs, long-acting injectable drugs, and drugs for the treatment of opioid use disorders.

**Fiscal Information**

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

**A) State budget:**

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

**B) Local governments:**

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

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

There is no impact on small businesses as this amendment simply updates and clarifies current policy for the Pharmacy Program.

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

There is no impact on non-small businesses as this amendment simply updates and clarifies current policy for the Pharmacy Program.

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

There is no impact on Medicaid providers and Medicaid members as this amendment simply updates and clarifies current policy for the Pharmacy Program.

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

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

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

<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 G. Saunders, has reviewed and approved this fiscal analysis.

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

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

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

Richard G. Saunders, Interim Executive Director

**Citation Information**

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

Section 26-1-5	Section 26-18-3	
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**Public Notice Information**

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

**A) Comments will be accepted until:** 12/31/2020

**10. This rule change MAY become effective on:** 01/07/2021

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Richard G. Saunders, Interim Executive Director	<b>Date:</b>	11/14/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R510-200-25</b>	<b>Filing No. 53152</b>

**Agency Information**

<b>1. Department:</b>	Human Services	
<b>Agency:</b>	Aging and Adult Services	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Daniel Musto	801-538-3924	dmusto@utah.gov

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Jonah Shaw	801-538-4219	jshaw@utah.gov
Nels Holmgren	801-538-3921	nholmgren@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R510-200-25. Liability
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this amendment is to establish a liability section within this rule.
<b>4. Summary of the new rule or change:</b>
A liability section applicable to the long term care ombudsman has been added to this rule.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The language updates, throughout this filing, do not impact the cost of current services and the financial impact on the Long-Term Care Ombudsman Program, its clients, or other agencies.
<b>B) Local governments:</b>
The language updates, throughout this filing, do not fiscally impact costs at the local government level. This amendment is clarifying in nature.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
The language updates, throughout this filing, do not fiscally impact small businesses. This amendment is clarifying in nature.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
The language updates, throughout this filing, do not fiscally impact non-small businesses. This amendment is clarifying in nature.
<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> ):
The language updates, throughout this filing, do not fiscally impact persons other than small businesses, non-

small businesses, state, or local government entities. This amendment is clarifying in nature.

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

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

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

**Regulatory Impact Table**

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

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

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

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

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

<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Ann Williamson, 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 62A-3-201

**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> 12/31/2020

<b>10. This rule change MAY become effective on:</b> 01/07/2021
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 Brasher, Deputy Director	<b>Date:</b> 10/28/2020
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<b>NOTICE OF PROPOSED RULE</b>	
<b>TYPE OF RULE:</b> Amendment	
<b>Utah Admin. Code Ref (R no.):</b> R590-85	<b>Filing No.</b> 53217

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b> R590-85. Individual Accident and Health Insurance and Individual and Group Medicare Supplement Rates
<b>3. Purpose of the new rule or reason for the change:</b> This rule is being amended to implement Section 31A-22-602 by establishing minimum loss ratios and set procedures for the filing of accident and health insurance and Medicare supplement premium rates.
<b>4. Summary of the new rule or change:</b> The title of the rule is changed to reflect that it applies to all accident and health insurance and Medicare supplement rates. It clarifies that this rule does not apply to policies subject to Title 31A, Chapters 30 and 45 that comply with Rules R590-167, R590-277, and limited long-term care policies subject to Rule R590-285. The change to Subsection R590-85-5(1) sets the medical expense coverage minimum loss ratio for a non-renewable form at 65% and a short-term limited duration health insurance form at 75%. The enforcement date is removed because the rule is already in effect.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b> There is no anticipated cost or savings to the state budget. The Insurance Department's insurance analysts will assume these standards into their daily reviews.
<b>B) Local governments:</b> There is no anticipated cost or savings to local governments. This rule sets the minimum loss ratio for insurers that want to offer a short-term limited duration health insurance.

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

There is no anticipated cost or savings to small businesses. This rule sets the minimum loss ratio for insurers that want to offer a short-term limited duration health insurance.

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

There is no anticipated cost or savings to non-small businesses. If an insurer elects to offer short-term limited duration health insurance, it will need to comply with the minimum loss ratio as stated in this rule. However, this does not constitute money the insurer would pay to the state or another entity; rather, it is money that is set aside by the insurer to ensure it has sufficient funds to cover losses.

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

There is no anticipated cost or savings to any other persons. This rule sets the minimum loss ratio for insurers that want to offer short-term limited duration health insurance.

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

There are no compliance costs for any affected persons. If an insurer elects to offer short-term limited duration health insurance, it will need to comply with the minimum loss ratio as stated in this rule. However, this does not constitute money the insurer would pay to the state or another entity; rather, it is money that is set aside by the insurer to ensure it has sufficient funds to cover losses.

**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 Commissioner of the Insurance Department, Tanji J. Northrup, has reviewed and approved this fiscal analysis.

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

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

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

Tanji J. Northrup, Interim Insurance Commissioner

**Citation Information**

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

Section 31A-2-201	Section 31A-22-605	Section 31A-22-620
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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>	12/31/2020
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<b>10. This rule change MAY become effective on:</b>	01/07/2021
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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>	Steve Gooch, Public Information Officer 1	<b>Date:</b>	11/16/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R590-244</b>	<b>Filing No. 53218</b>

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b>
R590-244. Individual and Agency Licensing Requirements
<b>3. Purpose of the new rule or reason for the change:</b>
The rule is being amended to eliminate a requirement that has been removed from statute, add a requirement that insurers and agencies report terminations to the Insurance Department (Department), and allow nonresident licensees to report information changes online.

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

The change to Section R590-244-8 eliminates a requirement to obtain a navigator license that is no longer required by Utah statute.

The changes to Section R590-244-11 require an insurance company to provide particular information to the Department when the company reports that it has terminated its relationship with an agency based on a violation the Insurance Code. The Department will be better equipped to investigate the violation if that information is provided when the notice of termination is given.

The changes to Section R590-244-12 require an insurance agency to provide particular information to the Department when the agency reports that it has terminated its relationship with an agent based on a violation the Insurance Code. The Department will be better equipped to investigate the violation if that information is provided when the notice of termination is given.

The changes to Section R590-244-13 are needed to address the fact that the Department's vendors, SIRCON and NIPR, now accept online reports of changes to a Department licensee's information from one nonresident state to another.

The changes also remove the enforcement date, update the severability language, and make a number of clerical fixes.

**Fiscal Information**

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

**A) State budget:**

There is no anticipated cost or savings to the state budget. The information that insurers and agencies report to the Department will be reviewed by Department employees during the course of their normal duties.

**B) Local governments:**

There is no anticipated cost or savings to local governments. The changes apply to insurers and insurance agencies, and do not affect local governments.

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

There is no anticipated cost or savings to small businesses. Insurance agencies already collect the information they are being required to provide, and so should not incur extra costs to report such information. The other changes do not require any action.

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

There is no anticipated cost or savings to non-small businesses. Insurers already collect the information they are being required to provide, and so should not incur extra costs to report such information. The other changes do not require any action.

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

There is no anticipated cost or savings for any other persons. The changes apply to insurers and insurance agencies, and do not affect other entities.

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

There are no compliance costs for any affected persons. Insurers and agencies already collect the information they are being required to provide, and so should not incur extra costs to report such information. The other changes do not require any action.

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

The Interim Commissioner of the Insurance Department, Tanji J. Northrup, has reviewed and approved this fiscal analysis.

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

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

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

Tanji J. Northrup, Interim Insurance Commissioner

**Citation Information**

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

Section 31A-2-201	Subsection 31A-23a-102(10)	Section 31A-23a-104
Section 31A-23a-108	Section 31A-23a-110	Section 31A-23a-111
Section 31A-23a-115	Section 31A-23a-302	Section 31A-23b-102
Subsection 31A-23b-102(7)	Section 31A-23b-203	Section 31A-23b-205
Section 31A-23b-207	Section 31A-23b-208	Section 31A-23b-209
Section 31A-23b-401	Section 31A-25-201	Section 31A-25-208
Section 31A-26-202	Section 31A-26-207	Section 31A-26-210
Section 31A-26-213	Section 31A-35-104	Section 31A-35-301
Section 31A-35-401	Section 31A-35-406	

**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:** 12/31/2020

**10. This rule change MAY become effective on:** 01/07/2021

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer 1	<b>Date:</b>	11/16/2020
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> New		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R590-286</b>	<b>Filing No. 53219</b>

**Agency Information**

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

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

**General Information**

**2. Rule or section catchline:**  
R590-286. Minimum Standards for Short-Term Limited Duration Health Insurance

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

The purpose of this rule is to provide reasonable standardization and simplification of terms and coverages for a short-term limited duration health insurance policy.

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

The rule provides reasonable standardization and simplification of terms and coverages to facilitate public understanding and comparison; eliminate provisions that may be misleading or confusing in connection either with the purchase of such coverage or with the settlement of a claim; comply with certain minimum requirements; set requirements on insurance producers that offer short-term limited duration health insurance policies; and provide for full disclosure and notice.

**Fiscal Information**

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

**A) State budget:**

There is no anticipated cost or savings to the state budget. The Insurance Department's (Department) insurance analysts will assume these standards into their daily reviews.

**B) Local governments:**

There is no anticipated cost or savings to local governments. The rule sets standards for those insurers that want to offer a short-term limited duration health insurance policy. Local governments have the option to purchase this new type of product but are not mandated to purchase it.

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

There is no anticipated cost or savings to small businesses. The rule sets standards for those insurers that want to offer a short-term limited duration health insurance policy. Small businesses have the option to purchase this new type of product but are not mandated to purchase it.

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

If an insurer elects to offer a short-term limited duration health insurance policy, there will be associated business costs to initiate this type of product. The Department does not have information to quantify those implementation and ongoing costs because the Department cannot know each insurer's business costs.

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

There is no anticipated cost or savings to any other persons. This rule sets standards for those insurers that want to offer a short-term limited duration health insurance policy. An entity may incur costs if they elect to purchase this optional coverage.

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

A short-term limited duration health insurance policy is an optional product that is being made available to insurers to offer to individuals and businesses. If an insurer elects to offer a short-term limited duration health insurance policy, there will be associated business costs to initiate this type of product. The Department does not have information to quantify those implementation and ongoing costs because the Department cannot know each insurer's business costs.

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

**Regulatory Impact Table**

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

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

The Interim Commissioner of the Insurance Department, Tanji J. Northrup, has reviewed and approved this fiscal analysis.

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

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

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

Tanji J. Northrup, Interim Insurance Commissioner

**Citation Information**

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

Subsection 31A-2-201(3)(a)	Section 31A-2-202	Subsection 31A-22-605(4)
Subsection 31A-22-605(6)	Subsection 31A-22-605.1(1)	Section 31A-45-103

**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:** 12/31/2020

**10. This rule change MAY become effective on:** 01/07/2021

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

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer 1	<b>Date:</b>	11/16/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R765-571a	Filing No. 53165

**Agency Information**

<b>1. Department:</b>	Regents (Board of)	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Regents Building, The Gateway	
<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R765-571a. Procurement
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this rule is to make procurement policies and procedures for institutions of higher education as authorized by the Utah Procurement Code.
<b>4. Summary of the new rule or change:</b>
This rule governs the management and control of procurements and procurement procedures conducted by the institutions in the state system of higher education.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
Enactment of this rule likely will not materially impact state revenue because it is a reenactment of the Utah Board of Higher Education's purchasing rule which expired.
<b>B) Local governments:</b>
Enactment of this rule likely will not result in direct, measurable costs for local governments because it is a reenactment of the Utah Board of Higher Education's purchasing rule which expired.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because it is a reenactment of the Utah Board of Higher Education's purchasing rule which expired.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because it is a reenactment of the Utah Board of Higher Education's purchasing rule which expired.

**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**):

Enactment of this rule likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because it is a reenactment of the Utah Board of Higher Education's purchasing rule which expired.

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

There are no increased compliance costs for affected persons because the rule is a reenactment of the Utah Board of Higher Education's purchasing rule which expired.

**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

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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 Higher Education, David R. Woolstenhulme, has reviewed and approved this fiscal analysis.

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

This rule affects the transferability of credits earned by qualifying students to institutions of higher education and has no fiscal impact on businesses.

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

David R. Woolstenhulme, Commissioner of Higher Education

**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 63G-6a-103(77)	Sections 63G-6a-101 through 63G-6a-2407	Subsection 63G-6a-107.7(1) (a)
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**Public Notice Information**

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

**A) Comments will be accepted until:** 12/31/2020

<b>10. This rule change MAY become effective on:</b>	01/07/2021
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>	Kevin V. Olsen, Designee and Assistant Attorney General	<b>Date:</b>	11/02/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	R930-5-8	<b>Filing No.</b> 53184

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b>
R930-5-8. Maintenance

<p><b>3. Purpose of the new rule or reason for the change:</b></p> <p>The Department of Transportation (Department) proposes this change to Section R930-5-8 to clarify the Department's intent when it originally promulgated this rule.</p> <p>The Department filed proposed changes to this rule as Filing No. 53084 on September 23, 2020. The Office of Administrative Rules published the proposed changes in the October 15, 2020, Utah State Bulletin (2020-20). The Department subsequently received informal comments on the analysis that made the Department realize parts of the analysis may be confusing, misleading, or inaccurate. The Department is filing this amendment with a rewritten analysis that removes confusing, misleading, or inaccurate statements, and will let Filing No. 53084 lapse.</p>
<p><b>4. Summary of the new rule or change:</b></p> <p>The Department proposes changing Subsection R930-5-8(1) to clarify the Railroads' and Highway Authorities' allocated responsibility for performing and paying the costs of maintenance described in Subsection R930-5-8(1) and the exception to the allocation, which is a prior signed written agreement that changes the responsibilities.</p>

**Fiscal Information**

<p><b>5. Aggregate anticipated cost or savings to:</b></p>
<p><b>A) State budget:</b></p> <p>This proposed rule change will not lead to additional costs or savings to the state's budget because it only clarifies regulations the state is already responsible for enforcing.</p>
<p><b>B) Local governments:</b></p> <p>This proposed rule change will not lead to additional costs to local governments. However, the proposed change may save local governments from incurring new costs to maintain railroad crossings that affect local governments' highways.</p>
<p><b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>This proposed rule change will not lead to additional costs or savings to small businesses because it only applies to railroad companies. The proposed rule change will not lead to new expenses to railroads that are small businesses. Historically, railroad companies have paid the costs to maintain their crossings that affect highway authorities.</p>
<p><b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>This proposed rule change will not lead to additional costs or savings to non-small businesses because it only applies to railroad companies. The proposed rule change will not lead to new costs to large business railroads. Historically,</p>

<p>railroad companies have paid the costs to maintain their crossings that affect highway authorities.</p>
<p><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>):</p> <p>This proposed rule change will not lead to additional costs or savings to persons other than small businesses, non-small businesses, state, or local government entities because it only applies to railroads and government entities.</p>
<p><b>F) Compliance costs for affected persons:</b></p> <p>This proposed rule change will not lead to compliance costs for persons affected by this proposed rule change that they do not already experience. This proposed change only clarifies existing requirements.</p>
<p><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.)</p>

<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>

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<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>				
Carlos M. Braceras, PE, Executive Director of the Department of Transportation, approves this regulatory impact analysis.				
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>				
This proposed rule change will not have a fiscal impact on businesses, generally.				
<b>B) Name and title of department head commenting on the fiscal impacts:</b>				
Carlos M. Braceras, PE, 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 41-6a-1205	Section 54-4-14	Section 54-4-15
Section 72-1-201		

**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>	12/31/2020

<b>10. This rule change MAY become effective on:</b>	01/07/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Carlos M. Braceras, PE, Executive Director	<b>Date:</b>	11/05/2020
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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>R978-1-14</b>	<b>Filing No. 53203</b>

**Agency Information**

<b>1. Department:</b>	Veterans and Military Affairs	
<b>Agency:</b>	Administration	
<b>Room no.:</b>	Suite 105	
<b>Building:</b>	550	
<b>Street address:</b>	550 Foothill Drive	
<b>City, state:</b>	Salt Lake City, UT 84113	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Gary Harter	801-440-6946	gharter@utah.gov
Jennica Gruver		jennicagruver@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R978-1-14. Grant Program
<b>3. Purpose of the new rule or reason for the change:</b>
The proposed section describes purpose of grant, eligibility requirements, selection provisions, review committee, and funding.
<b>4. Summary of the new rule or change:</b>
The Department of Veterans and Military Affairs (Department) is authorized to provide funds through a grant to certain eligible organizations engaged in providing services to veterans across a variety of functions depending on the availability of funds each year.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
Funds for this program will be determined annually based on any remaining Department funds.
<b>B) Local governments:</b>
This rule amendment has no impact on local governments. Funds for the program would be determined each year based on remaining Department funds.

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

Small businesses would not be impacted fiscally by this rule amendment. Funds would be determined on an annual basis depending on remaining Department funds.

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

No fiscal impact to non-small businesses as result of this rule amendment. Funds would be determined on an annual basis depending on remaining department funds.

**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 parties or persons will be fiscally impacted by this rule amendment. Funds would be determined on an annual basis depending on remaining Department funds.

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

No compliance costs associated with this rule amendment.

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

**Regulatory Impact Table**

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

Gary Harter, Executive Director for the Utah Department of Veterans and Military Affairs, has reviewed and approved this fiscal analysis.

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

This rule amendment would not have any fiscal impact on businesses. Funds for this program will be determined annually based on any remaining Department funds.

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

Gary Harter, 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 71-8-2(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:** 12/31/2020

**10. This rule change MAY become effective on:** 01/07/2021

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>	Gary R. Harter, Executive Director	<b>Date:</b>	11/04/2020
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**End of the Notices of Proposed Rules Section**

## NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R614-1-5	Filing No. 53189

### Agency Information

<b>1. Department:</b>	Labor Commission	
<b>Agency:</b>	Occupational Safety and Health	
<b>Room no.:</b>	3rd Floor	
<b>Building:</b>	Heber Wells Building	
<b>Street address:</b>	160 E 300 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 146650	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6650	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Cameron Ruppe	801-530-6898	cruppe@utah.gov
Chris Hill	801-530-6800	chill@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule or section catchline:</b>
R614-1-5. Adoption and Extension of Established Federal Safety Standards and General Safety Orders

<b>3. Effective Date:</b>
11/09/2020

<b>4. Purpose of the new rule or reason for the change:</b>
The purpose of this change is to protect employees by preventing the spread of COVID-19 in their workplaces by using face masks.

<b>5. Summary of the new rule or change:</b>
Face masks have been recommended and at times ordered by Governor Herbert in the workplace, and the recommended use of face masks has been identified by the Centers for Disease Control (CDC) and the Utah Department of Health (UDOH) to be an effective method of preventing the spread of COVID-19. This rule would enable enforcement of the recommendations and orders given previously to wear face masks in the workplace.

<b>6. Regular rulemaking would:</b>
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.

<b>Specific reason and justification:</b>
COVID-19 continues to spread at a rapid pace across the United States, and Utah specifically has seen an enormous uptick in the number of cases occurring over a seven-day average. The reason for this rule is to enable enforcement of one of the most effective ways to prevent

the further spread of COVID-19 both in the workplace and to the general public.

**Fiscal Information**

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

**A) State budget:**

No anticipated cost or savings to the state budget. The has worked with many organizations to provide free masks for every person in Utah. Those who have desired to do so have been able to purchase or acquire masks at no charge through other organizations. There will be no enforcement costs to the state budget as inspections of businesses are already part of what the Utah Occupational Safety and Health Division does.

**B) Local governments:**

No anticipated cost or savings to local governments. The has worked with many organizations to provide free masks for every person in Utah. Those who have desired to do so have been able to purchase or acquire masks at no charge through other organizations.

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

No anticipated cost or savings to small businesses. The has worked with many organizations to provide free masks for every person in Utah. Those who have desired to do so have been able to purchase or acquire masks at no charge through other organizations.

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

No anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities. The has worked with many organizations to provide free masks for every person in Utah. Those who have desired to do so have been able to purchase or acquire masks at no charge through other organizations.

**8. Compliance costs for affected persons:**

No anticipated compliance cost for affected persons. The has worked with many organizations to provide free masks for every person in Utah. Those who have desired to do so have been able to purchase or acquire masks at no charge through other organizations.

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

If individuals have not taken advantage of the masks available free of charge from the "Mask for Every Utahn" campaign or from other organizations, there may be a cost associated with ensuring that all employees have a mask for use while in the workplace. Masks are largely available for purchase at minimal cost in many retailers across the .

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

Jaceson R. Maughan, Commissioner

**Citation Information**

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

Section 34A-6-104

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Jaceson R. Maughan, Commissioner	<b>Date:</b>	11/06/2020
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**End of the Notices of 120-Day (Emergency) Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R156-9	Filing No. 50258

### 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, zip:</b>	Salt Lake City, UT 84111-2316	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6741	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Robyn Barkdull	801-530-6727	rbarkdull@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule catchline:</b>
R156-9. Funeral Service Licensing Act Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 58, Chapter 9, provides for the licensure and regulation of funeral service director, funeral service intern, funeral service establishment, and preneed funeral arrangement sales agent. Subsection 58-1-106(1)(a) provides that the Division of Occupational and

Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-1-202(1)(a) provides that the Board of Funeral Service's duties, functions, and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 9, with respect to funeral service director, funeral service intern, funeral service establishment, and preneed funeral arrangement sales agent.

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

Since this rule was last reviewed in April 2016, this rule has been amended two times, once in September 2019 and once in September 2018. The Division has received no written comments with respect to this rule since April 2016.

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

This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 9. This rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Mark Steinagel, Director	B.	<b>Date:</b>	11/05/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-726	Filing No. 50534

**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>
R277-726. Statewide Online Education Program
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized by Utah Constitution, Article X, Section 3, which vests general control and supervision of public education in the Board; Section 53F-4-514 requires the Board to make rules providing for the administration of statewide assessments to students enrolled in online courses; Section 53F-4-508 requires the Board to make rules that establish a course credit acknowledgment form and procedures for completing and submitting the form to the Board; and Subsection 53E-3-401(4) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There were no written comments received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The purpose of this rule is to define necessary terms; provide and describe a program registration agreement; and provide other requirements for an LEA, the Superintendent, a parent and a student, and a provider for program implementation and accountability. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	11/09/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-920	Filing No. 50552

**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>
R277-920. School Improvement - Implementation of the School Turnaround and Leadership Development Act
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized by Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development Act requires the Board to make rules to establish: an appeal process for the denial of a school turnaround plan; provisions regarding funding distributed to a low performing school; criteria for granting an extension to a low performing school; criteria for exiting a school that has demonstrated sufficient improvement; criteria for approving a teacher recruitment and retention plan; implications for a low performing school; and eligibility criteria, application procedures, selection criteria, and procedures for awarding incentive pay for the School Leadership Development Program.

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

There were no written comments received.

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

The purpose of this rule is to enact provisions governing school improvement efforts; and implement and administer the School Turnaround and Leadership Development Act. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	11/09/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R436-18</b>	<b>Filing No. 51112</b>
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**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 141012	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Winger	801-538-6262	lindaw@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R436-18. Adoption Program Procedures, Form Content, and Donations

**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 Title 26, Chapter 2, which establishes a statewide vital records system for the

registration, collection, preservation, amendment, and certification of vital records and other similar documents required by this chapter and activities related to them, including the tabulation, analysis, and publication of vital statistics.

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

The Office of Vital Records and Statistics (Office) has not received any written comments since the last five-year review of this rule from interested persons supporting or opposing this rule. Only general inquires have been made and responded to by the Office.

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

This rule is still required by Subsection 26-2-22(6). Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph Miner, MD, Deputy Director	<b>Date:</b>	11/09/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R657-39</b>	<b>Filing No. 51753</b>
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**Agency Information**

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

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

**General Information**

<b>2. Rule catchline:</b>
R657-39. Wildlife Board and Regional Advisory Councils

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

Under Subsection 23-14-2.6(7) and Sections 23-14-2, 23-14-3, and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.

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

No written comments supporting or opposing Rule R657-39 were received since December 2015, when this rule was last reviewed.

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

Rule R657-39 provides the procedures and practices for the operation of the Wildlife Board and regional advisory councils. The provisions adopted in this rule are effective in providing the standards and requirements for operating Wildlife Board and regional advisory councils. Continuation of this rule is necessary for continued success of this program.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mike Fowlks, Director	<b>Date:</b>	11/10/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R657-40</b>	<b>Filing No. 51754</b>
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**Agency Information**

<b>1. Department:</b>	Natural Resources
<b>Agency:</b>	Wildlife Resources
<b>Room no.:</b>	Suite 2110
<b>Building:</b>	Department of Natural Resources
<b>Street address:</b>	1594 W North Temple
<b>City, state, zip:</b>	Salt Lake City, UT 84116-3154
<b>Mailing address:</b>	PO Box 146301

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

**General Information**

<b>2. Rule catchline:</b>
R657-40. Wildlife Rehabilitation

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

Under Sections 23-13-4, 23-14-18, and 23-20-3, the Wildlife Board is authorized and required to provide rules to regulate and prescribe the means by which protected wildlife may be held in captivity for rehabilitation purposes.

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

The Division of Wildlife Resources and the Wildlife Board have not received any written comments, either in support or opposition to Rule R657-40.

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

Rule R657-40 provides the procedures, standards, and requirements for possessing protected wildlife in captivity for rehabilitation purposes by trained and educated individuals as a public service for the benefit of Utah's wildlife resources. The provisions adopted in this rule are effective in providing the standards and requirements for providing this service. Continuation of this rule is necessary for continued success of this program.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mike Fowlks, Director	<b>Date:</b>	11/10/2020
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**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF RULE EFFECTIVE DATES

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

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

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

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### Administrative Services

#### Finance

No. 53094 (Amendment) R25-22: Financial Institution Validation for Access to Medical Inventory Control System  
Published: 10/15/2020  
Effective: 11/23/2020

### Agriculture and Food

#### Plant Industry

No. 53057 (Amendment) R68-3: Utah Fertilizer Act Governing Fertilizers and Soil Amendments  
Published: 10/01/2020  
Effective: 11/16/2020

### Commerce

#### Occupational and Professional Licensing

No. 53070 (Amendment) R156-17b: Pharmacy Practice Act Rule  
Published: 10/01/2020  
Effective: 11/10/2020

No. 53064 (Amendment) R156-60: Mental Health Professional Practice Act Rule  
Published: 10/01/2020  
Effective: 11/10/2020

No. 53065 (Amendment) R156-60a: Social Worker Licensing Act Rule  
Published: 10/01/2020  
Effective: 11/10/2020

No. 53071 (Amendment) R156-60b: Marriage and Family Therapist Licensing Act Rule  
Published: 10/01/2020  
Effective: 11/10/2020

No. 53066 (Amendment) R156-60c: Clinical Mental Health Counselor Licensing Act Rule  
Published: 10/01/2020  
Effective: 11/10/2020

No. 53067 (Amendment) R156-60d: Substance Use Disorder Counselor Act Rule  
Published: 10/01/2020  
Effective: 11/10/2020

### Education

#### Administration

No. 53025 (Amendment) R277-100: Definitions for Utah State Board of Education (Board) Rules.  
Published: 09/01/2020  
Effective: 11/13/2020

No. 53080 (Amendment) R277-113: LEA Fiscal and Auditing Policies.  
Published: 10/01/2020  
Effective: 11/10/2020

No. 53082 (Amendment) R277-302: Educator Licensing Renewal  
Published: 10/01/2020  
Effective: 11/10/2020

No. 53026 (New Rule) R277-319: Special Educator Stipends  
Published: 09/01/2020  
Effective: 11/09/2020

No. 53075 (New Rule) R277-403: School Safety Pilot Program  
Published: 10/01/2020  
Effective: 11/10/2020

NOTICES OF RULE EFFECTIVE DATES

No. 53024 (Amendment) R277-406: Early Learning Program and Benchmark Assessments  
Published: 09/01/2020  
Effective: 11/09/2020

No. 53076 (Amendment) R277-407: School Fees  
Published: 10/01/2020  
Effective: 11/10/2020

No. 53027 (Amendment) R277-492: Utah Science Technology and Research Initiative (USTAR) Centers Program  
Published: 09/01/2020  
Effective: 11/09/2020

No. 53028 (Repeal) R277-525: Special Educator Stipends  
Published: 09/01/2020  
Effective: 11/09/2020

No. 53077 (Repeal) R277-528: Use of Public Education Job Enhancement Program (PEJEP) Funds  
Published: 10/01/2020  
Effective: 11/10/2020

No. 53078 (New Rule) R277-721: PRIME Pilot Program  
Published: 10/01/2020  
Effective: 11/10/2020

No. 53029 (Amendment) R277-750: Education Programs for Students with Disabilities  
Published: 09/01/2020  
Effective: 11/06/2020

No. 53079 (Amendment) R277-921: Strengthening College and Career Readiness Program  
Published: 10/01/2020  
Effective: 11/10/2020

No. 53030 (Amendment) R277-925: Effective Teachers in High Poverty Schools Incentive Program  
Published: 09/01/2020  
Effective: 11/09/2020

Environmental Quality Administration

No. 53072 (Amendment) R305-7: Filing and Service of Notices, Orders, Motions, and Other Papers  
Published: 10/01/2020  
Effective: 11/12/2020

Air Quality

No. 53004 (New Rule) R307-240: Prescribed Burning  
Published: 09/01/2020  
Effective: 11/05/2020

Water Quality

No. 53042 (Amendment) R317-1: TMDLs  
Published: 09/15/2020  
Effective: 10/30/2020

Health

Disease Control and Prevention, Health Promotion  
No. 53049 (Amendment) R384-324: Tobacco Retailer Permit Process  
Published: 10/01/2020  
Effective: 11/10/2020

Health Care Financing, Coverage and Reimbursement Policy  
No. 53053 (Amendment) R414-60: Medicaid Policy for Pharmacy Program  
Published: 10/01/2020  
Effective: 11/19/2020

No. 53090 (Amendment) R414-60: Program Coverage  
Published: 10/15/2020  
Effective: 11/23/2020

No. 53073 (Amendment) R414-307: Eligibility for Home and Community-Based Services Waivers  
Published: 10/01/2020  
Effective: 11/10/2020

No. 53083 (Amendment) R414-307: Eligibility for Home and Community-Based Services Waivers  
Published: 10/15/2020  
Effective: 11/24/2020

No. 53086 (Amendment) R414-512: Use of Extrapolation Limited  
Published: 10/15/2020  
Effective: 11/23/2020

Human Services

Services for People with Disabilities  
No. 53069 (Repeal and Reenact) R539-1: Eligibility  
Published: 10/01/2020  
Effective: 11/09/2020

No. 53010 (Amendment) R539-5: Self-Administered Services  
Published: 10/15/2020  
Effective: 11/23/2020

Insurance

Administration  
No. 53097 (Amendment) R590-258: Email Address Requirement  
Published: 10/15/2020  
Effective: 11/23/2020

Natural Resources

Oil, Gas and Mining; Non-Coal  
No. 53045 (Amendment) R647-1: Definitions  
Published: 09/15/2020  
Effective: 10/29/2020

No. 53046 (Amendment) R647-3: Mine Enlargement  
Published: 09/15/2020  
Effective: 10/29/2020

No. 53047 (Amendment) R647-4: Revisions  
Published: 09/15/2020  
Effective: 10/29/2020

Wildlife Resources  
No. 53058 (Amendment) R657-10: Taking Cougar  
Published: 10/01/2020  
Effective: 11/09/2020

Public Service Commission  
Administration  
No. 53096 (Amendment) R746-8: Calculation and  
Application of UUSF Surcharge  
Published: 10/15/2020  
Effective: 11/23/2020

Technology Services  
Administration  
No. 52827 (Amendment) R895-5: Definitions  
Published: 07/15/2020  
Effective: 11/10/2020

Transportation

Motor Carrier  
No. 53050 (Amendment) R909-1: Safety Regulations for  
Motor Carriers  
Published: 10/01/2020  
Effective: 11/12/2020

No. 53051 (Amendment) R909-2: Utah Size and Weight  
Rule  
Published: 10/01/2020  
Effective: 11/12/2020

No. 53052 (Amendment) R909-19: Safety Regulations for  
Tow Truck Operations - Tow Truck Requirements for  
Equipment, Operation, and Certification  
Published: 10/01/2020  
Effective: 11/12/2020

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