

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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TABLE OF CONTENTS

NOTICES OF PROPOSED RULES	1
Agriculture and Food	
Plant Industry	
R68-6. Utah Nursery Act.....	2
R68-30. Independent Cannabis Testing Laboratory.....	3
Education	
Administration	
R277-116. Audit Procedure	5
R277-550. Charter Schools - Definitions	7
R277-552. Charter School Timelines and Approval Processes	9
R277-625. Mental Health Screening Program.....	11
R277-627. Early Warning Program.....	13
R277-929. State Council on Military Children.....	14
Environmental Quality	
Water Quality	
R317-8. Utah Pollutant Discharge Elimination System (UPDES).....	16
R317-8. Utah Pollutant Discharge Elimination System (UPDES).....	19
Health	
Child Care Center Licensing Committee	
R381-40. Commercial Preschool Programs	21
Family Health and Preparedness, Children with Special Health Care Needs	
R398-15. Adult Autism Treatment Program.....	23
Human Services	
Substance Abuse and Mental Health	
R523-2. Local Mental Health Authorities and Local Substance Abuse Authorities	25
Recovery Services	
R527-300. Income Withholding	27
Insurance	
Administration	
R590-284. Corporate Governance Annual Disclosure Rule.....	29

TABLE OF CONTENTS

NOTICES OF 120-DAY (EMERGENCY) RULES..... 33

 Governor

 Economic Development

 R357-37. COVID-19 Live Events Grant Program Rule 33

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION 35

 Commerce

 Corporations and Commercial Code

 R154-2. Utah Uniform Commercial Code, Revised Article 9 Rules..... 35

 Health

 Disease Control and Prevention, Health Promotion

 R384-415. Electronic-Cigarette Substance Standards..... 36

 Heritage and Arts

 Indian Affairs

 R456-1. Native American Grave Protection and Repatriation 36

 Human Services

 Substance Abuse and Mental Health

 R523-1. General Provisions..... 37

 R523-2. Local Mental Health Authorities and Local Substance Abuse Authorities..... 37

 R523-3. Screening, Assessment, Education and Treatment Standards for Court-referred

 Youth Under the Age of 21 38

 R523-4. Certification Requirements for Screening, Assessment, Prevention, Treatment and

 Recovery Support Programs for Adults 39

 R523-5. Peer Support Specialist Training and Certification 39

 R523-6. Child/Family Peer Support Specialist Training and Certification 40

 R523-7. Certification of Designated Examiners and Certified Case Managers..... 41

 R523-8. Medication, Psychosurgery and Electroshock Procedures for Children,

 Consumer Rights, Due Process, Family Involvement 41

 R523-9. Evidence-Based Prevention Registry 42

 R523-10. Standards for Methadone Addiction Treatment Providers..... 42

 R523-11. Utah Standards for Approval of Alcohol and Drug Educational Providers

 and Instructors for Court-Referred DUI Offenders..... 43

 R523-12. On-Premise Alcohol Training and Education Seminar Rules of Administration 43

 R523-13. Off-Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and

 Education Seminar Rules of Administration 44

 R523-14. Suicide Prevention 45

Recovery Services

R527-200. Administrative Procedures 45

R527-250. Emancipation 46

Insurance

Administration

R590-233. Health Benefit Plan Insurance Standards 46

Lieutenant Governor

Elections

R623-4. Processing Partisan Candidate Nomination Petitions 47

Natural Resources

Forestry, Fire and State Lands

R652-2. Sovereign Lands Management Objectives 48

NOTICES OF RULE EFFECTIVE DATES 49

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between December 02, 2020, 12:00 a.m., and December 15, 2020, 11:59 p.m. are included in this, the January 01, 2021, 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 February 01, 2021. 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 May 01, 2021, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R68-6	Filing No. 53237

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Robert Hougaard	801-982-2305	rhougaard@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R68-6. Utah Nursery Act
3. Purpose of the new rule or reason for the change:
The rule catchline needs to be corrected to reference a rule rather than law. Additional changes are needed to make this rule more consistent with the Utah Rulewriting manual.
4. Summary of the new rule or change:
The catchline has been changed to reflect the "Utah Nursery Rule" rather than the "Utah Nursery Act." Additional changes have been made to make the rule text more compliant with the Utah Rulewriting manual.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There are no anticipated costs or savings to the state budget because the changes just update and make corrections to the existing rule text but should not affect the administration of the nursery program.

B) Local governments:																												
There are no anticipated costs or savings to local governments because the changes just update and make corrections to the existing rule text but should not affect the administration of the nursery program.																												
C) Small businesses ("small business" means a business employing 1-49 persons):																												
There are no anticipated costs or savings to small businesses because the changes just update and make corrections to the existing rule text but should not affect the administration of the nursery program.																												
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																												
There are no anticipated costs or savings to non-small businesses because the changes just update and make corrections to the existing rule text but should not affect the administration of the nursery 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 <i>agency</i>):																												
There are no anticipated costs or savings to the other persons because the changes just update and make corrections to the existing rule text but should not affect the administration of the nursery program.																												
F) Compliance costs for affected persons:																												
The rule changes will not affect compliance costs because requirements and fees charged by the department will not change.																												
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)																												
Regulatory Impact Table																												
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2021</th> <th>FY2022</th> <th>FY2023</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Non-Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Other Persons</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Total Fiscal Cost</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2021	FY2022	FY2023	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0	Small Businesses	\$0	\$0	\$0	Non-Small Businesses	\$0	\$0	\$0	Other Persons	\$0	\$0	\$0	Total Fiscal Cost	\$0	\$0	\$0
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State Government	\$0	\$0	\$0																									
Local Governments	\$0	\$0	\$0																									
Small Businesses	\$0	\$0	\$0																									
Non-Small Businesses	\$0	\$0	\$0																									
Other Persons	\$0	\$0	\$0																									
Total Fiscal Cost	\$0	\$0	\$0																									

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

H) Department head approval of regulatory impact analysis:

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

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

This rule change 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):

Section 4-15-104

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: 02/01/2021

10. This rule change MAY become effective on: 02/08/2021

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:	R. Logan Wilde, Commissioner	Date:	12/04/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R68-30	Filing No. 53241

Agency Information

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

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

General Information

2. Rule or section catchline:
R68-30. Independent Cannabis Testing Laboratory
3. Purpose of the new rule or reason for the change:
The changes are needed to adjust the license term for independent cannabis testing laboratories.
4. Summary of the new rule or change:
This rule is changed to adjust the term of a holder of an independent cannabis testing laboratory license so that licenses expire 12 months from issuance.

Fiscal Information

5. Aggregate anticipated cost or savings to:			
A) State budget:			
There is no anticipated cost or savings to the state budget because the fees charged by the Department of Agriculture and Food (Department) and administrative costs have not changed.			
B) Local governments:			
There is no anticipated costs or savings to local governments because they do not act as laboratories or regulate laboratories.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There is no anticipated cost or savings to small businesses because the fees charged by the Department and administrative costs have not changed.			
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 because the fees charged by the Department and administrative costs have not changed.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
There is no anticipated cost or savings to other persons because the fees charged by the Department and administrative costs have not changed.			
F) Compliance costs for affected persons:			
Compliance costs for affected persons will not change because the fees charged by the Department will not change.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Commissioner of the Utah Department of Agriculture and Food, R. Logan Wilde, has reviewed and approves the regulatory impact analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
This rule change will not have a 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 4-41a-103(5)	Subsection 4-41a-405(2)(b)(iv)	Subsection 4-2-103(1)(i)
Subsection 4-41a-302(3)(b)(ii)	Subsection 4-41a-701(3)	Subsection 4-41a-801(1)
Subsection 4-41a-403(3)		

Public Notice Information

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

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

A) Comments will be accepted until: 02/01/2021

10. This rule change MAY become effective on: 02/08/2021

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: R. Logan Wilde, Commissioner
Date: 12/09/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-116	Filing No. 53246

Agency Information

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

General Information

2. Rule or section catchline:
R277-116. Audit Procedure
3. Purpose of the new rule or reason for the change:
This rule is being updated to specify how the committee would review a request for an extension by a local education agency (LEA) and updating specific language regarding the Chief Audit Executive.
4. Summary of the new rule or change:
These rule amendments include updates to language and citations throughout this rule.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. This rule change clarifies procedures and roles and will not significantly change the Utah State Board of Education (Board) processes.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. This rule change clarifies procedures and roles and will not significantly change Board processes.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This rule change clarifies procedures and roles and will not significantly change Board processes.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This rule change clarifies procedures and roles and will not significantly change Board processes.

F) Compliance costs for affected persons:

There are no material compliance costs for affected persons. This rule change clarifies procedures and roles and will not significantly change Board processes.

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

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

H) Department head approval of regulatory impact analysis:

The State Superintendent of 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-3-501(1)(e)	Subsection 63I-5-201(4)
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: 02/01/2021

10. This rule change MAY become effective on: 02/08/2021

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:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-550	Filing No. 53247

Agency Information

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

General Information

2. Rule or section catchline:
R277-550. Charter Schools - Definitions
3. Purpose of the new rule or reason for the change:
Utah State Board of Education (Board) Rule R277-550 is being amended to update the definition of satellite school to make clear that a satellite school must have the same authorizer as the original school.
4. Summary of the new rule or change:
This rule contains an updated definition for the term "satellite school."

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. This change updates this Board rule to align with existing regulatory intent, that a satellite charter school must have the same authorizer as the original charter school.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. This change updates this Board rule to align with existing regulatory intent, that a satellite charter school must have the same authorizer as the original charter school.

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This change updates this Board rule to align with existing regulatory intent, that a satellite charter school must have the same authorizer as the original charter school.

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 change updates this Board rule to align with existing regulatory intent, that a satellite charter school must have the same authorizer as the original charter school.

F) Compliance costs for affected persons:

There are no material compliance costs for affected persons. This change updates this Board rule to align with existing regulatory intent, that a satellite charter school must have the same authorizer as the original charter school.

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

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

H) Department head approval of regulatory impact analysis:

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

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

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

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Title 53G, Chapter 5	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: 02/01/2021

10. This rule change MAY become effective on: 02/08/2021

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:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/14/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-552	Filing No. 53248

Agency Information

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

General Information

2. Rule or section catchline:
R277-552. Charter School Timelines and Approval Processes
3. Purpose of the new rule or reason for the change:
This rule was amended to clarify misperceptions regarding satellite schools and their authorizers.
4. Summary of the new rule or change:
Changes to this rule clarify that an authorizer must have an approved process for considering a request to transfer authorizers, as well as to clarify that a satellite school must have the same authorizer as the other schools in the satellite schools local education agencies (LEA).

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. This change updates the Utah State Board of Education (Board) rule to align with existing regulatory

intent, that a satellite charter school must have the same authorizer as the original charter school.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. This change updates the Board rule to align with existing regulatory intent, that a satellite charter school must have the same authorizer as the original charter school.

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This change updates the Board rule to align with existing regulatory intent, that a satellite charter school must have the same authorizer as the original charter school.

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 change updates the Board rule to align with existing regulatory intent, that a satellite charter school must have the same authorizer as the original charter school.

F) Compliance costs for affected persons:

There are no material compliance costs for affected persons. This change updates the Board rule to align with existing regulatory intent, that a satellite charter school must have the same authorizer as the original charter school.

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

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

H) Department head approval of regulatory impact analysis:

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

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

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

rule change has no fiscal impact on LEAs and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Section 53F-2-702	Section 53G-5-306
Subsection 53E-3-401(4)	Section 53G-5-304	Section 53G-5-305
Subsection 53G-6-504(5)		

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: 02/01/2021

10. This rule change MAY become effective on: 02/08/2021

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:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R277-625	Filing No. 53253
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Agency Information

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

General Information

2. Rule or section catchline:
R277-625. Mental Health Screening Program
3. Purpose of the new rule or reason for the change:
This rule is being amended in response to public comment received by the Disability Law Center regarding more specificity around the data sharing of a mental health screener's results for a student and how long that data can be kept by a local education agency (LEA) to prevent the data from following a student for an unreasonable amount of time. Also, feedback from the Division of Substance and Mental Health in regard to what is considered a "mental health screener" has resulted in subsequent definitions being added for "mental health," "mental health screener," and "mental health services."
4. Summary of the new rule or change:
The amendments include a definition of "mental health screener" and "mental health services," it also clarifies a requirement that an LEA list all professional positions that will have access to a student's mental health screener data on the parental consent form.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The changes are primarily technical and clarifying in nature.

B) Local governments:			
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The changes are primarily technical and clarifying in nature.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The changes are primarily technical and clarifying in nature.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):			
This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The changes are primarily technical and clarifying in nature.			
F) Compliance costs for affected persons:			
There are no significant compliance costs for affected persons. The changes are primarily technical and clarifying in nature.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

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

Citation Information

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

Article X, Section 3	Section 53F-2-522	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:	02/01/2021
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10. This rule change MAY become effective on:	02/08/2021
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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

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R277-627	Filing No. 53254

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S

City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state, zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-627. Early Warning Program
3. Purpose of the new rule or reason for the change:
This rule is being created due to 2020 General Session H.B. 392, Early Warning Program. H.B. 392 (2020) requires the Utah State Board of Education to create a rule to define the term "primary exceptionalities" for the early warning program.
4. Summary of the new rule or change:
This rule defines "primary exceptionalities" to have the same definition of "child with a disability" in the federal regulations for the federal Individuals with Disabilities Education Act (IDEA).

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 rule is being created due to H.B. 392 (2020).
B) Local governments:
This proposed rule is not expected to have independent fiscal impact on local governments' revenues or expenditures. This rule is being created due to H.B. 392 (2020).
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 rule is being created due to H.B. 392 (2020).

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

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

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

This 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 rule is being created due to H.B. 392 (2020).

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. This rule is being created due to H.B. 392 (2020).

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

Regulatory Impact Table

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

NOTICES OF PROPOSED RULES

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

H) Department head approval of regulatory impact analysis:

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

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

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

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Subsection 53F-4-207(2)(d)	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: 02/01/2021

10. This rule change MAY become effective on: 02/08/2021

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:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-929	Filing No. 53250

Agency Information

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

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

General Information

2. Rule or section catchline:
R277-929. State Council on Military Children
3. Purpose of the new rule or reason for the change:
The purpose for the change is to update this rule to establish the purple star schools program in Utah.

4. Summary of the new rule or change:
 The amendments include requirements for Utah schools to apply for the purple star schools designation and sets guidelines for Utah State Board of Education (Board) staff to administer the program.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
 This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. This new designation program should not create significant new costs for the Board or local education agencies (LEAs) that choose to apply to the program.

B) Local governments:
 This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. This new designation program should not create significant new costs for the Board or LEAs that choose to apply to the program.

C) Small businesses ("small business" means a business employing 1-49 persons):
 This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This new designation program should not create significant new costs for the Board or LEAs that choose to apply to the program.

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 new designation program should not create significant new costs for the Board or LEAs that choose to apply to the program.

F) Compliance costs for affected persons:
 There are no significant compliance costs for affected persons. The new designation program should not create significant new costs for the Board or LEAs that choose to apply to the program.

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

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

NOTICES OF PROPOSED RULES

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

H) Department head approval of regulatory impact analysis:

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

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

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

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Section 53E-3-920.1	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: 02/01/2021

10. This rule change MAY become effective on: 02/08/2021

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:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R317-8	Filing No.	53240
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Agency Information

1. Department:	Environmental Quality	
Agency:	Water Quality	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144870	
City, state, zip:	Salt Lake City, UT 84114-4870	
Contact person(s):		
Name:	Phone:	Email:
Donald Hall	801-536-4492	dghall@utah.gov

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

General Information

2. Rule or section catchline:

R317-8. Utah Pollutant Discharge Elimination System (UPDES)

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

The purpose of the proposed amendments to Section R317-8-1 is to add descriptions of federal rule references in Subsection R317-8-1(10).

The five main purposes of the proposed amendments in Section R317-8-10 are to:

1. reword definitions and requirements of the rule to make them more concise and understandable;

2. edit the large weather event definition in Subsection R317-8-10(2) to allow rapid snow melt events which will provide the regulated an enforcement exemption when following requirements outlined in the rule;
3. allow the Director of the Division of Water Quality (DWQ) to approve certified nutrient management planners that prepare nutrient management plans for animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs);
4. allow the regulated community to develop voluntary compliance assistance programs for some enforcement penalty relief, when the program is approved by the Director of DWQ; and
5. remove duplication of references to federal rules that are already included in Section R317-8-1.

4. Summary of the new rule or change:

The proposed changes to Sections R317-8-1 and R317-8-10 relate to the AFO and CAFO compliance and permit requirements. These changes implement the federal CAFO regulations under the National Pollutant Discharge Elimination System (NPDES) program. In Utah, the NPDES program is implemented through state rule and permits of the Utah Pollutant Discharge Elimination System (UPDES) program. The proposed rule changes would improve federal rule referencing and implementation of the state CAFO program.

In Subsection R317-8-1-1(10), improved referencing to federal requirements and descriptions of federal rule references have been added.

In Subsection R317-8-10(10.1), federal references were moved to Subsection R317-8-1-(1.10) to consolidate references into one rule location.

In Subsection R317-8-10(10.2), for thirteen definitions, definitions were reworded, added to the rule, or deleted to better implement the federal CAFO program in state rule.

In Subsection R317-8-10(10.3), rule requirements were clarified and consolidated.

In Subsection R317-8-10(10.6), the proposed changes help clarify required Nutrient Management Plan (NMP) content and which AFOs and CAFOs require a NMP.

In Subsection R317-8-10(10.7), the proposed rule amendments clarify the Technical Standard requirements.

In Subsection R317-8-10(10.8), the subsection was changed to include program requirements for reasonable measures and to describe which AFOs and CAFOs qualify for the reasonable measure provisions.

In Subsection R317-8-10(10.9), title and entire content was deleted or moved to Subsection R317-8-10(8).

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

None--The rule changes would have no net effect on the state budget or the budget of the Utah Division of Water Quality (Division). If the Division is to train or approve certified nutrient management planners, the costs of training which are labor and materials, would already be included the Division's budget. Current employees would do the labor and any printed material costs would be minimal (less than \$100) and would come out of existing budgets. No additional funding would be required to train certified planners. No other state agencies would have financial impact from the rule changes. There would not be any savings in the state budget.

B) Local governments:

None--There should be no effect on costs or savings to local governments. Local governments do not have oversight of AFOs and CAFOs as pertaining to the state rule.

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

None--The rule changes would have no effect on costs to the regulated community and no effect on other small businesses. The rule changes allow AFOs and CAFOs to voluntarily participate in new compliance assistance programs for enforcement protections. An AFO or CAFO may need to improve waste storage structures or improve planning in order to meet the requirements of a new compliance assistance program. However, participation in a compliance assistance program is voluntary. This rule will not require an AFO or CAFO to invest or participate in any new compliance assistance program that may be developed under the new rule. There would not be savings for the regulated community or for other small businesses.

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

None--There are 5 or less businesses in the regulated community employing 50 or more persons. The rule changes would have no effect on costs to the regulated community and have no effect on other non-small businesses. The rule changes allow larger AFOs and CAFOs to voluntarily participate in new compliance assistance programs for enforcement protections. An AFO or CAFO may need to improve waste storage structures or improve planning in order to meet the requirements of a new compliance assistance program. However, participation in a compliance assistance program is voluntary. The new rule will not require an AFO or CAFO to spend more on compliance. There would not be savings for the regulated community or for other 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**):

The estimate is \$15,000. The rule changes could result in approximately \$15,000 in lost revenue for non-governmental certified planners. There are two or three out-of-state consultants that prepare nutrient management plans for AFOs and CAFOs in Utah. The amended rule facilitates approval of additional certified nutrient management planners by DWQ. The new certified planners are likely to be state employees from the Utah Department of Agriculture and Food (UDAF). UDAF would not receive compensation for the preparation and approval of nutrient management plans (NMPs). It is anticipated that UDAF would use current employees to prepare NMPs and that no new employees would be hired. The NMPs prepared by certified planners at UDAF would be NMPs the consultants did not prepare, resulting in lost revenue. It is estimated that consultants would prepare about three NMPs per year at a fee of about \$5,000 per NMP. Lost revenue for the consultants would be approximately \$15,000 per year. AFOs and CAFOs could still hire consultants to prepare NMPs. However, that is unlikely since the AFOs and CAFOs can have NMPs prepared at no cost by UDAF certified planners.

F) Compliance costs for affected persons:

None--There will be no additional costs to AFOs and CAFOs to comply with the rule unless they volunteer to be part of a compliance assistance program.

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

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$15,000	\$15,000	\$15,000
Total Fiscal Cost	\$15,000	\$15,000	\$15,000
Fiscal Benefits			
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$-15,000	\$-15,000	\$-15,000

H) Department head approval of regulatory impact analysis:

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

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

The proposed rule amendments would not affect non-animal agriculture businesses financially, either positively or negatively. Also, the regulated community would not have additional costs from the proposed rule changes. A few out-of-state consultants may lose approximately \$15,000 per year from lost nutrient management planning fees. As enabled through proposed rule changes, additional certified planners could be provided to prepare nutrient management plans at no cost to the regulated community.

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):

Title 19, Chapter 5	40 CFR 122	40 CFR 124
40 CFR 412	40 CFR 503	

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:	02/01/2021
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10. This rule change MAY become effective on:	02/08/2021
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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

Agency head or designee, and title:	Erica B. Gaddis, Director	Date:	12/08/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R317-8	Filing No. 53244

Agency Information

1. Department:	Environmental Quality	
Agency:	Water Quality	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144870	
City, state, zip:	Salt Lake City, UT 84114-4870	
Contact person(s):		
Name:	Phone:	Email:
Lisa Stevens	801-536-4386	LStevens@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R317-8. Utah Pollutant Discharge Elimination System (UPDES)
3. Purpose of the new rule or reason for the change:
The rule change is being initiated in response to H.B. 226 which was passed in the 2020 General Session. Its intent is to make the storm water rules and permits consistent. In addition, this rule change is designed to:
1. reorganize storm water rules making them easier to

- locate and increase readability,
- 2. remove inaccuracies; and
- 3. correct outdated references.

4. Summary of the new rule or change:

Storm water rules are currently split up in Subsections R317-8-3(3.9), R317-8-4(4.1)(15)(c), and R317-8-4(4.2)(18). The proposed amendments move the text into a new Section R317-8-11 dedicated to storm water to make access and review easier.

Subsection R317-8-1(1.6) was changed to update references to text that was previously in Subsection R317-8-3(3.9) and was moved to Section R317-8-11. A definition for Maximum Extent Practicable (MEP) was added since this term is used in rule. This definition is based on the federal clean water act and matches the definition in existing storm water permits.

Subsections R317-8-1(1.10), R317-8-3(3.1), R317-8-3(3.2), R317-8-3(3.4), and R317-8-3(3.5) were changed to update references to text that was previously in Subsection R317-8-3(3.9) and was moved to Section R317-8-11.

Section R317-8-11, Municipal, Industrial, and Construction Storm Water Discharges, was created with the text from Subsections R317-8-3(3.9), R317-8-4(4.1)(15)(c), and R317-8-4(4.2)(18) with the following major modifications:

1. Added Subsection R317-8-11(11.1) that describes rule applicability.
2. Added Subsection R317-8-11(11.2) that references the storm water definitions in Subsection R317-8-1(1.6).
3. Reordered subsections to improve readability.
4. Separated the requirements for large construction activities that are greater than five acres from industrial activities.
5. Combined small and large construction activities. Requirements were combined where possible because they are permitted the same.
6. Combined large, medium, and small municipal separate storm sewer system (MS4) requirements where possible since they are permitted in the same fashion.
7. Updated references of Executive Secretary to Director.
8. Removed outdated text that did not accurately reflect current practices.
9. Updated all references for moved content.
10. Corrected references that were incorrect.

- 11. Modified text to meet Office of Administrative Rules requirements (removal of superfluous phrases such as "the provisions of" before a citation, removal of the term and/or, etc.).
- 12. Added retention requirements that are currently in municipal storm water discharge permits.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
None--The proposed amendments do not change any requirements or procedures. They reflect the requirements and procedures that are currently in the existing storm water discharge permits. Therefore, they would have no net effect on the state budget or the budget of the Utah Division of Water Quality.
B) Local governments:
None--The proposed amendments do not change any requirements or procedures. They reflect the requirements and procedures that are currently in the existing storm water discharge permits with no anticipated cost or savings to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
None--The proposed amendments do not change any requirements or procedures. They reflect the requirements and procedures that are currently in the existing storm water discharge permits with no anticipated cost or savings to small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
None--The proposed amendments do not change any requirements or procedures. They reflect the requirements and procedures that are currently in the existing storm water discharge permits with no anticipated cost or savings to non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
None--The proposed amendments do not change any requirements or procedures. They reflect the requirements and procedures that are currently in the existing storm water discharge permits with no anticipated cost or savings to other persons.
F) Compliance costs for affected persons:
None--The proposed amendments do not change any requirements or procedures. They reflect the

requirements and procedures that are currently in the existing storm water discharge permits with no anticipated cost or savings for affected persons.

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

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

H) Department head approval of regulatory impact analysis:

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

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

Since this amendment is not incorporating any new requirements, but merely reorganizing, clarifying, and putting into rule the current permit requirements, there should be no fiscal impact to any businesses.

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):		
Title 19, Chapter 5	40 CFR 122	40 CFR 123
40 CFR 124	40 CFR 503	

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:	03/01/2021

10. This rule change MAY become effective on:	03/08/2021
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:	Erica B. Gaddis, Director	Date:	12/10/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R381-40	Filing No. 53236

Agency Information

1. Department:	Health
Agency:	Child Care Center Licensing Committee
Building:	Highland
Street address:	3760 S Highland Drive

City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state, zip:	Salt Lake City, UT 84114-2003	
Contact person(s):		
Name:	Phone:	Email:
Simon Bolivar	801-803-4618	sbolivar@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R381-40. Commercial Preschool Programs
3. Purpose of the new rule or reason for the change:
According to the Child Care Licensing Act, Title 26, Chapter 39, commercial preschool programs fall under the definition of childcare. However, there is no rule that currently addresses this type of childcare industry. Therefore, a rule that meets this type of childcare had to be written in order to help protect the health and safety of children cared for at these childcare facilities.
4. Summary of the new rule or change:
This rule addresses 22 foundational topics related to the health and safety of children in care between the ages of two and four years old, and five years old if the child is not attending school. It is organized by sections, following the same center rule style of the other Child Care Licensing center rules. This rule also addresses the specific type of care offered by these types of childcare programs.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The Child Care Center Licensing Committee does not anticipate any additional costs due to the proposed rule because the estimated number of new facilities will be manageable by the current staff.
There are 27 facilities in the industry in question (North American Industry Classification System (NAICS) 624410) in Utah that will require this license type, the state may have an additional initial revenue from the required background checks at \$53.25 each and licensure costs at \$262 plus \$1.75 per child fee per provider. That there are any other facilities this new rule may affect is not known to Child Care Licensing. Therefore, any other unexpected costs or savings are inestimable.
B) Local governments:
This proposed new rule is not expected to have any fiscal impact on local governments' revenues or expenditures

because commercial preschools are already running as a business and should have already paid the individual cities for their business license and other related costs to run their business officially.

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

Commercial preschools operate as small business. There are 27 facilities in the industry in question (NAICS 624410) in Utah that will require this license type. Each of these small businesses are expected to experience an initial approximate direct fiscal cost of \$448 (\$200 initial application fee, \$62 licensing fee, \$1.75 per child fee for 15 children, \$53.25 background check costs for 3 individuals) related to their initial licensing process and an ongoing annual fiscal cost of \$88.25 (\$62 licensing fee, \$1.75 per child fee for 15 children) related to their renewal process. There are other facilities this new rule may affect; however, they are not registered with the NAICS. Therefore, any other unexpected costs or savings are inestimable.

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

According to the NAICS 624410, there was only one of this facility type which will require a commercial preschool license. However, the number of employees listed is for the entire business and not for the preschool area. Therefore, they are expected to experience an initial approximate direct fiscal cost of \$448 (\$200 initial application fee, \$62 licensing fee, \$1.75 per child fee for 15 children, \$53.25 background check costs for 3 individuals working in the preschool area) related to their initial licensing process and an ongoing annual fiscal cost of \$88.25 (\$62 licensing fee, \$1.75 per child fee for 15 children) related to their renewal process. There are other facilities this new rule may affect; however, they are not registered with the NAICS. Therefore, any other unexpected costs or savings are inestimable.

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

The Child Care Center Licensing Committee does not anticipate any additional costs or savings to persons other than small businesses, non-small businesses, state, or local entities due to the proposed new rule because the new rule only affects small businesses and creates the costs or savings previously explained and not related to these groups.

F) Compliance costs for affected persons:

There will be two main costs associated with this new rule for affected persons. An initial approximate direct fiscal cost of \$448 (\$200 initial application fee, \$62 licensing fee, \$1.75 per child fee for 15 children, \$53.25 background

check costs for 3 individuals working in the preschool area) related to their initial licensing process and an ongoing annual fiscal cost of \$88.25 (\$62 licensing fee, \$1.75 per child fee for 15 children) related to their renewal process.

The calculation of approximately 15 children and 3 individuals is based on the most common practice in these facilities. These costs may change depending on variations to these two numbers.

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	\$12,096	\$2,383	\$2,383
Non-Small Businesses	\$448	\$88.25	\$88.25
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$12,544	\$2,471.25	\$2,471.25
Fiscal Benefits			
State Government	\$12,096	\$2,471	\$2,471
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$12,096	\$2,471	\$2,471
Net Fiscal Benefits	\$12,096	\$2,471	\$2,471

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:
Business will experience a minimum fiscal impact due to the cost of licensing fees and background check requirements.
B) Name and title of department head commenting on the fiscal impacts:
Richard G. Saunders, Interim Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Subsection 26-39-203(1)(a)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	02/01/2021

10. This rule change MAY become effective on:	02/08/2021
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:	Richard G. Saunders Interim Executive Director	Date:	12/03/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R398-15	Filing No. 53264

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Children with Special Health Care Needs	
Room no.:	334	
Building:	Utah Department of Health- Highland Building	
Street address:	3760 S Highland Drive	
City, state:	Salt Lake City, UT 84106-4260	
Mailing address:	PO Box 146610	
City, state, zip:	Salt Lake City, UT 84114-6610	
Contact person(s):		
Name:	Phone:	Email:
Joyce McStotts	801-273-2956	jmcstotts@utah.gov
Colin Kingsbury	385-310-5238	ckingsbury@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R398-15. Adult Autism Treatment Program
3. Purpose of the new rule or reason for the change:
The purpose of this rule is to identify criteria and procedures for selecting adults who may qualify for assistance from the account and identify qualifications, criteria, and procedures for selecting service and treatment providers that receive disbursements from the Adult Autism Treatment Account.
The Department, in collaboration with the advisory committee, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to: specify assessment tools and outcomes that a qualified provider may use to determine the types of supports that a qualified individual needs; define evidence-based treatments that a qualified individual may pay for with grant funding; establish criteria for awarding a grant under this chapter; specify the information that an individual shall submit to demonstrate that the individual is a qualified individual; specify the information a provider shall submit to demonstrate that the provider is a qualified provider; and specify the content and timing of reports required from a qualified provider, including a report on actual and projected treatment outcomes for a qualified individual.
4. Summary of the new rule or change:
This rule will identify criteria and procedures for selecting adults who may qualify for assistance from the Adult Autism Treatment Account and identify qualifications,

criteria, and procedures for selecting service and treatment providers that receive disbursements from the Adult Autism Treatment Account.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The proposed rule results in an estimated fiscal cost for the staff time to complete the following duties: plan, promote, and facilitate quarterly AATA Advisory Committee Meetings, take and distribute meeting minutes, follow up with grant recipients to ensure funds are used appropriately, and the development of a yearly report for the state Legislature.

Currently, staff time and benefits are being absorbed within the normal state budget, upon receipt of funding it is estimated that 10% of funding will be used to cover these costs.

B) Local governments:

These proposed new rule requirements are not expected to have any fiscal impact on local governments' revenues or expenditures. This rule does not regulate local governments.

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

These proposed new rule requirements are not expected to have any fiscal impact on small businesses' revenues or expenditures. This rule does not regulate small businesses.

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

These proposed new rule requirements are not expected to have any fiscal impact on non-small businesses revenues or expenditures. This rule does not regulate 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**):

These proposed new rule requirements are not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state or local government entities revenues or expenditures. This rule does not regulate these groups.

F) Compliance costs for affected persons:

There are no anticipated costs and no additional resources needed to comply with this rule.

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

Regulatory Impact Table

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

Fiscal Benefits

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

Net Fiscal Benefits

Net Fiscal Benefits	\$0	\$0	\$0
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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:

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

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):

Title 26, Chapter 67		
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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:	02/01/2021
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10. This rule change MAY become effective on:	02/08/2021
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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

Agency head or designee, and title:	Joseph Miner, MD, Deputy Director	Date:	11/30/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R523-2	Filing No. 53225

Agency Information

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

Contact person(s):

Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov

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

General Information

2. Rule or section catchline:

R523-2. Local Mental Health Authorities and Local Substance Abuse Authorities

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

Rule R523-2 is a large omnibus rule that has many requirements in need of an update to reflect current practice. Also, there are many technical changes needed to make the rule more compliant with the standardization attempts by the Governor's Office.

4. Summary of the new rule or change:

This amendment:

- 1) updates citations to statute,
- 2) makes technical changes to grammar and syntax,
- 3) removes outdated guidance such as requirements for DORA funds, which have been discontinued by the legislature,
- 4) adds the Utah State Hospital as a member of the Continuity of Care Committee to reflect current practice,
- 5) changes the Continuity of Care Committee meetings from monthly to regularly according to need,
- 6) requires the Local Mental Health Authority liaisons, to participate in the Continuity of Care Committee Meetings in person when possible if they have a patient being reviewed,
- 7) allows liaisons to attend the Continuity of Care Committee meetings via telehealth under exceptional circumstances, but liaisons must notify the Division and the Utah State Hospital in advance of the meeting,
- 8) changes reporting requirements from the Readiness, Evaluation and Discharge Implementation program to be made on Division designated electronic discharge programs consistently,
- 9) requires Local Mental Health Authorities to have at least two designated individuals with access to the designated electronic program

- 10) changes requirement for discharge to clinically ready, and
- 11) allows a process for the Local Mental Health Authorities to dispute the Utah State Hospital's determination of a patient being clinically ready for discharge.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Substance Abuse and Mental Health Division (Division) does not anticipate any costs or savings to state budgets as a result of this rule. The administrative requirements modified in this rule are already being performed by the Department of Human Services.

B) Local governments:

The Division does not anticipate any budget costs or savings for local governments as a result of this rule. The administrative requirements modified in this rule are already being performed by local governments, and the changes merely reflect current practices.

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

The Division does not anticipate any cost or savings to small businesses as a result of this rule. There are no regulations in this rule that have an effect on entities outside of local governments.

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

The Division does not anticipate any costs or savings to non-small businesses as a result of this rule. There are no regulations in this rule that have an effect on entities outside of local governments.

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

The Division does not anticipate any cost or savings to persons other than small businesses, non-small businesses, state, or local government entities as a result of this rule. There are no regulations in this rule that have an effect on entities outside of local governments.

F) Compliance costs for affected persons:

The Division does not anticipate any costs or savings to affected persons as a result of this rule amendment. Programming and services regulated by this rule are core ongoing services that have been provided to the public by the state and local governments for many years, and

changes to Medicaid funds would account for any changes of cost to the public.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

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

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

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

B) Name and title of department head commenting on the fiscal impacts:
Ann Williamson, Executive Director

Citation Information

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

Section 62A-15-105	Subsection 62A-15-902(2)(c)	Subsection 62A-15-103(2)(a)
Subsection 62A-15-103(2)(b)(ii)	Subsection 62A-15-103(2)(g)	Subsection 62A-15-108(1)
Subsection 62A-15-108(2)	Subsection 62A-15-610(2)(a)	Subsection 62A-15-611(2)(a)
Subsection 17-43-301(6)(a)(x)	Section 76-10-523.5	Section 76-8-311.1
Section 76-8-311.3		

Public Notice Information

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

A) Comments will be accepted until:	02/01/2021
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10. This rule change MAY become effective on:	02/08/2021
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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

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	11/23/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R527-300	Filing No. 53223
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Agency Information

1. Department:	Human Services	
Agency:	Recovery Services	
Street address:	515 E 100 S	
City, state:	Salt Lake City, UT 84102-4211	
Mailing address:	PO Box 45033	
City, state, zip:	Salt Lake City, UT 84145-0033	
Contact person(s):		
Name:	Phone:	Email:
Scott Weight	801-741-7435	sweigh2@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	801-538-4225	jshaw@utah.gov

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

General Information

2. Rule or section catchline:
R527-300. Income Withholding
3. Purpose of the new rule or reason for the change:
This amendment is intended to make Section R527-300-4, Affidavit of Delinquency, consistent with Rule R527-254, Limitation on Collection of Arrears.
4. Summary of the new rule or change:
Section R527-300-1 was amended to include a statement that Office of Recovery Services (ORS) is authorized by statute to use income withholding to collect child support.
Section R527-300-2 is being removed because the information is available in the Utah Code.
Section R527-300-3 (Section becoming R527-300-2) is being re-worded to clarify how delinquency is determined.
Section R527-300-4 (becoming Section R527-300-3) is being amended based on Rule R527-254 which defines the circumstances in which ORS will collect support arrears which accrue during time periods when there is not an open IV-D services case with ORS.
Section R527-300-5 is being removed because this information is available in the Utah Code.
Section R527-300-6 becomes Section R527-300-4.
Section R5427-300-7 is being removed.

Section R527-300-8 is being removed because the information is available to employers on the income withholding documents.

Section R527-300-9 (becoming Section R527-300-5) was reformatted (nonsubstantive change).

Section R527-300-10 was removed because this information is available in the Utah Code.

Applicable references to the Utah Code were added to the Authorizing, and Implemented or interpreted Law reference at the end of the text, and Utah Code that is no longer applicable due to the amendment was removed.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
 This rule is being amended so that it is consistent with Rule R527-254 and to provide clarity regarding the conditions upon which ORS may initiate income withholding. Therefore, there is no anticipated cost or savings to the state budget due to the amendments to this rule.

B) Local governments:
 Administrative rules of the Office of Recovery Services do not apply to local governments. This rule concerns income withholding initiated by ORS. Therefore, there are no anticipated costs or savings for local governments due to this amendment.

C) Small businesses ("small business" means a business employing 1-49 persons):
 The amendments to this rule do not change ORS processes or procedures regarding sending income withholdings or the volume of income withholdings sent. Therefore, there are no anticipated costs or savings to small businesses due to the amendments.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 The amendments to this rule do not change ORS processes or procedures regarding sending income withholdings or the volume of income withholdings sent. Therefore, there are no anticipated costs or savings to non-small businesses due to the amendments.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):
 The amendments to this rule do not change ORS processes or procedures regarding sending income withholdings or the volume of income withholdings sent.

Therefore, there is no anticipated effect to other persons due to the amendments to this rule.

F) Compliance costs for affected persons:

The amendments to this rule do not change ORS processes or procedures regarding sending income withholdings or the volume of income withholdings sent. Therefore, there are no compliance costs due to the amendments to this rule.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Human Services, Ann Silverberg 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) Name and title of department head commenting on the fiscal impacts:

Ann Silverberg Williamson, Executive Director

Citation Information

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

Section 62A-1-111	Section 62A-11-107	Section 62A-11-401
Section 62A-11- 405		

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: 02/01/2021

10. This rule change MAY become effective on: 02/08/2021

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:	Mark Brasher, Deputy Director	Date:	10/27/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R590-284	Filing No.	53245
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Agency Information

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

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

General Information

2. Rule or section catchline:

R590-284. Corporate Governance Annual Disclosure Rule

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

This rule is being changed to bring its formatting and style in line with the Rulewriting Manual for Utah and to update the severability section.

4. Summary of the new rule or change:

All changes to the rule text are being made to meet the standards in the Rulewriting Manual for Utah. The changes are comprised of number fixes, grammatical fixes, revisions to clarify language, and other clerical improvements. It also updates the severability section to the version the Insurance Department is currently using.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There is no anticipated cost or savings to the state budget. The changes are clerical in nature and do not add or remove any requirements to this rule.

B) Local governments:

There is no anticipated cost or savings to local governments. The changes are clerical in nature and do not add or remove any requirements to this rule.

NOTICES OF PROPOSED RULES

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

There is no anticipated cost or savings to small businesses. The changes are clerical in nature and do not add or remove any requirements to this rule.

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

There is no anticipated cost or savings to non-small businesses. The changes are clerical in nature and do not add or remove any requirements to this rule.

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

There is no anticipated cost or savings to any other persons. The changes are clerical in nature and do not add or remove any requirements to this rule.

F) Compliance costs for affected persons:

There are no compliance costs for any affected persons.

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

Regulatory Impact Table

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

Other Persons	\$0	\$0	\$0
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Total Fiscal Benefits	\$0	\$0	\$0
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Net Fiscal Benefits	\$0	\$0	\$0
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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:

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

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

Tanji J. Northrup, Interim 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-16b-104	
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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: 02/01/2021

10. This rule change MAY become effective on: 02/08/2021

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:	Steve Gooch, Public Information Officer	Date:	12/11/2020
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End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R357-37	Filing No. 53255

Agency Information

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

General Information

2. Rule or section catchline:
R357-37. COVID-19 Live Events Grant Program Rule
3. Effective Date:
12/14/2020

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

The purpose of this rule filing is to create the COVID-19 Live Events Grant Program to support small businesses and the retention of jobs throughout the state during the state of emergency due to novel coronavirus disease 2019 (COVID-19).

5. Summary of the new rule or change:

This rule will codify the administration of the COVID-19 Live Events Grant Program by establishing definitions, authority, program, and documentation requirements. The program will provide assistance to live event promotion businesses that have been impacted by the COVID-19 pandemic.

6. Regular rulemaking would:

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

Specific reason and justification:

The Governor's Office of Economic Development (GOED) is responsible for economic development in the state and is tasked with, among other things, administering grant programs to enhance the economic health and vitality of the state and its business community. This rule will govern the new COVID-19 Live Events Grant Program that will provide assistance to the live event promotion industry.

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
There is no aggregate anticipated cost or savings to the state budget. This rule establishes the requirements for participation in the COVID-19 Live Events Grant Program.
B) Local governments:
There is no aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.
C) Small businesses ("small business" means a business employing 1-49 persons):
Three million dollars in funds were allocated towards this program. GOED anticipates a large portion will be awarded to small businesses in the state. The COVID-19 Live Events Grant Program is designed to serve Utah's businesses that have been impacted by the COVID-19 pandemic.
D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed rule does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

8. Compliance costs for affected persons:
There are no compliance costs for affected persons because participation in the program is optional.
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:
I have reviewed this fiscal analysis and agree with the described fiscal impacts associated with this rule. Live events are an important part of Utah's culture, and GOED hopes this grant will help many of these businesses.
B) Name and title of department head commenting on the fiscal impacts:
Val Hale, Executive Director

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 63N-1-402	Section 63N-1-203	

Agency Authorization Information

Agency head or designee, and title:	Val Hale, Executive Director	Date:	12/14/2020
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End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R154-2	Filing No. 50246

Agency Information

1. Department:	Commerce	
Agency:	Corporations and Commercial Code	
Building:	Heber M Wells Bldg	
Street address:	160 E 300 S	
City, state, zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO BOX 146705	
City, state, zip:	Salt Lake City, UT 84114-6705	
Contact person(s):		
Name:	Phone:	Email:
Jason Sterzer	801-530-6403	jsterzer@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R154-2. Utah Uniform Commercial Code, Revised Article 9 Rules
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 70A, Chapter 9a, directs the Division of Corporations and Commercial Code (Division) to publish and implement rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received from either those supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
As long as it is required or authorized by statute, the Division continue to renew the rule. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jason Sterzer, Director	Date:	12/10/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R384-415	Filing No. 50903

Agency Information

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

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact person(s):		
Name:	Phone:	Email:
Braden Ainsworth	801-538-6187	bainsworth@utah.gov
Christy Cushing	801-538-6260	ccushing@utah.gov

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

General Information

2. Rule catchline:
R384-415. Electronic-Cigarette Substance Standards
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 administrative rule is mandated by Section 26-57-103 due to the passage of H.B. 415 during the 2015 General Session, requiring the Department of Health (Department) to establish labeling; nicotine content; packaging; and product quality standards for non-manufacturer sealed electronic cigarette substances.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received supporting or opposing this rule in the last five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Section 26-57-103 requires the continuation of this rule and the passage of S.B. 37, passed during the 2020 General Session, funds the enforcement of this rule by Utah's 13 local health departments. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Date:
Richard G. Saunders, Interim Executive Director	12/08/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R456-1	Filing No. 51136

Agency Information

1. Department:	Heritage and Arts
Agency:	Indian Affairs
Room no.:	Suite A
Building:	Utah State Library
Street address:	250 N 1950 W
City, state, zip:	Salt Lake City, UT 84116
Contact person(s):	
Name:	Phone:
Josh Loftin	801-245-7205
	jloftin@utah.gov

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

General Information

2. Rule catchline:
R456-1. Native American Grave Protection and Repatriation
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized under Sections 9-9-403 and 9-9-405, the Native American Grave Protection and Repatriation Act, and Subsection 9-9-104(2)(c).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The continuation of this rule is justified because of agreements with tribes and federal rules that require the proper protection of graves and repatriation of remains as detailed in Sections 9-9-403 and 9-9-405.

Agency Authorization Information

Agency head or designee, and title:	Date:
Josh Loftin, Public Information Officer	12/04/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R523-1	Filing No. 51242

Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R523-1. General Provisions
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 was established to set policy for its operation and for programs funded with state and federal money under Sections 17-43-201, 17-43-301, 17-43-304, and 62A-15-110 as granted by Section 62A-15-105.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments relating to this rule have been received over the past five years.
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 needs to continue because it establishes the overall standards on which all publicly funded behavioral health programs must build their services in order to receive continues federal, and state general funds for providing substance use and mental health services. This rule also binds subcontractors to the standards set on the local authorities that receive public behavioral health funds.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R523-2	Filing No. 51243

Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R523-2. Local Mental Health Authorities and Local Substance Abuse Authorities
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 provides overall guidance and procedures for the funding and programing requirements place on the local behavioral health authorities by the Division of Substance Abuse and Mental Health by as required in Section 62A-15-105, and Subsections 62A-15-108(1), 62A-15-611(2)(a), and 62A-15-902(2)(c).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments relating to this rule have been received over the past five years.
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 needs to continue because it provides a large range of guidance to the publicly funded behavioral health provider network ran by the 29 counties that are contracted by the state to receive behavioral health federal and state funds. These directions include:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

(a) Guidance on the priorities for treatment services.
 (b) Guidance on the rights of individuals participating in services.
 (c) A process for Local Mental Health Authorities (LMHAs) and Local Substance Abuse Authorities (LSAAs) to set policies on fees for service.
 (d) Guidance on LMHA/LSAA program standards.
 (e) Guidance on the formula for allocation of funding.
 (f) Guidance on allocation of Utah State Hospital (Hospital) beds to LMHAs.
 (g) Guidance on admission to the Hospital and coordination of care.
 (h) Guidance on determining the proper LMHA under special situations.
 (i) Guidance on transfer planning between LMHAs from the Hospital.
 (j) Guidance on conflict resolution.
 (k) Guidance on prohibited items and devices on the grounds of public mental health facilities.

A large review of this rule started in FY2020, and a major revision is in the process of being submitted to the Office of Administrative Rules for public comment.
 (EDITOR'S NOTE: The proposed amendment to Rule R523-2 is under Filing No. 53225 in this issue, January 1, 2021, of the Bulletin.)

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/08/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R523-3	Filing No. 51245

Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov

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

General Information

2. Rule catchline:
R523-3. Screening, Assessment, Education and Treatment Standards for Court-referred Youth Under the Age of 21
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 Subsection 62A-15-105(6) requiring the Division of Substance Abuse and Mental Health (Division) to provide form and content of screening, assessment, education, and treatment as defined in Section 41-6a-501.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments relating to this rule have been received over the past five years.
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 needs to continue because it is required by statute, and provides the standards for substance use disorder screening, assessment, treatment, and required educational series for court-referred youth under the age of 21 and sets forth the certification and documentation requirements of agencies certified by the Division as youth educational series and treatment programs.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R523-4	Filing No. 52826

Agency Information

1. Department:	Human Services
Agency:	Substance Abuse and Mental Health
Room no.:	Second Floor
Building:	Multi Agency State Office Building
Street address:	195 N 1950 W

City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R523-4. Certification Requirements for Screening, Assessment, Prevention, Treatment and Recovery Support Programs for Adults
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 Subsections 62A-15-103(2)(i) and 62A-15-103(2)(j) requiring the Division of Substance Abuse and Mental Health to establish by rule, minimum standards and requirements for the provision of substance use disorder and mental health treatment for adults required to participate in treatment by the court or the Board of Pardons and Parole.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments relating to this rule have been received over the past five years.
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 needs to continue because it is required by statute and prescribes the minimum standards required for justice certification of mental health and substance use disorder providers serving adults participating in mandatory education and treatment programs designed to reduce criminogenic risk. Also, an amendment to this rule was completed in FY 2021, and the amended rule was made effective on 08/13/2020.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R523-5	Filing No. 51254
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Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R523-5. Peer Support Specialist Training and Certification
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 promulgated by the Utah Department of Human Services through the Division of Substance Abuse and Mental Health and currently state authorization by Subsection 62A-15-103(2)(v), which is technically correct, but an amendment needs to be made to add Subsection 62A-15-103(h), which mandates rulemaking specifically for peer support services.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments relating to this rule have been received over the past five years.
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 needs to continue because it is required by statute, prescribes standards for certification of Peer Support Specialist Training programs, the qualifications required of instructors for providing Peer Support training, the requirements to become a Peer Support Specialist, and establishes guidelines for population specific peer support services. These services are integral to the treatment of behavioral health disorders within the Utah public behavioral health network and are conducted by

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

individuals with lived experiences that might not have had formal education in the behavioral health field. These standards and requirements help to ensure individuals receiving peer support services are able to obtain proper and effective interventions.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R523-6	Filing No. 51250

Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov

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

General Information

2. Rule catchline:
R523-6. Child/Family Peer Support Specialist Training and Certification
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 promulgated by the Utah Department of Human Services through the Division of Substance Abuse and Mental Health, and currently state authorization through Section 62A-15-402, which is incorrect due to changes in the statute over the years since the last review of this rule. An amendment needs to be made to replace the stated authority with Subsection 62A-15-103(h), which mandates rulemaking specifically for peer support services.

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

No comments relating to this rule have been received over the past five years.

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 needs to continue because it is required by statute and prescribes standards for certification of Peer Support Specialist Training programs, the qualifications required of instructors for providing Peer Support training, the requirements to become a Child/Family Peer Support Specialist, and establishes guidelines for population specific Child/Family Peer Support Specialist services. These services are integral to the treatment of behavioral health disorders within the Utah public behavioral health network and are conducted by individuals with lived experiences that might not have had formal education in the behavioral health field. These standards and requirements help to ensure individuals receiving peer support services are able to obtain proper and effective interventions.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R523-7	Filing No. 51249

Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov

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

General Information

2. Rule catchline:	
R523-7. Certification of Designated Examiners and Certified Case Managers	
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 promulgated under authority of Subsection 62A-15-105(2).	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments relating to this rule have been received over the past five years.	
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 needs to continue because it establishes certification, scope of practice and professional conduct requirements for both Designated Examiners and Case managers in the publicly funded behavioral health network. Both of these positions/services are critical to the overall treatment continuum of care for individuals in substance use and mental health treatment settings. Designated Examiners are used to determine the need for commitment in the behavioral health network, and case managers provide a large array of supportive services that cannot be and are not billable under treatment for a behavioral health issue. This rule does need to be updated because the citation for the definition of a designated examiner needs to change from Subsection 62A-15-603(3) to Subsection 62A-15-602(6).	

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R523-8	Filing No. 51251

Agency Information

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

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

General Information

2. Rule catchline:	
R523-8. Medication, Psychosurgery and Electroshock Procedures for Children, Consumer Rights, Due Process, Family Involvement	
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 was established under authority of Section 62A-15-105.	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments relating to this rule have been received over the past five years.	
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 needs to continue because it establishes guidance on medication procedures for children, psychosurgery and electroshock therapy procedures for children, family involvement in services provided to children, and on consumer rights. These particular topics are highly controversial and have long reaching effects on the child and family seeking mental health services, as well as society in general. This rule helps to ensure that publicly funded mental health agencies provided extreme interventions in a competent, ethical, and informed manner, having weighed all the cost to life and liberty for children who have no consent for themselves, and ensure that families are fully informed on the procedure and possible outcomes.	

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R523-9	Filing No. 51253

Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R523-9. Evidence-Based Prevention Registry
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 was established by the Division of Substance Abuse and Mental Health (DSAMH) as authorized by Subsection 32B-2-402(1)(f).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments relating to this rule have been received over the past five years.
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 needs to continue because it is required by statute, establishes the required definition of evidence-based, and evidence-informed prevention. It also prescribes standards for listing a prevention program or intervention on a statewide registry of evidence-based prevention programs. These standards allow programing to expand and become more effective as research and practices are refined.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R523-10	Filing No. 51260

Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R523-10. Standards for Methadone Addiction Treatment Providers
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was established to set standards for providers of methadone and other opioid treatment medication services by authority granted in Subsection 62A-15-105(5).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments relating to this rule have been received over the past five years.
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 needs to continue because it is mandated by statute and defines the program standards for critical

medication assisted management programs that are vital in providing treatment to individuals with an opioid use disorder.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R523-11	Filing No. 51265

Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R523-11. Utah Standards for Approval of Alcohol and Drug Educational Providers and Instructors for Court-Referred DUI Offenders
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 established an educational series for individuals convicted of Driving Under the Influence (DUI) as required by Subsections 62A-15-105(6) and 62A-15-103(2)(x).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments relating to this rule have been received over the past five years.

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 needs to continue because it is required by statute and standards for approval of Providers and certification of Instructors for providing alcohol and drug education to court-referred offenders convicted of a (DUI) violation, to ensure statewide continuity in services provided.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R523-12	Filing No. 51256

Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R523-12. On-Premise Alcohol Training and Education Seminar Rules of Administration
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 was established under the authority of Subsection 62A-15-401(5) to administer an alcohol training and education seminar program for individuals who sell alcohol for on premise consumption.

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

No comments relating to this rule have been received over the past five years.

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 needs to continue because it is required by statute, requires every person who sells or furnishes alcoholic beverages to the public for on-premise consumption to complete a training seminar in the scope of the person's employment, defines certification of providers, approval of the seminar curriculum, the ongoing activities of providers, and the process for approval, denial, suspension, and revocation of provider certification.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R523-13	Filing No. 51258
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Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R523-13. Off-Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration

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 was established by Subsection 62A-15-40192)(f) for the purpose of administering an alcohol training and education seminar program for individuals who sell alcohol for off premise consumption.

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

No comments relating to this rule have been received over the past five years.

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 needs to continue because it is required by statute, requires every person who sells or furnishes alcoholic beverages to the public for off-premise consumption to complete a training seminar in the scope of the person's employment, defines certification of providers, approval of the seminar curriculum, the ongoing activities of providers, and the process for approval, denial, suspension, and revocation of provider certification.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R523-14	Filing No. 51255
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Agency Information

1. Department:	Human Services	
Agency:	Substance Abuse and Mental Health	
Room no.:	Second Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Thom Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov

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

General Information

2. Rule catchline:

R523-14. Suicide Prevention

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 states authority through Subsection 62A-15-1101(8), but changes in statute has moved the rulewriting authority to Subsection 62A-15-1101(7) to implement a statewide suicide prevention program. An update to this rule will be required.

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

No comments relating to this rule have been received over the past five years.

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 needs to continue because it is required by statute and sets forth the creation and function of the Utah Suicide Prevention Coalition and the Utah Behavioral Health Planning and Advisory Council.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/07/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R527-200	Filing No. 51288
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Agency Information

1. Department:	Human Services	
Agency:	Recovery Services	
Street address:	515 E 100 S	
City, state, zip:	Salt Lake City, UT 84102-4211	
Mailing address:	PO Box 45033	
City, state, zip:	Salt Lake City, UT 84145-0033	
Contact person(s):		
Name:	Phone:	Email:
Scott Weight	801-741-7435	sweigh2@utah.gov

Casey Cole	801-741-7523	cacole@utah.gov
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Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R527-200. Administrative Procedures

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

Section 62A-11-107 authorizes the Office of Recovery Services (ORS) to adopt, amend, and enforce rules as may be necessary to carry out its legal responsibilities outlined in Title 62A, Chapter 11. Section 63G-4-203 requires ORS to implement, by administrative rule, procedures to perform informal adjudicative proceedings. This rule also outlines the procedures for reconsideration in accordance with Section 63G-4-302.

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

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

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

The statutes under which this rule was enacted are still in effect. This rule is necessary to provide the procedures for informal adjudicative proceedings conducted by ORS, which includes sections on who presides over the hearing, service of notices of agency action, hearings, telephonic hearings, how to conduct the hearings, and agency review. This rule also provides information about reconsideration, while also limiting reconsideration to only one request during an informal adjudicative proceeding. There is also additional information about setting aside and amending administrative orders, both establishment and paternity orders. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Liesa Stockdale, ORS Director	Date:	11/24/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R527-250	Filing No. 51293
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Agency Information

1. Department:	Human Services	
Agency:	Recovery Services	
Street address:	515 E 100 S	
City, state, zip:	Salt Lake City, UT 84102-4211	
Mailing address:	PO Box 45033	
City, state, zip:	Salt Lake City, UT 84145-0033	
Contact person(s):		
Name:	Phone:	Email:
Scott Weight	801-741-7435	sweigh2@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R527-250. Emancipation
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 62A-11-107 authorizes the Office of Recovery Services (ORS) to adopt, amend, and enforce administrative rules. This rule was enacted to clarify language found in Section 78B-12-219 to define a "child's normal and expected year of graduation" as it applies to emancipation in relation to child support. Sections 62A-11-303, 62A-11-401, and 78B-12-102 all provide definitions for terms used in this rule such as child, child support, child support order, and parent.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no comments received since the implementation of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The statutes under which this rule was enacted are still in effect and this rule is necessary to provide ORS employees guidance on making a determination of a child's date of emancipation. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Liesa Stockdale, ORS Director	Date:	11/24/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R590-233	Filing No. 51413
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Agency Information

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

General Information

2. Rule catchline:
R590-233. Health Benefit Plan Insurance Standards
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 31A-2-201(3)(a) authorizes rules to implement Title 31A, Insurance Code. Sections 31A-2-202 and 31A-23a-412 authorize the Insurance Commissioner to request reports, conduct examinations, and inspect records of any licensee. Subsection 31A-22-605(4) requires the Insurance Commissioner to adopt rules to establish standards for disclosure in the sale of, and benefits to be provided by, individual and franchise accident and health policies. Section 31A-22-623 authorizes the Insurance Commissioner to establish by rule minimum standards of coverage for dietary products for inborn metabolic errors. Section 31A-22-626 authorizes the Insurance Commissioner to establish by rule minimum standards of coverage for diabetes for accident and health insurance. Subsection 31A-23a-402(8) authorizes the Insurance Commissioner to define by rule acts and practices that are unfair and unreasonable. Subsection 31A-26-301(a) authorizes the Insurance Commissioner to set standards for timely payment of claims.

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 Department of Insurance has received no written comments regarding this rule during the past five years.

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

The purpose of this rule is to provide reasonable standardization and simplification of terms and coverages of insurance policies to facilitate public understanding and comparison, and to prohibit provisions that may be misleading or confusing in connection either with the purchase of such coverages or with the settlement of claims, and to provide for full disclosure in the sale of such insurance. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/03/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R623-4	Filing No. 51516

Agency Information

1. Department:	Lieutenant Governor	
Agency:	Elections	
Room no.:	Suite 220	
Building:	Utah State Capitol	
Street address:	350 N State Street	
City, state, zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 142325	
City, state, zip:	Salt Lake City, UT 84114-2325	
Contact person(s):		
Name:	Phone:	Email:
Justin Lee	801-538-1129	justinlee@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R623-4. Processing Partisan Candidate Nomination Petitions

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

This rule is required by Subsection 20A-9-403(3)(f) and Section 20A-9-410. This rule provides for the transparent orderly, and timely submission, verification, and certification of nomination petition signatures.

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

No written comments were received.

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

This rule is required by law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Justin Lee, Director of Elections	Date:	12/10/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R652-2	Filing No. 51686

Agency Information

1. Department:	Natural Resources	
Agency:	Forestry, Fire and State Lands	
Room no.:	352	
Building:	DNR	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 145703	
City, state, zip:	Salt Lake City, UT 84114-5703	
Contact person(s):		
Name:	Phone:	Email:
Brianne Emery	385-239-0791	brianneemery@utah.gov
Jamie Barnes	385-222-1536	jamiebarnes@utah.gov
Please address questions regarding information on this notice to the agency.		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

General Information

2. Rule catchline:
R652-2. Sovereign Lands Management Objectives
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 implements Sections 65A-1-2 and 65A-10-1 which authorize the Division of Forestry, Fire and State Lands to prescribe the general land management objectives for sovereign lands.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule gives the Division of Forestry, Fire and State Lands the authority to prescribe land management objectives for sovereign lands within the state. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Brian Cottam, Director	Date:	12/10/2020
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Agriculture and Food

Plant Industry

No. 53103 (Amendment) R68-29: Quality Assurance Testing on Cannabis
Published: 11/01/2020
Effective: 12/18/2020

No. 53110 (New Rule) R68-32: Sale and Transfer of Industrial Hemp Waste Material to Medical Cannabis Cultivators
Published: 11/01/2020
Effective: 12/18/2020

Commerce

Occupational and Professional Licensing

No. 53108 (Amendment) R156-11a: Cosmetology and Associated Professions Licensing Act Rule
Published: 11/01/2020
Effective: 12/17/2020

No. 53102 (Amendment) R156-46a: Hearing Instrument Specialist Licensing Act Rule
Published: 11/01/2020
Effective: 12/10/2020

No. 53162 (Repeal) R156-82: Electronic Prescribing Act Rule
Published: 11/15/2020
Effective: 12/24/2020

Education

Administration

No. 53111 (Amendment) R277-462: School Counseling Program
Published: 11/01/2020
Effective: 12/16/2020

No. 53112 (Amendment) R277-494: Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities
Published: 11/01/2020
Effective: 12/16/2020

No. 53107 (Repeal) R277-508: Employment of Substitute Teachers
Published: 11/01/2020
Effective: 12/16/2020

No. 53113 (Repeal) R277-611: Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools
Published: 11/01/2020
Effective: 12/16/2020

No. 53114 (Amendment) R277-616: Education for Homeless and Emancipated Students
Published: 11/01/2020
Effective: 12/16/2020

No. 53106 (Amendment) R277-706: Public Education Regional Service Centers
Published: 11/01/2020
Effective: 12/16/2020

No. 53109 (Amendment) R277-752: Special Education Intensive Services Fund
Published: 11/01/2020
Effective: 12/16/2020

Environmental Quality

Air Quality

No. 53056 (Amendment) R307-110-17: Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits
Published: 10/01/2020
Effective: 12/03/2020

NOTICES OF RULE EFFECTIVE DATES

Water Quality

No. 53043 (Amendment) R317-2: Standards of Quality for Waters of the State
Published: 09/15/2020
Effective: 12/03/2020

Health

Disease Control and Prevention, Environmental Services
No. 53095 (New Rule) R392-105: Agritourism Food Establishment Sanitation
Published: 10/15/2020
Effective: 12/21/2020

Health Care Financing, Coverage and Reimbursement Policy
No. 53161 (Amendment) R414-49: Dental, Oral and Maxillofacial Surgeons and Orthodontia
Published: 11/15/2020
Effective: 01/01/2021

Insurance

Administration
No. 53178 (Amendment) R590-281: License Applications Submitted by Individuals Who Have a Criminal Conviction
Published: 11/15/2020
Effective: 12/23/2020

Lieutenant Governor

Elections
No. 52996 (Amendment) R623-4: Processing Partisan Candidate Nomination Petitions
Published: 10/15/2020
Effective: 12/08/2020

Natural Resources

Wildlife Resources
No. 53118 (Repeal) R657-48: Wildlife Sensitive Species
Published: 11/15/2020
Effective: 12/23/2020

Navajo Trust Fund

Trustees
No. 53000 (New Rule) R661-21: Electronic Meetings
Published: 08/15/2020
Effective: 12/08/2020

No. 53001 (New Rule) R661-23: Adult Education Program GED Financial Aid
Published: 08/15/2020
Effective: 12/08/2020

Public Service Commission

Administration
No. 53104 (New Rule) R746-315: Wildland Fire Protection Plans
Published: 11/01/2020
Effective: 12/09/2020

System of Technical Colleges (Utah)

Southwest Technical College
No. 52994 (Amendment) R957-1: Student Due Process
Published: 08/15/2020
Effective: 12/09/2020

Tax Commission

Auditing
No. 53093 (Amendment) R865-19S-12: Filing of Returns Pursuant to Utah Code Ann. Sections 59-12-107 and 59-12-118
Published: 10/15/2020
Effective: 11/30/2020

Motor Vehicle

No. 53062 (Amendment) R873-22M-34: Rule for Denial of Personalized Plate Requests Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-411
Published: 10/15/2020
Effective: 11/30/2020

Property Tax

No. 53092 (Amendment) R884-24P-53: 2020 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act
Published: 10/15/2020
Effective: 11/30/2020

Transportation

Administration
No. 53088 (Amendment) R907-80: Disposition of Surplus Land
Published: 10/15/2020
Effective: 12/01/2020

Operations, Traffic and Safety

No. 53061 (Amendment) R920-8: Flashing Light Usage on Highway Construction or Maintenance Vehicles
Published: 10/01/2020
Effective: 12/16/2020

End of the Notices of Rule Effective Dates Section