

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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EXECUTIVE DOCUMENTS

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

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

EXECUTIVE ORDER 2021-07

Declaring a State of Emergency Due to Drought Conditions

WHEREAS, the state of Utah experienced a record dry and near record hot calendar year in 2020;

WHEREAS, the statewide current snowpack is approximately 70% of normal April peak;

WHEREAS, current soil moisture is exceptionally low and at levels not previously seen since soil moisture monitoring began in 2006;

WHEREAS, low soil moisture will adversely affect the spring runoff;

WHEREAS, the state's reservoir storage has decreased 14% over the past year;

WHEREAS, all forecasts for spring runoff for the state are below 72% of the state seasonal average;

WHEREAS, the United States Department of Agriculture currently has listed 28 primary and one contiguous county in Utah under the Secretarial Disaster Designation for drought;

WHEREAS, these extreme drought conditions have adversely and significantly impacted agribusiness and livestock production, as well as wildlife and natural habitats;

WHEREAS, increased recreation in dry vegetative conditions has contributed to an increased and prolonged threat of wildfire across the state;

WHEREAS, drought conditions that require mitigation are expected to persist;

WHEREAS, these conditions create a state of emergency within the intent of the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code;

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

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

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, declare a state of emergency due to the aforesaid circumstances requiring aid, assistance, and relief available from State resources and hereby order:

EXECUTIVE DOCUMENTS

1. The state Emergency Operations Plan is activated.
2. The state Drought Response Plan is activated.
3. The state Drought Response Committee is activated and shall:
 - a. review hardships and unmet needs caused by the drought;
 - b. identify and recommend action to meet those needs;
 - c. ensure inter-agency coordination in addressing those needs; and
 - d. recommend when deactivation of the state Drought Response should occur.

I further make the following recommendations:

1. Water suppliers and irrigation companies should:
 - a. where possible, delay the start of the irrigation season or end irrigation early;
 - b. encourage efficient landscape watering; and
 - c. as needed, contact the Division of Water Resources for assistance with developing a drought response plan.
2. Cities and counties should consider developing and implementing water restriction plans for the upcoming irrigation season.
3. Residents should:
 - a. reduce indoor water waste;
 - b. fix irrigation inefficiencies;
 - c. convert unnecessary turf areas to waterwise landscapes;
 - d. consider purchasing a smart-timer controller or low flow toilet (rebates are offered at utahwatersavers.com); and
 - e. reduce indoor water use by taking shorter showers, turning off water when not in use, and replacing appliances with water-efficient models where practical.

This Order is effective immediately and shall remain in effect for 30 days unless the Legislature extends the state of emergency.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 17th day of March, 2021.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2021/07/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between March 02, 2021, 12:00 a.m., and March 15, 2021, 11:59 p.m. are included in this, the April 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 May 03, 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 July 30, 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 Digest*. 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.):	R68-27	Filing No. 53372

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:
R68-27. Cannabis Cultivation
3. Purpose of the new rule or reason for the change:
This change is needed to allow cannabis cultivation licensees to transfer their licenses to another business entity. It is allowed by the rulemaking authority granted to the Department of Agriculture and Food (Department) over the licensing of cannabis production establishments under Subsection 4-41a-201(2)(a)(iii).
4. Summary of the new rule or change:
The changes outline the process under which a cannabis cultivation facility may transfer their license to another business entity and the Department may issue a new license to the transferee.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There are no anticipated costs or savings to the state budget. The total number of cannabis cultivation licenses administered by the Department will not change with these changes, nor will the licensing fees charged by the Department.

B) Local governments:
There are no anticipated costs or savings to local governments because they do not regulate or operate as cannabis cultivation licensees.

C) Small businesses ("small business" means a business employing 1-49 persons):
There are no anticipated costs or savings to small businesses. The licensing fees and regulatory requirements for cannabis cultivation are not changing.

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. The licensing fees and regulatory requirements for cannabis cultivation are not changing.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There are no anticipated costs or savings to other persons because they do not regulate cannabis cultivation or operate as cultivation licensees.

F) Compliance costs for affected persons:
The compliance costs for affected persons will not change. The regulatory and fee requirements for cannabis cultivation licensees is not changing with these changes.

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

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

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

H) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Agriculture and Food, Craig W. Buttars, 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 will not have any fiscal impact on businesses in Utah.

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

Craig W. Buttars, 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-201(2)(a)(iii)		
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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: 05/03/2021

10. This rule change MAY become effective on: 05/10/2021

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:	Craig W. Buttars, Commissioner	Date:	03/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-214	Filing No. 53366

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:
R277-214. Utah Professional Practices Advisory Commission Criminal Background Review
3. Purpose of the new rule or reason for the change:
The rule is being amended to clarify criminal background procedures.
4. Summary of the new rule or change:
The amendments to this rule: 1) clarify the scope of this rule, 2) clarify the procedures for review of an applicant's background check, 3) establish presumptions for certain offenses, consistent with current Utah Professional Practices Advisory Commission (UPPAC) practice, and 4) clarify hearing procedures for criminal background reviews.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

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

B) Local governments:

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

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

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

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

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

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

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

F) Compliance costs for affected persons:

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

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

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
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	Subsection 53E-3-401(4)	Section 53E-6-506
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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: 05/03/2021

10. This rule change MAY become effective on: 05/10/2021

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:	03/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R277-419	Filing No.	53367
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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:

R277-419. Pupil Accounting

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

The Board approved the current version of Rule R277-419 only for the 2020-2021 school year (SY). As schools set calendars and schedules for next school year, they need to know if the Board will continue to apply the changes approved for the 2020-21 SY moving forward.

4. Summary of the new rule or change:

This amendment continues the 2020-2021 version of Rule R277-419, strikes the 990-hour requirement and makes other clarifying and conforming changes.

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. Most local education agencies (LEAs) received waivers from the 990-hour requirement in SY 2020-2021. Additionally, there may be some minor systems and process updates required for LEAs to report whether a student's status is attendance validated or learner validated, but these impacts should be small.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. Most LEAs received waivers from the 990-hour requirement in SY 2020-2021. Additionally, there may be some minor systems and process updates required for LEAs to report whether a student's status is attendance validated or learner validated, but these impacts should be small.

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. Most LEAs received waivers from the 990-hour requirement in SY 2020-2021. Additionally, there may be some minor systems and process updates required for LEAs to report whether a student's status is attendance validated or learner validated, but these impacts should be small.

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. Most LEAs received waivers from the 990-hour requirement in SY 2020-2021. Additionally, there may be some minor systems and process updates required for LEAs to report whether a student's status is attendance validated or learner validated, but these impacts should be small.

F) Compliance costs for affected persons:

There are no significant compliance costs for affected persons. Most LEAs received waivers from the 990-hour requirement in SY 2020-2021. Additionally, there may be some minor systems and process updates required for LEAs to report whether a student's status is attendance validated or learner validated, but these impacts should be small.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

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

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

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

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

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Article X, Section 3	Subsection 53E-3-602(2)	Subsection 53G-5-404(4)
Subsection 53E-3-501(1)(e)	Subsection 53E-3-301(3)(d)	Subsection 53E-3-401(4)
Section 53G-4-404		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	05/03/2021

10. This rule change MAY become effective on:	05/10/2021
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:	03/15/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R277-504	Filing No. 53368

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:
R277-504. Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure
3. Purpose of the new rule or reason for the change:
This Board rule sunset by its own language on June 30, 2020.
4. Summary of the new rule or change:
This rule is being repealed because the rule sunset by its own language on June 30, 2020.

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. Repealing this rule should not have a significant impact because these areas are covered by other Utah State Board of Education (USBE) rules and this rule sunset on June 30, 2020.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. Repealing this rule should not have a significant impact because these areas are covered by other USBE rules and this rule sunset on June 30, 2020.

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. Repealing this rule should not have a significant impact because these areas are covered by other USBE rules and this rule sunset on June 30, 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 (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Repealing this rule should not have a significant impact because these areas are covered by other USBE rules and this rule sunset on June 30, 2020.

F) Compliance costs for affected persons:

There are no material compliance costs for affected persons. Repealing this rule should not have a significant impact because these areas are covered by other USBE rules and this rule sunset on June 30, 2020.

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

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

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

H) Department head approval of regulatory impact analysis:

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

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

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

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-501(1)(a)
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Public Notice Information

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

A) Comments will be accepted until:	05/03/2021
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10. This rule change MAY become effective on:	05/10/2021
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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:	03/15/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R277-509	Filing No. 53369

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:
R277-509. Licensure of Student Teachers and Interns
3. Purpose of the new rule or reason for the change:
This rule sunset by its own language on July 1, 2020.
4. Summary of the new rule or change:
The rule is being repealed because it sunset by its own language on July 1, 2020.

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. Repealing this rule should not have a significant impact because these areas are covered by other Utah State Board of Education (USBE) rules and this rule sunset on July 1, 2020.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. Repealing this rule should not have a significant impact because these areas are covered by other USBE rules and this rule sunset on July 1, 2020.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. Repealing this rule should not have a significant impact because these areas are covered by other USBE rules and this rule sunset on July 1, 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 repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Repealing this rule should not have a significant impact because these areas are covered by other USBE rules and this rule sunset on July 1, 2020.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. Repealing this rule should not have a significant impact because these areas are covered by other USBE rules and this rule sunset on July 1, 2020.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

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

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

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

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Subsection 53E-6-402(1)	Subsection 53E-3-401(4)
Subsection 53E-6-201(1)		

Public Notice Information

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

A) Comments will be accepted until: 05/03/2021

10. This rule change MAY become effective on: 05/10/2021

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:	03/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal

Utah Admin. Code Ref (R no.):	R277-511	Filing No.	53370
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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:
R277-511. Academic Pathway to Teaching (APT) Level 1 License
3. Purpose of the new rule or reason for the change:
This rule sunset according to its language on June 30, 2020
4. Summary of the new rule or change:
The rule is being repealed because the rule sunset by its own terms on June 30, 2020 in Section R277-511-8.

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. Repealing this rule should not have a significant impact because these areas are covered by other Utah State Board of Education (USBE) rules and this rule sunset on June 30, 2020.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. Repealing this rule should not have a significant impact because these areas are covered by other USBE rules and this rule sunset on June 30, 2020.

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. Repealing this rule should not have a significant impact because these areas are covered by other USBE rules and this rule sunset on June 30, 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 repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Repealing this rule should not have a significant impact because these areas are covered by other USBE rules and this rule sunset on June 30, 2020.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. Repealing this rule should not have a significant impact because these areas are covered by other USBE rules and this rule sunset on June 30, 2020.

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

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

H) Department head approval of regulatory impact analysis:

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

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

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

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

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-6-201(2)(a)
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Public Notice Information

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

A) Comments will be accepted until: 05/03/2021

10. This rule change MAY become effective on: 05/10/2021

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:	03/15/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-617	Filing No. 53371

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:
R277-617. Smart School Technology Program
3. Purpose of the new rule or reason for the change:
The rule is being amended to correct a typo in Subsection R277-617-5(5) and correct language that aligns with the Rulewriting Manual.
4. Summary of the new rule or change:
In Subsection R277-617-5(5), the changes correct the word "evaluatinf" to "evaluation"; and adds the word "shall".

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 amendment is clarifying and technical in nature.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The amendment is clarifying and technical 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 amendment is clarifying and technical in nature.

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

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

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

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

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The amendment is clarifying and technical in nature.

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

Regulatory Impact Table

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

NOTICES OF PROPOSED RULES

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	Subsection 53E-3-401(4)	Subsection 53F-6-202(8)(d)
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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: 05/03/2021

10. This rule change MAY become effective on: 05/10/2021

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:	03/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal

Utah Admin. Code Ref (R no.):	R357-2	Filing No.	53365
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Agency Information

1. Department:	Governor
Agency:	Economic Development
Building:	World Trade Center
Street address:	60 E South Temple
City, state:	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	801-538-8864	dishihara@utah.gov

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

General Information

2. Rule or section catchline:
R357-2. Targeted Business Tax Credit

3. Purpose of the new rule or reason for the change:
The purpose of this rule filing is to repeal this rule because the Targeted Business Tax Credit Rule is now located under Rule R357-15a.
4. Summary of the new rule or change:
The rule is being repealed due to the enactment of Rule R357-15a. There will be no changes because requirements have been moved to the new rule, and this rule is repealed in its entirety.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed repeal is not expected to have independent fiscal impact on state government revenues or expenditures. The enactment of Rule R357-15a renders this Rule R357-2 obsolete. Therefore, Rule R357-2 is being repealed.
B) Local governments:
This proposed repeal is not expected to have independent fiscal impact on local governments' revenues or expenditures. The enactment of Rule R357-15a renders this Rule R357-2 obsolete. Therefore, Rule R357-2 is being repealed.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed repeal is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The enactment of Rule R357-15a renders this Rule R357-2 obsolete. Therefore, Rule R357-2 is being repealed.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no regulatory impact creating financial cost to non-small businesses. The enactment of Rule R357-15a renders this Rule R357-2 obsolete. Therefore, Rule R357-2 is being repealed.
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 aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The enactment of Rule R357-15a renders this Rule R357-2 obsolete. Therefore, Rule R357-2 is being repealed.

F) Compliance costs for affected persons:
There are no compliance costs for affected persons. The enactment of R357-15a renders this Rule R357-2 obsolete. Therefore, Rule R357-2 is being repealed.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
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 Governor's Office of Economic Development, Dan Hemmert, has reviewed and approved this fiscal analysis.

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

This rule will have no impact on businesses. This rule is being repealed and the current Targeted Business Tax Credit rule is located under Rule R357-15a.

B) Name and title of department head commenting on the fiscal impacts:
Dan Hemmert, 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		
63N-3-303(7)		

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:	05/03/2021

10. This rule change MAY become effective on:	05/10/2021
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:	Dan Hemmert, Executive Director	Date:	03/12/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R357-15a	Filing No. 53364

Agency Information

1. Department:	Governor
Agency:	Economic Development
Building:	World Trade Center
Street address:	60 E South Temple
City, state:	Salt Lake City, UT 84111

Contact person(s):		
Name:	Phone:	Email:
Dane Ishihara	801-538-8864	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R357-15a. Non-Profit Enterprise Zone Program
3. Purpose of the new rule or reason for the change:
Due to an administrative error, there were two rules filed under R357-15a. The purpose of this rule filing is to remove language regarding the Non-Profit Enterprise Zone Program. The Non-Profit Enterprise Zone Program was repealed during the 2020 General Session under S.B. 95 and is no longer needed.
4. Summary of the new rule or change:
Sections of the rule related to the Non-Profit Enterprise Zone Program are removed and sections related to the Target Business Tax Credit are renumbered.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no aggregate anticipated cost or savings to the state budget. The change is merely correcting a filing error.
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):
There is no aggregate anticipated cost or savings to small businesses because this proposed rule filing does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no regulatory impact creating financial cost to non-small businesses. The change is merely correcting a filing error.

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 aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed rule change 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.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons because the change is merely correcting a filing error.

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	FY2020	FY2021	FY2022
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 Governor's Office of Economic Development, Dan Hemmert, has reviewed and approved this fiscal analysis.

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

This rule amendment will have no new impact on businesses. The purpose of this rule filing is to correct a filing error and remove unnecessary language.

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

Dan Hemmert, 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 63N-3-303(7)		
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Public Notice Information

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

A) Comments will be accepted until: 05/03/2021

10. This rule change MAY become effective on: 05/10/2021

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:	Dan Hemmert, Executive Director	Date:	03/12/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R414-60-5	Filing No. 53359

Agency Information

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

General Information

2. Rule or section catchline:
R414-60-5. Limitations
3. Purpose of the new rule or reason for the change:
The purpose of this change is to implement provisions in this rule to be consistent with current Medicaid pharmacy policy for stimulant medications to treat attention-deficit/hyperactivity disorder (ADHD).
4. Summary of the new rule or change:
This amendment implements limits on age, month, and quantity for ADHD stimulant medications. It also implements a new policy to address the cross-class utilization of ADHD stimulant medications.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The Department of Health (Department) expects only de minimis impact to the state budget as this amendment simply updates and clarifies current policy for the Pharmacy Program.
B) Local governments:
There is no impact on local governments because they neither fund nor provide services under the Pharmacy Program.

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

The Department expects only de minimis impact on small businesses as this amendment simply updates and clarifies current policy for the Pharmacy Program.

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

The Department expects only de minimis impact on non-small businesses as this amendment simply updates and clarifies current policy for the Pharmacy Program.

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

The Department expects only de minimis impact on Medicaid providers and Medicaid members as this amendment simply updates and clarifies current policy for the Pharmacy Program.

F) Compliance costs for affected persons:

The Department expects only de minimis compliance costs to a single Medicaid provider or Medicaid member as this amendment simply updates and clarifies current policy for the Pharmacy Program.

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

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

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

H) Department head approval of regulatory impact analysis:

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

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

Businesses should see neither revenue nor costs as this amendment simply updates current Medicaid policy.

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

Richard G. Saunders, Executive Director

Citation Information

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

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

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

A) Comments will be accepted until: 05/03/2021

10. This rule change MAY become effective on: 05/10/2021

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, Executive Director	Date:	03/10/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R414-510	Filing No. 53360

Agency Information

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

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

General Information

2. Rule or section catchline:
R414-510. Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program and Education
3. Purpose of the new rule or reason for the change:
The purpose of this change is to provide individuals concerned with the Coronavirus (COVID-19) Pandemic a length-of-stay exemption at intermediate care facilities (ICFs), to help them qualify for services within the Community Supports Waiver (CSW) while the COVID-19 public health emergency continues.
4. Summary of the new rule or change:
This amendment allows individuals to request an exception to the minimum length-of-stay requirement in ICFs during the COVID-19 public health emergency. It also sets forth criteria for these requests and for the Department of Health (Department) to make a final determination. Other technical changes are for consistency reasons only.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Department does not anticipate any impact to the state budget as waiver services fall within appropriations set forth by the Legislature. Further, there is no method to estimate additional costs of individuals who might avail themselves of the opportunity to receive this exemption.

B) Local governments:

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

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

The Department does not anticipate any impact to small businesses as waiver services fall within appropriations set forth by the Legislature. Further, there is no method to estimate additional costs or revenue through individuals who might avail themselves of the opportunity to receive this exemption.

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

The Department does not anticipate any impact to non-small businesses as waiver services fall within appropriations set forth by the Legislature. Further, there is no method to estimate additional costs or revenue through individuals who might avail themselves of the opportunity to receive this exemption.

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 Department does not anticipate any impact to Medicaid providers as waiver services fall within appropriations set forth by the Legislature. Further, there is no method to estimate additional costs or revenue to providers, or possible savings to individuals who might avail themselves of the opportunity to receive this exemption.

F) Compliance costs for affected persons:

The Department does not anticipate any costs to a single Medicaid provider as waiver services fall within appropriations set forth by the Legislature. Further, there is no method to estimate the additional cost of an individual who might avail himself of the opportunity to receive this exemption.

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	\$0	\$0	\$0
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 Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.

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

Businesses should see neither revenue nor costs as waiver services fall within appropriations set forth by the Legislature. Other possible additional costs or revenues are incalculable.

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

Richard G. Saunders, Executive Director

Citation Information

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

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

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

A) Comments will be accepted until:	05/03/2021
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10. This rule change MAY become effective on:	05/10/2021
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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:	Richard G. Saunders, Executive Director	Date:	03/10/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R444-14	Filing No. 53363

Agency Information

1. Department:	Health
Agency:	Disease Control and Prevention, Laboratory Improvement
Building:	Utah Public Health Lab
Street address:	4431 S 2700 W
City, state:	Taylorsville, UT 84129

Contact person(s):		
Name:	Phone:	Email:
Kristin Brown	801-695-2540	kristinbrown@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R444-14. Rule for the Certification of Environmental Laboratories

3. Purpose of the new rule or reason for the change:
This rule was amended in 2011 to change to reference the TNI Standard other than the National Environmental Laboratory Accreditation Conference (NELAC) standard. With this change, language was inadvertently removed by reference. This rule has been updated to include that language.

4. Summary of the new rule or change:
In Section R444-14-1, language has been updated to include reference to the Utah Department of Health in addition to the Department of Environmental Quality.
In Section R444-14-2, definitions have been added.
In Section R444-14-3, subsections have been updated and added to include language previously included in past standards and inadvertently removed.
In Section R444-14-7, clarifies from TNI to NELAP recognition.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
It is not likely the revised standard will have any impact on the state budget. No changes to program operation is predicted.
B) Local governments:
It is not likely the revised standard will have any impact on local governments, but any impact would be minimal. No significant changes to enforcement practices is predicted.
C) Small businesses ("small business" means a business employing 1-49 persons):
It is not likely the revised standard will have any impact. No significant change to current enforcement practices is predicted.

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

It is not likely the revised standard will have any impact. No significant change to current enforcement practices is predicted.

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

No other specific persons will be affected by this rule. There are no compliance costs associated with this rule change for any other specific persons.

F) Compliance costs for affected persons:

It is not likely the revised standard will have any impact. There are no compliance costs associated with this rule change for any other specific 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 Benefits	Fiscal	\$0	\$0	\$0
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H) Department head approval of regulatory impact analysis:

The 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:

There is no fiscal impact to businesses because there will be no change to current enforcement practices.

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

Richard G. Saunders, Executive Director

Citation Information

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

Section 26-1-30		
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Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	TNI Standard Volume 1 "Management and Technical Requirements for Laboratories Performing Environmental Analysis"
Publisher	The Nelac Institute
Date Issued	January 30, 2019
Issue, or version	2016, 2.1

Public Notice Information

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

A) Comments will be accepted until:	05/03/2021
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10. This rule change MAY become effective on:	05/10/2021
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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:	Richard G. Saunders, Executive Director	Date:	03/12/2021
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End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R70-330	Filing No. 52820

Agency Information

1. Department:	Agriculture and Food	
Agency:	Regulatory Services	
Street address:	350 N Redwood Road	
City, state, zip:	Salt Lake City, UT 84115	
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
Travis Waller	801-982-2250	twaller@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R70-330. Raw Milk for Retail
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 the authority of Section 4-3-201 which allows the Department of Agriculture and Food to adopt rules administering the provisions of the Utah Dairy 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 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 should continue because it provides guidelines and standards that govern the sale of raw milk to consumers in Utah that are necessary to keep the public safe and prevent foodborne illnesses.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	03/15/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R70-370	Filing No. 50165
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Agency Information

1. Department:	Agriculture and Food
Agency:	Regulatory Services
Street address:	350 N Redwood Road
City, state, zip:	Salt Lake City, UT 84115
Mailing address:	PO Box 146500

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R70-370. Butter
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 the authority of Section 4-3-201 which allows the Department of Agriculture and Food to make and enforce rules to carry out the Utah Dairy 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 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 should continue because it adopts federal standards for Grades of Butter outlined in 7 CFR Chapter 1, Sections 58.305 through 58.309 and provides that butter is produced in a sanitary manner, consistent with Title 4, Chapter 3, and Rule R70-320.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	03/13/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R70-380	Filing No.	50164
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Agency Information

1. Department:	Agriculture and Food	
Agency:	Regulatory Services	
Street address:	350 N Redwood Road	
City, state, zip:	Salt Lake City, UT 84115	
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
Travis Waller	801-982-2250	twaller@utah.gov
Kelly Pehrson	801-982-2202	Kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R70-380. Grade A Condensed and Dry Milk Products and Condensed and Dry Whey
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 the authority of Section 4-3-201, which allows the Department of Agriculture and Food (Department) to make rules administering the Utah Dairy 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 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 needed because it incorporates the federal Grade A Pasteurized Milk Ordinance and allows for the Department to review condensed and dry milk regulations from the Food and Drug Administration. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	03/13/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-213	Filing No. 52448

Agency Information

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

General Information

2. Rule catchline:
R277-213. Request for Licensure Reinstatement and Reinstatement 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:
This rule is authorized by: a) the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the State Board of Education (Board); b) Section 53E-6-506, which directs the Board to adopt rules regarding Utah Professional Practices Advisory Commission (UPPAC) duties and procedures; and c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no written comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of this rule is to establish procedures regarding educator license reinstatement. The standards and procedures of the Utah Administrative Procedures Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d). Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	03/15/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-214	Filing No. 50397

Agency Information

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

General Information

2. Rule catchline:
R277-214. Utah Professional Practices Advisory Commission Criminal Background Review
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: a) the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the State Board of Education (Board); b) Section 53E-6-506, which directs the Board to adopt rules regarding Utah Professional Practices Advisory Commission (UPPAC) duties and procedures; and c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no written comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

The purpose of this rule is to establish procedures for an applicant to proceed toward licensing or be denied to continue when an application or recommendation for licensing or renewal identifies offenses in the applicant's criminal background check. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	03/15/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R311-600	Filing No. 50710
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Agency Information

1. Department:	Environmental Quality	
Agency:	Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144840	
City, state, zip:	Salt Lake City, UT 84114-4840	
Contact person(s):		
Name:	Phone:	Email:
Bill Rees	801-536-4167	brees@utah.gov

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

General Information

2. Rule catchline:
R311-600. Hazardous Substances Mitigation Act: Enforceable Written Assurances

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

Rule R311-600 is enacted in accordance with Section 19-6-326. Section 19-6-326 states: a) based upon risk to human health or the environment from potential exposure to hazardous substances or materials, the executive director, or the executive director's designee, may issue enforceable written assurances to a bona fide prospective purchaser, contiguous property owner, or innocent landowner of real property that no enforcement action under this part may be initiated regarding that real property against the person to whom the assurances are issued;

and b) an assurance, granted under Subsection 19-6-326(1), grants the person to whom the assurance is issued protection from imposition of any state law cost recovery and contribution actions under this part.

The Executive Director may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary for the administration of this section.

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 Environmental Quality (Department) received no written comments from persons 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:

Amendments to the Hazardous Substances Mitigation Act to authorize the issuance of an Enforceable Written Assurance were initiated and subsequently supported by the private sector and the legal community to help quantify a prospective purchaser's pre-purchase liability. This can help foster economic development of Brownfields and other potentially impacted properties. In addition, the Department views that compliance with the conditions of the requirements for a bona fide prospective purchaser (e.g., all appropriate inquiries, notice, care/reasonable steps, cooperation, and compliance with institutional controls), which must be met to issue an Enforceable Written Assurance, will generally ensure there is no unacceptable risk to human health or the environment.

Based on the above paragraph and the fact that the Department has received no written comments from persons opposing this rule, the Department recommends continuation of Rule R311-600.

Agency Authorization Information

Agency head or designee, and title:	Bill Rees, Environmental Program Manager	Date:	03/10/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R357-5	Filing No. 50845
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Agency Information

1. Department:	Governor
Agency:	Economic Development
Building:	World Trade Center
Street address:	60 E South Temple
City, state, zip:	Salt Lake City, UT 84111

Contact person(s):		
Name:	Phone:	Email:
Dane Ishihara	801-792-8764	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R357-5. Motion Picture Incentive
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 63N-8-104 requires the Governor's Office of Economic Development to enact rules to administer the Motion Picture Incentive.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is authorized and mandated by state law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Dane Ishihara, Research Analyst	Date:	03/11/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R357-6	Filing No. 50849

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	
Contact person(s):		
Name:	Phone:	Email:
Dane Ishihara	801-792-8764	dishihara@utah.gov

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

General Information

2. Rule catchline:
R357-6. Technology and Life Science Economic Development and Related Tax Credits
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 63N-2-807 requires the Governor's Office of Economic Development to enact rules to administer Technology and Life Science Economic Development Tax Credits.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
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 authorized and mandated by state law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Dane Ishihara, Research Analyst	Date:	03/11/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R357-13	Filing No. 50855

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	
Contact person(s):		
Name:	Phone:	Email:
Dane Ishihara	801-792-8764	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

General Information

2. Rule catchline:
R357-13. Hotel Convention Center Incentive
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 63N-2-509 authorizes the Governor's Office of Economic Development to enact rules to administer the New Convention Facility Development Incentive.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
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 authorized and mandated by state law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Dane Ishihara, Research Analyst	Date:	03/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R357-15	Filing No. 50862

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	
Contact person(s):		
Name:	Phone:	Email:
Dane Ishihara	801-792-8764	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R357-15. Enterprise Zone Tax Credit

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 63N-2-213 requires the Governor's Office of Economic Development to enact rules to administer the Enterprise Zone Tax Credit.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
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 authorized and mandated by state law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Dane Ishihara, Research Analyst	Date:	03/11/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R357-16	Filing No. 50866

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	
Contact person(s):		
Name:	Phone:	Email:
Dane Ishihara	801-792-8764	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R357-16. Utah Outdoor Recreation Infrastructure Grant
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 63N-9-203 requires the Governor's Office of Economic Development to enact rules to administer the Utah Outdoor Recreation Infrastructure Grant.

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

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 authorized and mandated by state law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Dane Ishihara, Research Analyst	Date:	03/11/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R357-17	Filing No. 50857

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	
Contact person(s):		
Name:	Phone:	Email:
Dane Ishihara	801-792-8764	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R357-17. Air Quality Incentive
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 63N-1-402 allows the Governor's Office of Economic Development to enact rules for the purpose of conducting business.

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

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 authorized by state law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Dane Ishihara, Research Analyst	Date:	03/11/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R386-702	Filing No. 52934

Agency Information

1. Department:	Health	
Agency:	Disease Control and Prevention, Epidemiology	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142104	
City, state, zip:	Salt Lake City, UT 84114-2104	
Contact person(s):		
Name:	Phone:	Email:
Cindy Burnett	801-538-6692	cburnett@utah.gov
Rachelle Boulton	801-538-6185	rboulton@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R386-702. Communicable Disease Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The Communicable Disease Rule is adopted under authority of Sections 26-1-30 (Powers and Duties of Department) and 26-6-3 (Communicable Disease Control

Act); and Title 26, Chapter 23b, (Detection of Public Health Emergencies Act). These provisions require the Department of Health (Department) to promote and protect public health by identifying, investigating, and controlling diseases that would be detrimental to the community, including those that are naturally occurring, and those that may indicate an act of bioterrorism. The Communicable Disease Rule defines the conditions that are reportable; specifies who is required to report diseases and how; and explains other specific details as to how the Department is authorized to deal with these types of conditions.

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:

This rule has been updated several times since the last review (typically it is updated annually), and comments are always solicited from partners including local health department staff (e.g. local health officers, nursing directors, epidemiology staff), hospital Infection control practitioners, laboratories, and community physicians; all questions regarding changes to this rule have been appropriately addressed, typically prior to the rule's public comment period starting.

Between November 16 - 24, 2020, close to 100 identical signed petitions were received from the public requesting two changes to Subsection R386-702-11(2).

The first request was that the Department put the wording "Prevention of the Spread of Disease From a Case" back into Subsection R386-702-11(2)(d). This wording was removed as part of a Department rule amendment in August 2020. The petitioners asserted that removal of the phrase gave the Department broader power to exceed what the Department can statutorily do.

No other comments have been received that indicate opposition to 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 Communicable Disease Rule must be continued to enable the Department to continue to promote and protect public health as described in Box 3 above, and as required by statute. This rule is essential to ensure that the state is able to track and respond to communicable disease threats to Utah residents. This rule also outlines a multidisciplinary approach to communicable and infectious disease control and emphasizes reporting, surveillance, isolation, treatment, and epidemiological investigation to identify and control preventable causes of infectious diseases. Reporting requirements and authorizations are specified for communicable and infectious diseases, outbreaks, and unusual occurrence of any disease. Each section has been adopted with the intent of reducing disease morbidity and mortality through the rapid implementation of established practices and procedures.

Robust communicable disease surveillance and public health response have dramatically reduced the risk of epidemics and early loss of life due to infectious agents. However, the emergence of diseases such as West Nile Virus, Zika, Ebola, and COVID-19 and their rapid spread across the world, highlight the continuing threat to health from infectious diseases and the need for constant vigilance and aggressive and rapid response to emerging threats. Continual attention to these threats and cooperation among all health care providers, government agencies, and other entities that are partners in protecting the public's health are crucial to maintain and improve the health of the citizens of Utah.

The response to the petitions received in November 2020 was coordinated with the assistance of the attorney general's attorney assigned to the Department. They provided the following assessment:

1) The first request was that the Department put the wording "Prevention of the Spread of Disease From a Case" back into Subsection R386-702-11(2)(d). This wording was removed as directed by the Utah Office of Administrative Rules. The language was an unnecessary subsection heading and as such it did not meet the Office of Administrative Rules formatting requirements. The removal of the heading was a nonsubstantive change as it was only a title with no impact on the meaning and application of the substantive regulatory language that followed. Reincluding the heading as requested would have had no substantive purpose and would not conform to Utah rulemaking format requirements. As a result, this request was denied.

2) The second request was to add limiting language to Subsection R386-702-11(2)(e)(ii). Section R386-702, was promulgated under the authority of Section 26-6-3. Subsection 26-6-3(1), mandates that the Department "shall provide for the detection, reporting, prevention, and control of communicable diseases and epidemic infections". Section 26-6-4's provisions on restriction, isolation and quarantine provide only part of the measures the Department can take in its statutory duty to respond to "communicable diseases and epidemic infections". The requested changes would limit the Department from meeting the statutory duties it must comply with that go beyond Section 26-6-4. The terms "suppression and control" do have boundaries as provided in Section 26-6-3. This request was also denied.

After legal review, it was determined that the petitions to change the two parts of Subsection R386-702-11(2), both expressed a concern that this rule as written did not have sufficient boundaries to restrain agency actions in responding to a pandemic. However, the Department cannot exceed the statutory authority under which this rule was promulgated. Further, agencies have other boundaries including constitutional boundaries in enforcing regulations in a reasonable supportable manner within its statutory authority.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	03/10/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R392-110	Filing No. 50917

Agency Information

1. Department:	Health	
Agency:	Disease Control and Prevention, Environmental Services	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84114-2104	
Mailing address:	PO Box 142104	
City, state, zip:	Salt Lake City, UT 84114-2104	
Contact person(s):		
Name:	Phone:	Email:
Karl Hartman	801-538-6191	khartman@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R392-110. Food Service Sanitation in Residential Care Facilities
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Rule R392-110 is authorized under Sections 26-15-2, 26-1-5, 26-7-1, and Subsections 26-1-30(9), 26-1-30(23), and 26-39-301(1). These sections authorize the Utah Department of Health to establish uniform food service inspection standards for residence-based group care facilities.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no comments received in support or opposition to the continuation of Rule R392-110. The last substantive amendment was enacted on July 16, 2019.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Subsection R430-50-4(1) requires the local health department to conduct a kitchen inspection of a residence-based group care facility as a pre-qualification for facility licensure, and Rule R392-110 establishes the uniform food service inspection standards for the local health departments to follow. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	03/11/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R527-5	Filing No. 51272

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:
R527-5. Release of Information
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 gives the Office of Recovery Services (ORS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law. The terms and authority for the Government Records Access and Management Act (GRAMA) are outline in Title 63G, Chapter 2, as well as the classification of the different types of records and the procedures for submitting an appeal, when needed. Section 62A-11-304.4 allows ORS

to, upon written request, provide location information in its files on a custodial or noncustodial parent to the other party or the other party's legal counsel.

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:

This rule should be continued because ORS is required to allow access to properly classified agency records pursuant to Title 63G, Chapter 2, and this rule establishes the procedures for how ORS records may be accessed under Title 63G, Chapter 2.

Agency Authorization Information

Agency head or designee, and title:	Liesa Stockdale, ORS Director	Date:	03/01/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R527-201	Filing No. 51285

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:
R527-201. Medical Support Services

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

Pursuant to Section 62A-11-107, the Office of Recovery Services (ORS) is authorized to adopt rules that are necessary to carry out the provisions of Title 62A, Chapter 11. Sections 62A-11-326, 62A-11-326.1, 62A-11-326.2, 62A-11-326.3, and 78B-12-212 contain provisions requiring ORS to establish and enforce medical support orders. These statutes require the parents to provide verification of insurance coverage and notification of medical expenses to the other party. These same statutes also address the issues surrounding the parent's responsibility for insurance premium payments and receiving a child support credit for medical expenses paid. In addition, these statutes outline the conditions upon which ORS may issue notice to employers to enroll dependent children in health insurance plans. This rule incorporates by reference 45 CFR Parts 303.30, 303.31 and 303.32, which outline the basic mandates for state IV-D agencies to establish, modify, and enforce orders requiring obligated parents to obtain and maintain medical insurance coverage for their children. This rule provides information on how ORS carries out the medical support duties outlined in these statutes.

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:

45 CFR Part 303.30, 303.31, and 303.32, as well as state statutes found in Sections 62A-11-326, 62A-11-326.1, 62A-11-326.2, 62A-11-326.3, and 78B-12-212 are still in effect. This rule provides necessary details on how ORS carries out the medical support duties outlined in these statutes. It defines the agency's limits in providing medical support services, reiterates the condition under which medical support services are provided to non-Temporary Assistance for Needy Families (TANF) Medicaid recipients, explains how medical support orders are secured by the agency, describes the availability of credit based on the children's portion of the premiums paid, details enforcement remedies, and addresses the issue of the medical support obligation of parents who are receiving or have received Medicaid. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Liesa Stockdale, ORS Director	Date:	03/01/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R592-17	Filing No. 51470

Agency Information

1. Department:	Insurance	
Agency:	Title and Escrow Commission	
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:
R592-17. Requirements for Interest Bearing Accounts Used by Title Insurance Agencies for Trust Fund Deposits
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(1) authorizes the Insurance Commissioner to write rules to enforce the provisions of Title 31A, Insurance Code. Subsection 31A-2-404(2) authorizes the Title and Escrow Commission to write rules pertaining to title insurance matters. Subsection 31A-23a-409(2)(b) authorizes the Insurance Commissioner to require that money deposited in a trust account provide safety comparable to a federally insured trust account.
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:
This rule specifies the characteristics of a trust account used by a title insurance agency to hold money for parties to a real estate transaction. This rule must be continued because it contains provisions that are critical for keeping a consumer's money safe during such a transaction. The

Title and Escrow Commission voted to continue this rule by a vote of 4 to 0.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	03/11/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R616-2	Filing No. 51507

Agency Information

1. Department:	Labor Commission	
Agency:	Boiler, Elevator and Coal Mine Safety	
Room no.:	3rd Floor	
Building:	Heber M. Wells	
Street address:	160 E 300 S	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state, zip:	Salt Lake City UT 84114-6600	
Contact person(s):		
Name:	Phone:	Email:
Chris Hill		chill@utah.gov
Pete Hackford		phackford@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R616-2. Boiler and Pressure Vessel 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:
Subsections 34A-7-103(6) and (7) give the Labor Commission (Commission) authority to establish inspection and safety standards for boilers and pressure vessels to prevent a "menace to the public safety."
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during or since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

This rule remains necessary in light of the Commission's continuing responsibility to administer Title 34A, Chapter 7, Part 1, "boilers and Pressure Vessels," and the statutory directive contained in Subsections 34-7-103(6) and (7) to adopt standards for inspection and safe operation of boilers and pressure vessels. The Commission has received no comments opposing this rule or its continuation. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jaceson R. Maughan, Commissioner	Date:	03/02/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R616-3	Filing No. 52612
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Agency Information

1. Department:	Labor Commission	
Agency:	Boiler, Elevator and Coal Mine Safety	
Room no.:	3rd Floor	
Building:	Heber M. Wells	
Street address:	160 E 300 S	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state, zip:	Salt Lake City UT 84114-6600	
Contact person(s):		
Name:	Phone:	Email:
Chris Hill		chill@utah.gov
Pete Hackford		phackford@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R616-3. Elevator Rules
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 34A-7-203(6) directs the Labor Commission (Commission) to enact rules adopting "nationally recognized standards or other safety codes" to be used in inspecting elevators or escalators.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received during or since the last five-year review.

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

This rule remains necessary in light of the Commission's continuing responsibility to administer Title 34A, Chapter 7, Part 2, the "elevator and Escalator Safety Act," and the statutory directive contained in Subsection 34-7-203(6) to adopt national safety standards or other safety codes to be used in inspecting elevators and escalators. The Commission has received no comments opposing this rule or its continuation. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jaceson R. Maughan, Commissioner	Date:	03/02/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R746-409	Filing No. 52459
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Agency Information

1. Department:	Public Service Commission	
Agency:	Administration	
Building:	Heber M Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 4558	
City, state, zip:	Salt Lake City, UT 84114-4558	
Contact person(s):		
Name:	Phone:	Email:
Mike Hammer	801-530-6729	michaelhammer@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R746-409. Pipeline Safety
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 54-13-2 requires the Public Service Commission (PSC) to establish safety standards and practices for intrastate pipeline transportation and to make and enforce

rules that federal law requires, specifically rules required under the Natural Gas Pipeline Safety Act (codified at 49 U.S.C. Section 60101, et seq.). Accordingly, this rule adopts pertinent provisions of the Code of Federal Regulations and provides for mechanisms to enforce those federal safety standards.

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

The PSC has received no written comments since the last five-year review in 2016.

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

The justification for continuing this rule is that it is patently required pursuant to Section 54-13-2 and pertinent provisions of federal law.

Agency Authorization Information

Agency head or designee, and title:	Thad LeVar, PSC Chair	Date:	03/10/2021
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR EXPIRATIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

NOTICE OF EXPIRED RULE		
Utah Admin. Code Ref (R no.):	R661-6	Filing No. 52699

Agency Information

1. Department:	Navajo Trust Fund	
Agency:	Trustees	
Street address:	151 E 500 N	
City, state, zip:	Blanding, UT 84511	
Contact person(s):		
Name:	Phone:	Email:
Nancy Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):	
R661-6. Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program	
3. Effective Date:	03/02/2021
4. Summary:	
The statement of continuation was not filed by the deadline of 03/01/2021, so this rule has expired and will be removed from the Administrative Code.	

NOTICE OF EXPIRED RULE		
Utah Admin. Code Ref (R no.):	R661-7	Filing No. 52700

Agency Information

1. Department:	Navajo Trust Fund	
Agency:	Trustees	
Street address:	151 E 500 N	
City, state, zip:	Blanding, UT 84511	
Contact person(s):		
Name:	Phone:	Email:
Nancy Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):	
R661-7. Utah Navajo Trust Fund Housing Projects Program	

NOTICES OF FIVE YEAR EXPIRATIONS

3. Effective Date:	03/02/2021
4. Summary:	
The statement of continuation was not filed by the deadline of 03/01/2021, so this rule has expired and will be removed from the Administrative Code.	

End of the Notices of Notices of Five Year Expirations Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Administrative Services

Debt Collection

No. 53310 (Amendment) R21-1. Transfer of Collection Responsibility of State Agencies
Published: 02/15/2021
Effective: 03/25/2021

No. 53281 (Amendment) R277-800. Utah Schools for the Deaf and the Blind
Published: 02/01/2021
Effective: 03/11/2021

No. 53282 (Amendment) R277-923. American Indian and Alaskan Native Education State Plan Pilot Programs
Published: 02/01/2021
Effective: 03/11/2021

Commerce

Occupational and Professional Licensing

No. 53292 (Amendment) R156-1. General Rule of the Division of Occupational and Professional Licensing
Published: 02/15/2021
Effective: 03/25/2021

No. 53283 (Amendment) R277-926. Certification of Residential Treatment Center Special Education Program
Published: 02/01/2021
Effective: 03/11/2021

No. 53284 (Amendment) R156-17b. Pharmacy Practice Act Rule

Published: 02/01/2021
Effective: 03/11/2021

Health

Child Care Center Licensing Committee

No. 53236 (New Rule) R381-40. Commercial Preschool Programs
Published: 01/01/2021
Effective: 03/22/2021

No. 53288 (Amendment) R156-46b. Division Utah Administrative Procedures Act Rule
Published: 02/15/2021
Effective: 03/25/2021

Health Care Financing, Coverage and Reimbursement Policy
No. 53296 (Amendment) R414-60. Limitations
Published: 02/15/2021
Effective: 03/26/2021

No. 53287 (Amendment) R156-72. Acupuncture Licensing Act Rule
Published: 02/15/2021
Effective: 03/25/2021

No. 53307 (Amendment) R414-303. Presumptive Eligibility for Medicaid
Published: 02/15/2021
Effective: 03/26/2021

Education

Administration

No. 53280 (Amendment) R277-752. Special Education Intensive Services Fund
Published: 02/01/2021
Effective: 03/11/2021

No. 53270 (Amendment) R414-505: Intergovernmental Transfer (IGT) Certification
Published: 01/15/2021
Effective: 02/25/2021

NOTICES OF RULE EFFECTIVE DATES

Center for Health Data, Health Care Statistics
No. 53300 (Amendment) R428-1. Health Data Plan and
Incorporated Documents
Published: 02/15/2021
Effective: 03/25/2021

Family Health and Preparedness, Licensing
No. 53262 (Amendment) R432-550. Birthing Center
Published: 01/15/2021
Effective: 03/10/2021

Human Services

Administration
No. 53267 (Repeal) R495-862: Communicable Disease
Control Act
Published: 01/15/2021
Effective: 02/24/2021

Substance Abuse and Mental Health
No. 53225 (Amendment) R523-2: Local Mental Health
Authorities and Local Substance Abuse Authorities
Published: 01/01/2021
Effective: 02/26/2021

Recovery Services
No. 53260 (Amendment) R527-35: Non-IV-A Fee Schedule
Published: 01/15/2021
Effective: 02/24/2021

Insurance

Administration
No. 53217 (Amendment) R590-85. Accident and Health
Insurance and Medicare Supplement Rates
Published: 12/01/2020
Effective: 03/11/2021

No. 53217 (Change in Proposed Rule) R590-85. Accident
and Health Insurance and Medicare Supplement Rates
Published: 02/01/2021
Effective: 03/11/2021

No. 53285 (Amendment) R590-238-16. Acquisition of
Control of or Merger with Domestic Company
Published: 02/01/2021
Effective: 03/11/2021

No. 53219 (New Rule) R590-286. Minimum Standards for
Short-Term Limited Duration Health Insurance
Published: 12/01/2020
Effective: 03/11/2021

No. 53219 (Change in Proposed Rule) R590-286.
Minimum Standards for Short-Term Limited Duration Health
Insurance
Published: 02/01/2021
Effective: 03/11/2021

Natural Resources

Wildlife Resources
No. 53276 (Amendment) R657-58. Fishing Contests and
Clinics
Published: 02/01/2021
Effective: 03/11/2021

School and Institutional Trust Lands

Administration
No. 53308 (New Rule) R850-12. Prohibited and Restricted
Use of Trust Lands
Published: 02/15/2021
Effective: 04/01/2021

No. 53309 (Repeal and Reenact) R850-41. Rights of Entry
Published: 02/15/2021
Effective: 04/01/2021

Transportation

Operations, Traffic and Safety
No. 53232 (New Rule) R920-60. Amusement Ride Safety
Published: 12/15/2020
Effective: 03/19/2021

Preconstruction

No. 53184 (Amendment) R930-5. Maintenance
Published: 12/01/2020
Effective: 03/25/2021

End of the Notices of Rule Effective Dates Section