

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 2021-10

Requiring Increased Water Conservation Due to Drought Conditions

WHEREAS, 100% of the state is in drought and experiencing record high temperatures in June;

WHEREAS, the forecast predicts exceptionally poor to (potentially) worst-on-record water supply conditions this summer;

WHEREAS, a dry April was followed by an even drier May, with an average of 0.3 inches of precipitation accumulated in valley locations;

WHEREAS, a below-average statewide snowpack reached approximately 81% of normal and peaked 10 days early;

WHEREAS, soil moisture reached exceptionally low levels not previously seen since soil moisture monitoring began in 2006;

WHEREAS, these conditions have caused the streamflows around the state to remain below average;

WHEREAS, many of the reservoirs around the state that provide drinking and irrigation water are less than half of the capacity;

WHEREAS, these conditions were preceded by a record dry and near-record hot year in 2020;

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 are adversely and significantly impacting 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, extreme drought conditions threaten access to safe, reliable drinking water from wells, streams, and reservoirs, and exacerbate water quality issues that affect recreational waters including an increase in harmful algal blooms;

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, hereby order the following for municipal and industrial water use:

1. As used in this Order:
 - a. "State facility" means a building or structure that is owned or controlled by the state or a state governmental entity.

EXECUTIVE DOCUMENTS

- b. "State facility" does not mean a building or structure that is owned or controlled exclusively by:
 - i. the legislative branch of the state;
 - ii. the judicial branch of the state;
 - iii. the Attorney General's Office;
 - iv. the State Auditor's Office;
 - v. the State Treasurer's Office;
 - vi. the State Board of Education; or
 - vii. an independent entity as defined in Utah Code § 63E-1-102.
 - c. "State governmental entity" means any department, board, commission, institution, agency, or institution of higher education.
2. When feasible, a state governmental entity should not water landscapes at a state facility between 10 a.m. and 6 p.m.
3. A state governmental entity shall do the following at all state facilities:
- a. Irrigate lawn areas only 2 times a week in Northern Utah and 3 times a week in Southern Utah
 - b. Prioritize irrigation as follows:
 - 1. Trees
 - 2. Shrubs
 - 3. Perennials
 - 4. Annuals
 - 5. Grass
 - c. Develop an implementation plan for updating irrigation technology with devices that are WaterSense certified and include rain and wind shutoff functions and soil moisture sensors;
 - d. Manually shut off systems during rain and wind events in areas without rain and wind sensors;
 - e. Audit and repair all landscape irrigation systems so they are operating at maximum efficiency;
 - f. Develop plans to replace inefficient plumbing fixtures with WaterSense certified low-flow fixtures;
 - g. Update facility-management technology to include metering for water-consuming processes related to irrigation, domestic, and mechanical systems;
 - h. Implement leak-detection and repair programs for both indoor and outdoor water use;
 - i. Conduct periodic checks of state facility restrooms, boiler rooms, etc., to ensure appliances are working at maximum efficiency;
 - j. Implement water efficient methods, technologies, and practices.
 - k. Check with the local water provider to follow restrictions in the local area.

I further ask all Utahns to join this call for conservation:

- 1. Cities and counties should:
 - a. Immediately consider implementing residential and commercial water restrictions for watering lawns during the current year and develop a supporting enforcement strategy;
 - b. Implement the same practices that are recommended for state facilities at city, county, and institutional buildings.
- 2. Municipal and industrial water suppliers and secondary systems should:
 - a. Implement water restrictions where appropriate.
 - b. Encourage efficient landscape watering.
 - c. Develop drought response plans.
 - d. Notify customers in your system area of current water supply status and system plans.
- 3. Residential water users should follow best conservation practices:
 - a. Water at least one less time per week (average quarter-acre yard uses 3,000 gallons of water for each watering). Not to exceed lawn watering more than 2 times per week or no more than 3 times per week for Southern Utah.
 - b. Don't water when it's windy.
 - c. Don't water between 10 a.m.- 6 p.m. (Or 10 a.m.-8 p.m. in Southern Utah.)
 - d. Prioritize your watering to water the most valuable plants in your landscape first: Trees, shrubs, perennials, annuals then grass. Grass is resilient and will enter dormancy during times of drought and high temperatures and recover when conditions improve.
 - e. Mow your lawn higher. Set blades to 3-4 inches. Taller grass means deeper roots that can access water that is deeper in the soil. Tall grass also shades roots and soil to reduce evaporation loss.
 - f. Install a smart irrigation controller and receive a money-saving rebate. These devices connect to WiFi and access weather data and adjust the watering schedule to account for rain, temperature, humidity, UV index and even evapotranspiration. It connects to your phones so that you can control how often you water your landscape. UtahWaterSavers.com
 - g. Check with your local water provider to follow restrictions in your local water provider's jurisdiction.

This Order is effective immediately and shall remain in effect until otherwise modified, amended, rescinded, or superseded.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 8th day of June, 2021.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2021/10/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 May 15, 2021, 12:00 a.m., and June 01, 2021, 11:59 p.m. are included in this, the June 15, 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 July 15, 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 October 13, 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. 53550

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:
Changes are needed to make this rule consistent with S.B. 192 that passed during the 2021 General Session.
4. Summary of the new rule or change:
The changes change "department" to "board" in Subsection R68-27-15(3) and add a reference to the statute that now specifies the responsibilities and makeup of the Cannabis Production Establishment Licensing Board. The changes also specify that in order to deny a renewal, violations must be significant, consistent with S.B. 192 (2021). Finally, the changes clarify that a cultivation facility must return an agent's badge to the Department of Agriculture and Food (Department) if the agent is no longer employed.

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 are 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-103(5)	Subsection 4-41a-204(2)(e)	Subsection 4-41a-302(3)(b)(ii)
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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: 07/15/2021

10. This rule change MAY become effective on: 07/22/2021

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:	05/18/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R123-7	Filing No. 53561
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Agency Information

1. Department:	Auditor	
Agency:	Administration	
Room no.:	E310	
Building:	East Building	
Street address:	350 N State Street	
City, state:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Mandy Teerlink	801-538-1363	mteerlink@utah.gov
David Stringfellow	801-538-1356	dstringfellow@utah.gov

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

General Information

2. Rule or section catchline:
R123-7. Required Governmental Entities' Posting of Financial Information to Transparent Utah, formerly known as the Utah Public Finance Website

3. Purpose of the new rule or reason for the change:
The Legislature moved the Utah Public Finance Website from Division of Finance to Office of the State Auditor (OSA). Finance is repealing its rule, so OSA is imposing a substantially similar rule.

4. Summary of the new rule or change:
 This rule requires that required governmental entities deliver certain fiscal data to the OSA.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

No additional fiscal impact. The same requirements currently exist under a different rule number for the Division of Finance.

B) Local governments:

No additional fiscal impact. The same requirements currently exist under a different rule number for the Division of Finance.

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

No additional fiscal impact. The same requirements currently exist under a different rule number for the Division of Finance.

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

No additional fiscal impact. The same requirements currently exist under a different rule number for the Division of Finance.

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 additional fiscal impact. The same requirements currently exist under a different rule number for the Division of Finance.

F) Compliance costs for affected persons:

No additional fiscal impact. The same requirements currently exist under a different rule number for the Division of Finance.

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:

I have reviewed and approve this fiscal analysis. John Dougall, State Auditor

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

This proposed rule has no fiscal impact on business. This rule deals with government-to-government financial reporting and creates no additional burden.

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

John Dougall, State Auditor

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 67-3-12	Section 63G-2-304	Section 63G-2-303
Section 63G-2-302	Section 63G-2-305	

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: 07/15/2021

10. This rule change MAY become effective on: 07/22/2021

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:	David Stringfellow, Deputy State Auditor	Date:	05/25/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R131-3	Filing No.	53560
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Agency Information

1. Department:	Capitol Preservation Board (State)	
Agency:	Administration	
Room no.:	Suite 120	
Building:	State Capitol	
Street address:	350 N State Street, 120 State Capitol	
City, state:	Salt Lake City, UT 84114	
Mailing address:	PO Box 142110	
City, state, zip:	Salt Lake City, UT 84114-2110	
Contact person(s):		
Name:	Phone:	Email:
Dana Jones	801-538-3074	danajones@utah.gov

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

General Information

2. Rule or section catchline:
R131-3. Use of Magnetometers on Capitol Hill

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

The Utah Highway Patrol requested that this rule be amended to provide for closure of the Capitol Hill Complex in the event of a threat to the Capitol Hill Complex.

4. Summary of the new rule or change:

This amendment makes capitalization, spacing, and wording changes throughout this rule and inserted one number.

Adds Subsection (c) to Section R131-3-2.

Amends Section R131-3-3 to: add a discretionary duty for Capitol Hill Security personnel, add discretionary Executive Director function in allowing access to Capitol Hill facilities and grounds, and add appointed officials to the category of state officials; change registration and magnetometer procedures to discretionary instead of mandatory status in Subsection (4)(a); specify that building entry points and access may be restricted; add Subsection (5) defining "Security level four" and Capitol Hill security personnel's mandatory and discretionary duties during security level four, and define the Board's discretionary voting power during security level four.

Amends Section R131-3-4 to: add security level four to Subsections (1) and (2), change "the commander" to "Capitol Hill security personnel in Subsection (3), add that the Board has discretion to lower the security level by majority vote to Subsections (2) and (3), specify in Subsection (3) that only the Board members present at the requested meeting to discuss the decision to higher or lower security levels can vote, add to Subsection (3) that the Capitol Hill security personnel may also reduce the security level, and change the discretionary duty of Capitol Hill personnel in Subsection (4) from being able to ask persons passing through the magnetometers to show a concealed weapons permit to being able only to question that person on the facts relevant to their being able to lawfully carry a concealed firearm.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There is no fiscal impact due to this filing because the modifications to internal capitol security modify procedure in a way that can be accomplished with current staff and resources.

B) Local governments:

There is no fiscal impact to local governments due to this filing because the modifications to internal capitol security modify procedure in a way that can be accomplished with current staff and resources.

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

There is no fiscal impact to small businesses due to this filing because the modifications to internal capitol security modify procedure in a way that can be accomplished with current staff and resources.

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

There is no fiscal impact to non-small businesses due to this filing because the modifications to internal capitol security modify procedure in a way that can be accomplished with current staff and resources.

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 fiscal impact to other persons due to this filing because the modifications to internal capitol security modify procedure in a way that can be accomplished with current staff and resources.

F) Compliance costs for affected persons:

There is no fiscal impact to affected persons due to this filing because the modifications to internal capitol security modify procedure in a way that can be accomplished with current staff and resources.

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 Capitol Preservation Board, Dana Jones, 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.

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

Dana Jones, 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 63C-9-301(3)(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: 07/15/2021

10. This rule change MAY become effective on: 07/22/2021

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:	Dana Jones, Executive Director	Date:	05/27/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R313-19-100	Filing No. 53543

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Radiation	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Thomas Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R313-19-100. Transportation
3. Purpose of the new rule or reason for the change:
The Division of Waste Management and Radiation Control (Division) received a comment from the Nuclear Regulatory Commission (NRC) in March of 2021 indicating that they had discovered an incompatibility in the Division's rule. The purpose of this amendment is to correct that incompatibility.
4. Summary of the new rule or change:
Section R313-19-100 incorporates by reference 10 CFR 71.97. This federal regulation requires certain transportation notifications to be submitted to state and

federal agencies. Subsections R313-19-100(4)(a)(ii) and (iii) substitute "Director" for "Director, Division of Nuclear Safety, Office of Nuclear Security and Incident Response" and for "Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001".

The NRC commented that the notifications need to be sent to the NRC, as well as the state agency and indicated that to remain compatible with the federal program Utah needs to delete Subsections R313-19-100(4)(a)(ii) and (iii). Deleting these two subsections will not impact the Utah program because the federal regulations require the notifications to be submitted to the states as well as the federal agencies.

This amendment deletes Subsections R313-19-100(4)(a)(ii) and (iii).

Additionally, the Division has made minor formatting changes in this rule to correct formatting that does not conform to proper rulewriting format.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
It is not anticipated that there will be any cost or savings to the state budget due to this change because the change does not result in any changes to state agency operations.
B) Local governments:
It is not anticipated that there will be any cost or savings to local governments due to this change because the change does not result in any changes to local government agency operations.
C) Small businesses ("small business" means a business employing 1-49 persons):
It is not anticipated that there will be any cost or savings to small businesses due to this change because the change does not require any small businesses that are required to comply with this rule to do anything different than they are currently doing.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
It is not anticipated that there will be any cost or savings to non-small businesses due to this change because the change does not require any non-small businesses that are required to comply with this rule to do anything different than they are currently doing.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):

It is not anticipated that there will be any cost or savings to any other persons due to this change because the change does not require any persons that are required to comply with this rule to do anything different than they are currently doing.

F) Compliance costs for affected persons:

It is not anticipated that there will be any additional compliance costs for affected persons due to the amendment to this rule because the amended rule does not require any affected persons to do anything different than they are currently doing.

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 Environmental Quality, Kimberly D. Shelley, has reviewed and approved this fiscal analysis.

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

It is not anticipated that this rule change will have a fiscal impact on anyone who is required to comply with this rule. The change is being made in accordance with comments from the Nuclear Regulatory Commission and is necessary for the radiation control program in the to maintain compatibility with the federal regulations.

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

Kimberly D. Shelley, Executive Director

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: 07/15/2021

10. This rule change MAY become effective on: 07/22/2021

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:	Jalynn Knudsen, Interim Director	Date:	05/13/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal

Utah Admin. Code Ref (R no.):	R380-200	Filing No.	53445
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Agency Information

1. Department:	Health
Agency:	Administration
Room no.:	106
Building:	Cannon

Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144004	
City, state, zip:	Salt Lake City, UT 84114-4004	
Contact person(s):		
Name:	Phone:	Email:
Carl Letamendi	801-538-7072	cletamendi@utah.gov
Stephanie Saperstein	801-538-6430	stephaniesaperstein@utah.gov
Mike Martin	801-538-9205	mikemartin@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R380-200. Patient Safety Surveillance and Improvement Program (PSSIP)
3. Purpose of the new rule or reason for the change:
This rule is being renumbered and also moved under a new title to better identify ownership of the PSSIP within the Utah Department of Health (UDOH).
4. Summary of the new rule or change:
Rule R380-200 is being repealed and then recreated within the new Title R429 under a separate filing. Rule R380-200 can be repealed without any effect on work currently performed by the UDOH. Therefore, this rule is no longer needed and is repealed in its entirety. (EDITOR'S NOTE: The proposed new Rule R429-1 is under Filing No. 53439 in this issue, June 15, 2021, of the Bulletin.)

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There will be no fiscal impact to state budget because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.
B) Local governments:
There will be no fiscal impact to local governments because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.

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

There will be no fiscal impact to small businesses because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.

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

There will be no fiscal impact to non-small businesses because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.

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

There will be no fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.

F) Compliance costs for affected persons:

There will be no fiscal impact to affected persons because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.

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

Regulatory Impact Table

Fiscal Cost	FY2022	FY2023	FY2024
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

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Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
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, Rich 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 on businesses because there are no additional requirements.

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

Rich 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):

Subsection 26-1-30(3)	Subsection 26-1-30(4)	Subsection 26-1-30(6)
Subsection 26-1-30(7)	Subsection 26-1-30(8)	Subsection 26-1-30(9)
Section 26-3-8		

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: 07/15/2021

10. This rule change MAY become effective on: 07/22/2021

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:	Rich Saunders, Executive Director	Date:	04/23/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal

Utah Admin. Code Ref (R no.):	R380-210	Filing No.	53444
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Agency Information

1. Department:	Health	
Agency:	Administration	
Room no.:	106	
Building:	Cannon	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144004	
City, state, zip:	Salt Lake City, UT 84114-4004	
Contact person(s):		
Name:	Phone:	Email:
Carl Letamendi	801-538-7072	cletamendi@utah.gov
Stephanie Saperstein	801-538-6430	stephaniesaperstein@utah.gov
Mike Martin	801-538-9205	mikemartin@utah.gov

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

General Information

2. Rule or section catchline:
R380-210. Health Care Facility Patient Safety Program

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

This rule is being renumbered and also moved under a new title to better identify ownership of the Patient Safety Surveillance and Improvement Program (PSSIP) within the Utah Department of Health (UDOH).

4. Summary of the new rule or change:
 Rule R380-210 is being repealed and then recreated within the new Title R429 under a separate filing. Rule R380-210 can be repealed without any effect on work currently performed by the UDOH. Therefore, this rule is no longer needed and is repealed in its entirety. (EDITOR'S NOTE: The proposed new Rule R429-2 is under Filing No. 53440 in this issue, June 15, 2021, of the Bulletin.)

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
 There will be no fiscal impact to state budget because all requirements outlined in this rule will still exist, they are only being moved to a different title.

B) Local governments:
 There will be no fiscal impact to local governments because all requirements outlined in the rule will still exist. The requirements are only being moved to a different title and rule.

C) Small businesses ("small business" means a business employing 1-49 persons):
 There will be no fiscal impact to small businesses because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 There will be no fiscal impact to non-small businesses because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):
 There will be no fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.

F) Compliance costs for affected persons:
 There will be no fiscal impact to affected persons because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.

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

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
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, Rich 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 on businesses because there are no additional requirements.

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

Rich 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):		
Subsection 26-1-30(3)	Subsection 26-1-30(4)	Subsection 26-1-30(6)
Subsection 26-1-30(7)	Subsection 26-1-30(8)	Subsection 26-1-30(9)
Section 26-3-8		

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:	07/15/2021

10. This rule change MAY become effective on:	07/22/2021
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:	Rich Saunders, Executive Director	Date:	04/23/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R384-415	Filing No. 53559

Agency Information

1. Department:	Health
Agency:	Disease Control and Prevention, Health Promotion
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT 84116

Mailing address:	PO Box 142106	
City, state, zip:	Salt Lake City, UT 84114-2106	
Contact person(s):		
Name:	Phone:	Email:
Braden Ainsworth	801-538-6187	tobaccorulescomments@utah.gov
Christy Cushing	801-538-6260	tobaccorulescomments@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R384-415. Electronic Cigarette Substance Standards
3. Purpose of the new rule or reason for the change:
The proposed rule amendment to Rule R384-415 revises this rule to align with changes in Section 26-57-103, due to the passage of S.B. 1003 during the 2021 First Special Session. In addition, the Utah Department of Health (UDOH) seeks to incorporate the following additional changes related to the nicotine content in Subsection R384-415-5(1)(b), and the product quality requirements in Section R384-415-7 to address public comment concerns the UDOH received between March 15, 2021, and April 15, 2021.
4. Summary of the new rule or change:
The proposed rule amendment to Rule R384-415 revises this rule to align with changes to Section 26-57-103. These changes include replacing the word "standards" to "requirements to sell" in Section R384-415-1, adding the new definition of manufacturer sealed electronic cigarette product to Section R384-415-2, and throughout the rule replacing the term "manufacturer sealed electronic cigarette substance" with the new definition of "manufacturer sealed electronic cigarette product."
In addition, regarding the nicotine content limit change in Subsection R384-415-5(1)(b), the proposed rule amendment would prohibit a tobacco retailer from selling a manufacturer sealed electronic cigarette product with a nicotine concentration that is greater than 3% nicotine by weight per container, or exceeds a 36mg/mL concentration of nicotine effective September 1, 2021, allowing retailers two and a half months' time to anticipate the change, as it is very likely Utah tobacco retailers may avoid restocking their electronic cigarette product inventory by September 1, 2021, in anticipation of the U.S. Food and Drug Administration's (FDA) prohibition of electronic nicotine delivery systems (ENDS) and other deemed products on the market without premarket authorization of the sale under 21 U.S.C. 387j(c)(1)(A)(i), 21 U.S.C. 387j(a)(2)(A)(i), or 21 U.S.C. 387j(a)(2)(A)(ii), that is anticipated to be effective September 9, 2021.

Lastly, the proposed amendments in Section R384-415-7 are consistent in aligning with federal law requirements, and removes the 09/09/2021 date, as the FDA published a perspective in February 2021 noting their progress reviewing electronic cigarette product Premarket Tobacco Product Applications (PMTA), mentioning they may need additional time beyond the 09/09/2021 date to complete this process. On May 20, 2021, the FDA published an updated perspective, posting lists identifying over 6,000,000 products where a premarket application was submitted to FDA by 09/09/2020 via the PMTA process, allowing Utah's enforcement agencies the ability to research products with pending PMTA applications.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

Enactment of this proposed rule amendment is not expected to have any fiscal costs to the state budget, as existing allocated resources can cover an increase for Quit Line cessation services.

There are costs to Utahns who use electronic cigarettes, especially to those who use them now during the COVID-19 pandemic. An electronic cigarette product with a higher concentration of nicotine has a greater likelihood of being more addictive. Utahns who are addicted to nicotine products and want to quit are more likely to need tobacco cessation services to be able to quit successfully.

Currently, tobacco cessation services are provided by the UDOH through the state tobacco quit line and through quit services covered by health insurance plans. The continued sale of addictive products results in higher cost to the state tobacco quit line and health insurance companies to cover treatment for nicotine dependence.

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

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

(counseling calls, text messaging, email support, NRT) is \$300.

The Utah Department of Health Tobacco Prevention and Control Program's independent evaluator, Research Institute Triangle (RTI), states: "Simply because 5% nicotine makes up nearly 70% of sales, it does not mean that removing 5% nicotine products would result in a 70% drop in overall sales. Undoubtedly a very high percentage of regular/addicted users would either convert to the 3% (UDOH suspects this would be the vast majority, as many users are brand-loyal and would likely stick with their brand at the lower level rather than switch) or shop exclusively in vape shops for open systems (mods). Some percentage would possibly attempt to quit altogether, and some (likely a small) number might switch to cigarettes or smokeless (unintended consequence).

As this change has never been made however, there is no direct way of estimating that. There likely are ways to use simulation models to predict indirectly what the impact might be, but those would necessarily be based on many assumptions, likely drawn from other product types." In Utah, an estimated 30,000 youth currently use electronic cigarette products (12.4%). 44.5% of U.S. adolescents who vape are seriously interested in quitting, and 24.9% tried to quit in the past year (Smith, 2020). As a result of enactment of this proposed rule amendment, to hypothetically provide tobacco cessation services to 44.5% of Utah youth who vape (13,350) would cost Utah an estimated \$3,600,000. To hypothetically provide tobacco cessation services to 50% of young adults who vape (ages 18-34) (~55,000) would cost Utah an estimated \$16,600,000.

Effective 09/01/2021, the proposed rule amendment prohibits a tobacco retailer that sells a manufacturer sealed electronic cigarette product from selling a manufacturer sealed electronic cigarette product with a nicotine concentration higher than 3% nicotine by weight per container, or exceeding a 36mg/mL concentration of nicotine. An electronic cigarette product with a higher concentration of nicotine has a greater likelihood of being more addictive, being that "the amount of nicotine delivered and the way in which it is delivered influences the addictiveness of a tobacco product" (Eaton DL et al., 2018; HHS, 2010b). Reducing the nicotine content in electronic cigarette products sold in Utah can aid in preventing youth and adult initiation of electronic cigarette products among Utahans who do not already smoke or vape. Electronic cigarette product use is more popular among Utah youth than all other tobacco products combined, therefore limiting youth access to highly addictive electronic cigarette products is critical for preventing a new epidemic of nicotine addiction.

Lastly, removing the 09/09/2021 date in Subsection R384-415-7(2) will have no fiscal impact to the state budget.

B) Local governments:

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

Lastly, removing the 09/09/2021 date in Subsection R384-415-7(2) will have no fiscal impact to the local governments, and the FDA published a perspective dated 05/20/2021 identifies over 6,000,000 products where a PMTA application was submitted to the FDA by 09/09/2020 via the PMTA process, allowing Utah's enforcement agencies the ability to research products with pending PMTA applications.

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

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

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

Effective 09/01/2021, the proposed rule amendment prohibits a tobacco retailer that sells a manufacturer sealed electronic cigarette product from selling a manufacturer sealed electronic cigarette product with a

nicotine concentration higher than 3% nicotine by weight per container or exceeding a 36mg/mL concentration of nicotine. Only tobacco retailers that currently sell manufacturer sealed electronic cigarette products with a higher nicotine concentration may experience a direct fiscal impact.

The two and a half months' notice of the nicotine content limit from 5% nicotine by weight per container, or 59mg/mL concentration of nicotine to equal to or less than 3% nicotine by weight per container or that do not exceed a 36mg/mL concentration of nicotine may reduce the direct fiscal cost impact on tobacco retailers. The two and a half months' time allows for tobacco retailers that sell manufacturer sealed electronic cigarette products with a nicotine concentration higher than 3% nicotine by weight per container, or exceeds a 36mg/mL concentration of nicotine to sell their current inventory of manufacturer sealed electronic cigarette products with a nicotine concentration of 5% nicotine by weight per container, or exceeds a 59mg/mL concentration of nicotine and avoid restocking these products before 09/01/2021. It is very likely Utah tobacco retailers may avoid restocking their electronic cigarette product inventory by 09/01/2021 in anticipation of the FDA's prohibition of ENDS and other deemed products on the market without premarket authorization of the sale of under 21 U.S.C. 387j(c)(1)(A)(i), 21 U.S.C. 387j(a)(2)(A)(i), or 21 U.S.C. 387j(a)(2)(A)(ii), that is anticipated to be effective 09/09/2021.

According to Statista's E-cigarette market share in the United States in 2020, by brand, 09/04/2020 report, five electronic cigarette manufacturer brands account for 97% of the U.S. market share: Juul (42%), Vuse (36%), blu (9%), Logic (8%) and Njoy (2%). Some of these electronic cigarette brands sell products with a nicotine concentration that is more than 3% nicotine by weight or 36mg/mL concentration of nicotine. Nevertheless, all these brands also offer electronic cigarette products with less than a 3% nicotine by weight per container or 36 mg/mL concentration of nicotine. Since August 2019, disposable prefilled electronic cigarettes that have risen in popularity. A variety of disposable prefilled electronic cigarettes brands offer their products with nicotine concentrations equal to or less than 3% nicotine by weight per container or 36 mg/mL concentration of nicotine, including Puff Bar, Dinner Lady, Zaero Vape, Cali Bar, and Twst Disposable. Utah tobacco retailers that sell manufacturer sealed electronic cigarette products will continue to have the option to sell manufacturer sealed electronic cigarette products with a nicotine concentration equal to or less than 5% nicotine by weight per container, or that do not exceed a 59mg/mL concentration of nicotine until 09/01/2021, when Utah tobacco retailers will be required to only sell manufacturer sealed electronic cigarette products with a nicotine concentration equal to or less than 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine.

As indicated, the five electronic cigarette manufacturer brands listed above all offer manufacturer sealed electronic cigarette products that meet this 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine concentration requirement and there are also several popular disposable prefilled electronic cigarette brands that offer their products with nicotine concentrations that meet this 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine requirement.

The Utah Department of Health Tobacco Prevention and Control Program's independent evaluator, Research Institute Triangle (RTI), states: "Simply because 5% nicotine makes up nearly 70% of sales, it does not mean that removing 5% nicotine products would result in a 70% drop in overall sales. Undoubtedly a very high percentage of regular/addicted users would either convert to the 3% (UDOH suspects this would be the vast majority, as many users are brand-loyal and would likely stick with their brand at the lower level rather than switch) or shop exclusively in vape shops for open systems (mods). Some percentage would possibly attempt to quit altogether, and some (likely a small) number might switch to cigarettes or smokeless (unintended consequence). As this change has never been made however, there is no direct way of estimating that. There likely are ways to use simulation models to predict indirectly what the impact might be, but those would necessarily be based on many assumptions, likely drawn from other product types."

Lastly, removing the 09/09/2021 date in Subsection R384-415-7(2) will have a positive direct fiscal impact on small businesses that sell manufacturer-sealed electronic cigarette products, as these retailers may be allowed to continue to sell electronic cigarette products that comply with other sections of the proposed rule amendment and are pending review by the FDA under their PMTA process, should it take longer than 09/09/2021 to complete. FDA published a perspective dated 05/20/2021, that identifies over 6,000,000 products where a PMTA application was submitted to FDA by 09/09/2020 via the PMTA process, allowing Utah's enforcement agencies the ability to research products with pending PMTA applications.

The indirect costs to small businesses are unknown and difficult to determine, as the potential impact is unknown. UDOH does not know how many of these 1,175 small businesses choose to sell manufacturer sealed electronic cigarette products with nicotine concentrations higher than 3% by weight per container or exceed 36 mg/mL concentration of nicotine.

Similarly removing the 09/09/2021 date in Subsection R384-415-7(2) will have a positive direct fiscal impact to small businesses, as these retailers may be allowed to continue to sell electronic cigarette products that comply with other sections of the proposed rule pending review by the FDA under their PMTA process, should it take longer than 09/09/2021 to complete.

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

The rule amendment may result in a direct cost to non-small businesses that employ more than 50 employees and choose to sell manufacturer sealed electronic cigarette products. The rule amendment may result in a direct fiscal cost to non-small businesses that sell manufacturer sealed electronic cigarette products among other products they choose to sell include (445120) convenience stores, (447110) gas stations with convenience stores, (445110) supermarkets and other grocery stores, (452319) general merchandise and discount stores, (447190) other gasoline stations, and (453220) gift, novelty, and souvenir stores.

A review of UDOH combined local health department tobacco retail compliance check logs for fiscal year 2020 and cross-referenced with DWS Firm Find Data, shows that there are approximately 208 non-small businesses that sell some type of electronic cigarette products in Utah, or approximately 12% of Utah tobacco retailers. UDOH does not know how many of these 208 non-small businesses sell manufacturer sealed electronic cigarette products with nicotine concentrations higher 3% by weight per container or exceed 36 mg/mL concentration of nicotine. Approximately 164 non-small business tobacco retailers, or approximately 9.6%, choose to not sell any electronic cigarette products and these businesses will not be affected by this rule amendment.

Effective 09/01/2021, the proposed rule amendment prohibits a tobacco retailer that sells a manufacturer sealed electronic cigarette product from selling a manufacturer sealed electronic cigarette product with a nicotine concentration higher than 3% nicotine by weight per container or exceeding a 36mg/mL concentration of nicotine. Only tobacco retailers that currently sell manufacturer sealed electronic cigarette products with a higher nicotine concentration may experience a direct fiscal impact.

The two and a half months' notice of the nicotine content limit from 5% nicotine by weight per container, or 59mg/mL concentration of nicotine to equal to or less than 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine may reduce the direct fiscal cost impact on tobacco retailers. The two and a half months' time allows for tobacco retailers that sell manufacturer sealed electronic cigarette products with a nicotine concentration higher than 3% nicotine by weight per container, or exceeds a 36mg/mL concentration of nicotine to sell their current inventory of manufacturer sealed electronic cigarette products with a nicotine concentration of 5% nicotine by weight per container, or exceeds a 59mg/mL concentration of nicotine and avoid restocking these products before 09/01/2021. It is very likely Utah tobacco retailers may avoid restocking their electronic cigarette product inventory by 09/01/2021 in anticipation of the FDA's prohibition of ENDS and other deemed products on the market without premarket authorization of the sale of un under 21 U.S.C. 387j(c)(1)(A)(i), 21 U.S.C. 387j(a)(2)(A)(i), or 21 U.S.C.

387j(a)(2)(A)(ii), that is anticipated to be effective 09/09/2021.

According to Statista's E-cigarette market share in the United States in 2020, by brand, 09/04/2020 report, five electronic cigarette manufacturer brands account for 97% of the U.S. market share: Juul (42%), Vuse (36%), blu (9%), Logic (8%) and Njoy (2%). Some of these electronic cigarette brands sell products with a nicotine concentration that is more than 3% nicotine by weight or 36mg/mL concentration of nicotine. Nevertheless, all these brands also offer electronic cigarette products with less than a 3% nicotine by weight per container or 36 mg/mL concentration of nicotine. Since August 2019, disposable prefilled electronic cigarettes have risen in popularity. A variety of disposable prefilled electronic cigarettes brands offer their products with nicotine concentrations equal to or less than 3% nicotine by weight per container or 36 mg/mL concentration of nicotine, including Puff Bar, Dinner Lady, Zaero Vape, Cali Bar, and Twst Disposable. Utah tobacco retailers that sell manufacturer sealed electronic cigarette products will continue to have the option to sell manufacturer sealed electronic cigarette products with a nicotine concentration equal to or less than 5% nicotine by weight per container, or that do not exceed a 59mg/mL concentration of nicotine until 09/01/2021, when Utah tobacco retailers will be required to only sell manufacturer sealed electronic cigarette products with a nicotine concentration equal to or less than 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine.

As indicated, the five electronic cigarette manufacturer brands listed above all offer manufacturer sealed electronic cigarette products that meet this 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine concentration requirement and there are also several popular disposable prefilled electronic cigarette brands that offer their products with nicotine concentrations that meet this 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine requirement.

The Utah Department of Health Tobacco Prevention and Control Program's independent evaluator, Research Institute Triangle (RTI), states: "Simply because 5% nicotine makes up nearly 70% of sales, it does not mean that removing 5% nicotine products would result in a 70% drop in overall sales. Undoubtedly a very high percentage of regular/addicted users would either convert to the 3% (we suspect this would be the vast majority, as many users are brand-loyal and would likely stick with their brand at the lower level rather than switch) or shop exclusively in vape shops for open systems (mods). Some percentage would possibly attempt to quit altogether, and some (likely a small) number might switch to cigarettes or smokeless (unintended consequence). As this change has never been made however, there is no direct way of estimating that. There likely are ways to use simulation models to predict indirectly what the impact might be, but those would necessarily be based on many assumptions, likely drawn from other product types."

Lastly, removing the 09/09/2021 date in Subsection R384-415-7(2) will have a positive direct fiscal impact on small businesses that sell manufacturer-sealed electronic cigarette products, as these retailers may be allowed to continue to sell product pending review by the FDA under their PMTA process, should it take longer than 09/09/2021 to complete. FDA published a perspective dated 05/20/2021, that identifies over 6,000,000 products where a PMTA application was submitted to FDA by 09/09/2020 via the PMTA process, allowing Utah's enforcement agencies the ability to research products with pending PMTA applications.

The indirect costs to non-small businesses are unknown and difficult to determine, as the potential impact is unknown. UDOH does not know how many of these 208 non-small businesses choose to sell manufacturer sealed electronic cigarette products with nicotine concentrations higher 3% by weight per container or exceed 36 mg/mL concentration of nicotine. Similarly removing the 09/09/2021 date in Subsection R384-415-7(2) will have a positive direct fiscal impact to non-small businesses, as these retailers may be allowed to continue to sell electronic cigarette products that comply with other sections of the proposed rule pending review by the FDA under their PMTA process, should it take longer than 09/09/2021 to complete.

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 proposed rule amendment to Rule R384-415 may result in an indirect cost or indirect benefit to persons, which can include both consumers who buy electronic cigarette products and individuals who work for small businesses or non-small businesses that sell electronic cigarette products. The indirect costs or indirect benefits to persons is unknown and difficult to determine, as the potential impact on consumers is unknown as they could choose to vape electronic cigarettes with a lower nicotine concentration, or they may choose to quit using electronic cigarettes as a result of enactment of this proposed rule amendment.

Likewise, the indirect costs or indirect benefits to persons employed at tobacco retail businesses is unknown and it is difficult to determine the impact on individual tobacco retail employees, who may be employed at either small businesses or non-small businesses which could be impacted as already indicated in 5C and 5D above, as a result of enactment of this proposed rule amendment.

Lastly, removing the 09/09/2021 date in Subsection R384-415-7(2) will have a positive direct fiscal impact to persons, as these retailers may be allowed to continue to sell electronic cigarette products that comply with other sections of the proposed rule pending review by the FDA under their PMTA process, should it take longer than 09/09/2021 to complete.

F) Compliance costs for affected persons:

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

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:

The proposed rule amendment may result in a direct cost to businesses that sell manufacturer sealed electronic cigarette products and to businesses that primarily rely on the sale of tobacco products.

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):

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

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

A) Comments will be accepted until: 07/15/2021

10. This rule change MAY become effective on: 07/22/2021

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:	06/01/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R429-1	Filing No. 53439

Agency Information

1. Department:	Health	
Agency:	Patient Safety Program	
Room no.:	106	
Building:	Cannon	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO 144004	
City, state, zip:	Salt Lake City, UT 84114-4004	
Contact person(s):		
Name:	Phone:	Email:
Carl Letamendi	801-538-7072	cletamendi@utah.gov
Stephanie Saperstein	801-538-6430	stephaniesaperstein@utah.gov
Mike Martin	801-538-9205	mikemartin@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R429-1. Patient Safety Surveillance and Improvement Program (PSSIP)
3. Purpose of the new rule or reason for the change:
This rule and its requirements existed under Rule R380-200 and is now being moved under the new Title R429. Rule R429-1 is a new rule that has been renumbered to align more appropriately with current, rule ownership within the Utah Department of Health (UDOH). Rule R429-1 has been updated to comply with rulewriting manual standards. Also, penalty language in Rule R429-1 has been updated for consistency with current statute. (EDITOR'S NOTE: The proposed repeal of Rule R380-200 is under Filing No. 53445 in this issue, June 15, 2021, of the Bulletin.)
4. Summary of the new rule or change:
This new, renumbered rule enforces a Patient Safety Surveillance and Improvement program (PSSIP) requiring certain health care facilities to report patient safety events specified therein; also, an annual statewide report summarizing past-year results is required in March of each year. Data is used by UDOH to understand patterns of failures, identify and implement state-wide improvement

interventions, and evaluate state-wide interventions for improved outcomes.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule iterates forward requirements of a repealed rule that is being renumbered. UDOH determines enactment of this rule will not create any cost or savings impact to the state budget or UDOH's budget, since the renumbered rule will not increase workload and can be carried out with existing budget.
B) Local governments:
This filing does not create any direct cost or savings impact to local governments since they are not directly affected by this rule; nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There will be no fiscal impact to small businesses because all requirements outlined in this rule still exist. The requirements have been moved from a different title and rule.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There will be no fiscal impact to non-small businesses because all requirements outlined in this rule still exist. The requirements have been moved from a different title and rule.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
There will be no fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities because all requirements outlined in this rule still exist. The requirements have been moved from a different title and rule.
F) Compliance costs for affected persons:
There will be no fiscal impact to affected persons because all requirements outlined in this rule still exist. The requirements have been moved from a different title and rule.

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

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
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, Rich 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 on businesses because there are no additional requirements.			
B) Name and title of department head commenting on the fiscal impacts:			
Rich 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):

Subsection 26-1-30(3)	Subsection 26-1-30(4)	Subsection 26-1-30(6)
Subsection 26-1-30(7)	Subsection 26-1-30(8)	Subsection 26-1-30(9)
Section 26-3-7	Section 26-3-8	

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: 07/15/2021

10. This rule change MAY become effective on: 07/22/2021

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:	Rich Saunders, Executive Director	Date:	04/23/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R429-2	Filing No.	53440
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Agency Information

1. Department:	Health
Agency:	Patient Safety Program
Room no.:	106
Building:	Cannon
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT 84116
Mailing address:	PO 144004
City, state, zip:	Salt Lake City, UT 84114-4004

Contact person(s):		
Name:	Phone:	Email:
Carl Letamendi	801-538-7072	cletamendi@utah.gov
Stephanie Saperstein	801-538-6430	stephaniesaperstein@utah.gov
Mike Martin	801-538-9205	mikemartin@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R429-2. Health Care Facility Patient Safety Program
3. Purpose of the new rule or reason for the change:
This rule and its requirements existed under Rule R380-210 and is now being moved under the new Title R429. Rule R429-2 is a new rule that has been renumbered to align more appropriately with current, rule ownership within the Utah Department of Health (UDOH). Rule R429-2 has been updated to comply with rulewriting manual standards. Also, penalty language in Rule R429-2 has been updated for consistency with current statute. (EDITOR'S NOTE: The proposed repeal of Rule R380-210 is under Filing No. 53444 in this issue, June 15, 2021, of the Bulletin.)
4. Summary of the new rule or change:
This new, renumbered rule establishes the requirement for designated facilities to have a patient safety program and have in place effective internal patient safety processes for specified problems. The reporting under this rule will also help UDOH and health care providers understand patterns of system failures in the health care delivery system and, where appropriate, recommend statewide improvements to reduce the incidence of patient injuries.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule iterates forward requirements of a repealed rule that is being renumbered. The UDOH determines enactment of this rule will not create any cost or savings impact to the state budget or UDOH's budget, since the renumbered rule will not increase workload and can be carried out with existing budget.
B) Local governments:
This filing does not create any direct cost or savings impact to local governments since they are not directly affected by this rule; nor are local governments indirectly impacted

because this rule does not create a situation requiring services from local governments.

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

There will be no fiscal impact to small businesses because all requirements outlined in this rule still exist. The requirements have been moved from a different title and rule.

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

There will be no fiscal impact to non-small businesses because all requirements outlined in this rule still exist. The requirements have been moved from a different title and rule.

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

There will be no fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities because all requirements outlined in this rule still exist. The requirements have been moved from a different title and rule.

F) Compliance costs for affected persons:

There will be no fiscal impact to affected persons because all requirements outlined in this rule still exist. The requirements have been moved from a different title and rule.

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

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
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, Rich 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 on businesses because there are no additional requirements.

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

Rich 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):

Subsection 26-1-30(3)	Subsection 26-1-30(4)	Subsection 26-1-30(6)
Subsection 26-1-30(7)	Subsection 26-1-30(8)	Subsection 26-1-30(9)
Section 26-3-7	Section 26-3-8	

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: 07/15/2021

10. This rule change MAY become effective on:	07/22/2021
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:	Rich Saunders, Executive Director	Date:	04/23/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R429-3	Filing No. 53441

Agency Information

1. Department:	Health	
Agency:	Patient Safety Program	
Room no.:	106	
Building:	Cannon	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO 144004	
City, state, zip:	Salt Lake City, UT 84114-4004	
Contact person(s):		
Name:	Phone:	Email:
Carl Letamendi	801-538-7072	cletamendi@utah.gov
Stephanie Saperstein	801-538-6430	stephaniesaperstein@utah.gov
Mike Martin	801-538-9205	mikemartin@utah.gov

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

General Information

2. Rule or section catchline:
R429-3. Adverse Events from the Administration of Sedation or Anesthesia; Recording and Reporting

3. Purpose of the new rule or reason for the change:
 This rule and its requirements existed under Rule R434-150 and is now being moved under the new Title R429. Rule R429-3 is a new rule that has been renumbered to align more appropriately with current, rule ownership within the Utah Department of Health (UDOH). Rule R429-3 has been updated to comply with rulewriting manual standards. Also, penalty language in Rule R429-3 has been updated for consistency with current statute. (EDITOR'S NOTE: The proposed repeal of Rule R434-150 is under Filing No. 53443 in this issue, June 15, 2021, of the Bulletin.)

4. Summary of the new rule or change:
 This new, renumbered rule establishes requirements for reporting to UDOH Anesthesia Adverse Events Database including the report of reports and what constitutes a reportable adverse event.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
 This rule iterates forward requirements of a repealed rule that is being renumbered. UDOH determines enactment of this rule will not create any cost or savings impact to the state budget or UDOH's budget, since the renumbered rule will not increase workload and can be carried out with existing budget.

B) Local governments:
 This filing does not create any direct cost or savings impact to local governments since they are not directly affected by this rule; nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):
 There will be no fiscal impact to small businesses because all requirements outlined in this rule still exist. The requirements have been moved from a different title and rule.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 There will be no fiscal impact to non-small businesses because all requirements outlined in this rule still exist. The requirements have been moved from a different title and rule.

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

There will be no fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities because all requirements outlined in this rule still exist. The requirements have been moved from a different title and rule.

F) Compliance costs for affected persons:
 There will be no fiscal impact to affected persons because all requirements outlined in this rule still exist. The requirements have been moved from a different title and rule.

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

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
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, Rich 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 on businesses because there are no additional requirements.

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

Rich 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 26-1-40	Section 26-3-7	
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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:	07/15/2021
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10. This rule change MAY become effective on:	07/22/2021
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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:	Rich Saunders, Executive Director	Date:	04/23/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R434-150	Filing No. 53443

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Primary Care and Rural Health	
Room no.:	106	
Building:	Cannon	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144004	
City, state, zip:	Salt Lake City, UT 84114-4004	
Contact person(s):		
Name:	Phone:	Email:
Carl Letamendi	801-538-7072	cletamendi@utah.gov
Stephanie Saperstein	801-538-6430	stephaniesaperstein@utah.gov
Mike Martin	801-538-9205	mikemartin@utah.gov

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

General Information

2. Rule or section catchline:
R434-150. Adverse Events from the Administration of Sedation or Anesthesia; Recording and Reporting

3. Purpose of the new rule or reason for the change:
This rule is being renumbered and also moved under a new title to better identify ownership of the Patient Safety Surveillance and Improvement program (PSSIP) within the Utah Department of Health (UDOH).

4. Summary of the new rule or change:
Rule R434-150 is being repealed and then recreated within the new Title R429 under a separate filing. Rule R434-150 can be repealed without any effect on work currently performed by the UDOH. Therefore, this rule is no longer needed and is repealed in its entirety. (EDITOR'S NOTE: The proposed new Rule R429-3 is under Filing No. 53441 in this issue, June 15, 2021, of the Bulletin.)

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There will be no fiscal impact to state budget because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.

B) Local governments:			
There will be no fiscal impact to local governments because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There will be no fiscal impact to small businesses because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There will be no fiscal impact to non-small businesses because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
There will be no fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities because all requirements outlined in the rule will still exist, they are only being moved to a different title.			
F) Compliance costs for affected persons:			
There will be no fiscal impact to affected persons because all requirements outlined in this rule will still exist. The requirements are only being moved to a different title and rule.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
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, Rich 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 on businesses because there are no additional requirements.			
B) Name and title of department head commenting on the fiscal impacts:			
Rich 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 26-1-40		

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:	07/15/2021

10. This rule change MAY become effective on:	07/22/2021
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:	Rich Saunders, Executive Director	Date:	04/23/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R698-8	Filing No. 53556

Agency Information

1. Department:	Public Safety	
Agency:	Administration	
Building:	Calvin Rampton Complex	
Street address:	4501 S 2700 W First Floor	
City, state:	Salt Lake City, UT 84119-5994	
Mailing address:	PO Box 141775	
City, state, zip:	Salt Lake City, UT 84114-1775	
Contact person(s):		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R698-8. Local Public Safety and Firefighter Surviving Spouse Trust Fund
3. Purpose of the new rule or reason for the change:
These changes are being made as a result of an internal review of this rule. It was determined that requiring an agency to identify the number of eligible employees on 03/31/2017 when they are making a current election to participate in the trust fund does not make sense. The "certificate of eligible employees" form should reflect the number of eligible employees at the time the agency elects to participate.

In addition, it has been problematic to provide notice of delinquency in premium payments to the individual who signed the cost sharing agreement in some cases where an individual has vacated their position. It was determined that the notice should be provided to the agency rather than to a specific individual in order to facilitate communication and ensure that agencies are able to make delinquent payments as quickly as possible so they may continue with participation in the trust fund.

4. Summary of the new rule or change:

In Section R698-8-4, the date of 03/31/2017 is being removed, and the language is being changed to clarify that if an employer elects to participate in the trust fund, the certificate of eligible employees form should reflect the number of eligible employees as of the date the employer elects to participate rather than as of 03/31/2017.

In Section R698-8-5, if a participating agency becomes delinquent in their premium payments, the language change reflects that notice will be provided to the "participating agency" rather than the individual who signed the agreement. There have been circumstances where the individual who signed the agreement has vacated their position, which has caused difficulty in getting the notice to the correct individual. The Department of Public Safety (DPS) anticipates that this will facilitate the communication reaching the appropriate individual so that the situation can be resolved in a timely manner and the agency will remain covered by the trust fund.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

DPS does not anticipate any costs or savings to the state budget as a result of this rule change. The changes only clarify the date that the certificate of eligible employees should reflect and that the participating agency, rather than a single individual, will be notified of a delinquency in premium payments.

B) Local governments:

DPS does not anticipate any costs or savings to local governments as a result of this rule change. The changes only clarify the date that the certificate of eligible employees should reflect and that the participating agency, rather than a single individual, will be notified of a delinquency in premium payments.

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

DPS does not anticipate any costs or savings to small businesses as a result of this rule change. The changes only clarify the date that the certificate of eligible employees should reflect and that the participating agency, rather than a single individual, will be notified of a delinquency in premium payments.

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

DPS does not anticipate any costs or savings to non-small businesses as a result of this rule change. The changes only clarify the date that the certificate of eligible employees should reflect and that the participating agency, rather than a single individual, will be notified of a delinquency in premium payments.

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**):

DPS does not anticipate any costs or savings to persons other than small businesses, non-small businesses, state, or local government entities as a result of this rule change. The changes only clarify the date that the certificate of eligible employees should reflect and that the participating agency, rather than a single individual, will be notified of a delinquency in premium payments.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The changes only clarify the date that the certificate of eligible employees should reflect and that the participating agency, rather than a single individual, will be notified of a delinquency in premium payments.

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 Public Safety, Jess L. Anderson, has reviewed and approved this fiscal analysis.

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

This rule change will not have a fiscal impact on businesses. This rule addresses participation in the line of duty death trust fund, which is only available to local law enforcement and fire entities and does not affect businesses. In addition, the changes are technical in nature and will not result in any fiscal impact to those affected by the rule.

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

Jess L. Anderson, Commissioner

Citation Information

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

Section 53-17-301

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:	07/15/2021
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10. This rule change MAY become effective on:	07/22/2021
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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:	Jess L. Anderson, Commissioner	Date:	05/27/2021
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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.):	R23-25	Filing No. 50037

Agency Information

1. Department:	Administrative Services	
Agency:	Facilities Construction and Management	
Room no.:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state, zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141160	
City, state, zip:	Salt Lake City, UT 84114-1160	
Contact person(s):		
Name:	Phone:	Email:
Jim Russell	801-957-7191	jimrussell@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R23-25. Administrative Rules Adjudicative Proceedings
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 enacted under Subsection 36A-5b-305(2)(c). This Title 36A, Chapter 5b, allows the Division of Facilities Construction and Management (DFCM) or its director to make rules necessary to perform their duties.

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 for this rule during and since this rule's last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R23-25 is necessary for DFCM to comply with the Utah Administrative Procedures Act, Section 63G-4-101 et seq. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	James R. Russell, DFCM Director	Date:	05/26/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R23-31	Filing No. 50036

Agency Information

1. Department:	Administrative Services		
Agency:	Facilities Construction and Management		
Room no.:	Third Floor		
Building:	Taylorsville State Office Building		
Street address:	4315 S 2700 W		
City, state, zip:	Taylorsville, UT 84129-2128		
Mailing address:	PO Box 141160		
City, state, zip:	Salt Lake City, UT 84114-1160		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact person(s):		
Name:	Phone:	Email:
Jim Russell	801-957-7191	jimrussell@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R23-31. Executive Residence Commission
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 enacted under Subsection 36A-5b-305(2)(c). This Title 36A, Chapter 5b, allows the Division of Facilities Construction and Management (DFCM) or its director to make rules necessary to perform their duties.
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 for this rule during and since this rule's last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R23-31 is necessary for DFCM to fulfill its obligations with respect to the executive residence. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	James R. Russell, DFCM Director	Date:	05/26/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R156-15a	Filing No. 52708

Agency Information

1. Department:	Commerce
Agency:	Occupational and Professional Licensing
Building:	Heber M. Wells Building
Street address:	160 E 300 S
City, state, zip:	Salt Lake City, UT 84111-2316

Mailing address:	PO Box 146741	
City, state, zip:	Salt Lake City, UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Steve Duncombe	801-530-6235	sduncombe@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R156-15a. State Construction Code Administration and Adoption of Approved State Construction Code 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:
Title 15A, Chapter 1, provides a number of duties to be performed by the Division of Occupational and Professional Licensing (Division) in conjunction with the Uniform Building Code Commission, which includes establishing rules for the following: Subsection 15A-1-203(11)(a) establishing the Unified Code Council; Subsection 15A-1-204(6)(b) adopting approved codes; Section 15A-1-206 adopting a code amendment review process; Subsection 15A-1-209(3)(a) adopting a standardized building permit form; and Subsection 15A-1-306(1)(f) adopting continuing education requirements for manufactured housing installer contractors.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
Since this rule was last reviewed in June 2016, several proposed rule filings have been filed by the Division. However, no written comments have been received by the Division with respect 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:
This rule should be continued as it provides a mechanism for the Division and the Uniform Building Code Commission to perform duties assigned to them as provided in Title 15A. This rule should also be continued as it provides information to persons participating in the construction industry about approved codes, methods of presenting code amendments for consideration, information about the appeal process for challenges to code enforcement, and information about standardized building permit forms.

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Director	Date:	02/02/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R156-54	Filing No. 50281

Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state, zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state, zip:	Salt Lake City, UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Jana Johansen	801-530-6621	janajohansen@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R156-54. Radiologic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act 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:
Title 58, Chapter 54, provides for the licensure and regulation of radiologic technologists, radiologist assistants, and radiology practical technicians. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-1-202(1)(a) provides that the Radiologic Technologist Licensing Board's duties, functions, and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 54, with respect to radiologic technologists, radiologist assistants, and radiology practical technicians.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

Since this rule was last reviewed in June 2016, this rule has now been amended. Thus, the Division has received no written comments with respect 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:

This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 54. This rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Director	Date:	01/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R495-876	Filing No. 51169

Agency Information

1. Department:	Human Services	
Agency:	Administration	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R495-876. Provider Code of Conduct
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-1-111 authorizes the Department to "adopt rules, not inconsistent with law, as the department may consider necessary or desirable for providing social

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

services to the people of this state." This rule establishes a provider code of conduct to "protect its clients from abuse, neglect, maltreatment and exploitation, and clarify the expectation of conduct for Department of Human Services (DHS) Providers and their employees and volunteers who interact in any way with DHS clients, DHS staff, and the public."

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

No written comments were received.

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

The continuation of this rule is essential to meet the requirements of Section 62A-1-111 and to establish the provider code of conduct to "protect its clients from abuse, neglect, maltreatment and exploitation, and clarify the expectation of conduct for DHS Providers and their employees and volunteers who interact in any way with DHS clients, DHS staff, and the public."

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-4a-905 requires the Department shall "by rule, establish in each region at least one advisory committee to review and make recommendations to the division on individual requests for supplemental adoption assistance."

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

No written comments were received.

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

The continuation of this rule is essential to meet the requirements of Section 62A-4a-905 as this establishes the advisory committee in rule and references this rule that establishes a threshold amount for requests for supplemental adoption assistance that require review from the committee.

Agency Authorization Information

Agency head or designee, and title:	Nate Checketts, Deputy Director	Date:	05/28/2021
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Agency Authorization Information

Agency head or designee, and title:	Nate Checketts, Deputy Director	Date:	05/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R495-880	Filing No. 51176

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R661-9	Filing No. 52701

Agency Information

1. Department:	Human Services	
Agency:	Administration	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

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:
Maurly Bergman	435-678-1461	mbergman@utah.gov
Tony Dayish	435-678-1468	tdayish@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R495-880. Adoption Assistance

General Information

2. Rule catchline:
R661-9. Utah Navajo Trust Fund Public Facility Projects
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Statutory provisions are under Subsection 51-10-205(4): The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditure of fund money.
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 since the last five-year review of this rule from interested persons.
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 it enables the Utah Navajo Trust Fund to fund in part or in its entirety public facilities such as chapter houses, warehouses, multi-purpose buildings, senior centers, wellness or recreational facilities, day care centers, etc. No negative comments have been received from the public regarding the funding of public facilities.

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	05/20/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R661-10	Filing No. 52702

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:
Maury Bergman	435-678-1461	mbergman@utah.gov

Tony Dayish	435-678-1468	tdayish@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R661-10. Utah Navajo Trust Fund Short-Term Training Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Statutory provisions are under Subsection 51-10-205(4): The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditure of fund money.
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 since the last five-year review of this rule from interested persons.
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 it enables the Utah Navajo Trust Fund to fund short term training programs for Utah Navajos such as Commercial Driver's Licenses, Heavy Equipment Operator's License and Welders Certificates etc. No negative comments have been received from the public regarding the funding of public facilities.

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	05/20/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R661-11	Filing No. 51793

Agency Information

1. Department:	Navajo Trust Fund
Agency:	Trustees
Street address:	151 E 500 N
City, state, zip:	Blanding, UT 84511

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact person(s):		
Name:	Phone:	Email:
Maury Bergman	435-678-1461	mbergman@utah.gov
Tony Dayish	435-678-1468	tdayish@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R661-11. Utah Navajo Trust Fund Water Development Projects Culinary and Septic Systems
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Statutory provisions are under Subsection 51-10-205(4): The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditure of fund money.
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 since the last five-year review of this rule from interested persons.
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 it enables the Utah Navajo Trust Fund to fund individuals and entities for Water Development Projects, culinary and septic leach field development, and development of wells for culinary, agricultural, or livestock water systems. No comments in opposition have been received.

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	05/20/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R661-12	Filing No. 51802

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:
Maury Bergman	435-678-1461	mbergman@utah.gov
Tony Dayish	435-678-1468	tdayish@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R661-12. Utah Navajo Trust Fund Homesite Lease Assistance Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Statutory provisions are under Subsection 51-10-205(4): The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditure of fund money.
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 since the last five-year review of this rule from interested persons.
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 it enables the Utah Navajo Trust Fund to fund the costs associated with obtaining a Homesite Lease for eligible families for the purpose of building a house. No comments in opposition to this rule have been received.

Agency Authorization Information

Agency head or designee, and title:	Tony Dayish, Administrator	Date:	05/20/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R710-11	Filing No. 51910

Agency Information

1. Department:	Public Safety	
Agency:	Fire Marshal	
Street address:	410 W 9800 S, Suite 372	
City, state, zip:	Sandy, UT 84070	
Contact person(s):		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Coy Porter	801-256-2383	coyporter@utah.gov
Ted Black	801-256-2380	tblack@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R710-11. Fire Alarm System Inspecting and Testing
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 Section 53-7-204. The Utah Fire Prevention Board is created within the Division of the Fire Marshal under Section 53-7-203. The board is required under Subsection 53-7-204(1)(b) to make rules to establish standards for the prevention of fire and for the protection of life and property against fire.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments received during and since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Fire alarm systems and the maintenance and inspection of fire alarm systems are integral to ensuring life safety. This rule outlines the requirements to obtain a certificate of registration for the purposes of inspecting and testing fire alarm systems, standards, and procedural requirements for the purposes of servicing fire alarm systems, and adjudicative proceedings. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Coy Porter, State Fire Marshal	Date:	05/24/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R940-1	Filing No. 52251
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Agency Information

1. Department:	Transportation Commission	
Agency:	Administration	
Room no.:	First Floor Administration Suite	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state, zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 148455	
City, state, zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R940-1. Establishment of Toll Rates
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 72-6-118(6)(a)(i) requires the Transportation Commission (Commission) make rules that set the amount of any toll imposed or collected on a tollway on a state highway. This rule satisfies that mandate.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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 Transportation has received no written comments during and since the last five-year review of this rule from interested 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:

Subsection 72-6-118(6)(a)(i) is still in effect so the Commission must maintain this rule. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Braceras, PE, Executive Director	Date:	05/28/2021
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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.):	R450-3	Filing No. 51123

Agency Information

1. Department:	Heritage and Arts	
Agency:	Administration	
Street address:	300 S Rio Grande St	
City, state, zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Nancy Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):	
R450-3. Arts and Culture Business Alliance General Program Rules	
3. Effective Date:	05/27/2021
4. Summary:	
The five-year review and notice of continuation was not filed for this rule by the deadline. 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.

Agriculture and Food

Animal Industry

No. 53311 (Amendment) R58-21: Trichomoniasis
Published: 02/15/2021
Effective: 06/04/2021

No. 53311 (Change in Proposed Rule) R58-21:
Trichomoniasis
Published: 04/15/2021
Effective: 06/04/2021

Plant Industry

No. 53372 (Amendment) R68-27: Cannabis Cultivation
Published: 04/01/2021
Effective: 05/15/2021

Regulatory Services

No. 53379 (New Rule) R70-590: Utah Domesticated Game
Slaughter and Processing
Published: 04/15/2021
Effective: 06/04/2021

Commerce

Administration

No. 53373 (Amendment) R151-2: Government Records
Access and Management Act Rule
Published: 04/15/2021
Effective: 05/24/2021

Real Estate

No. 53376 (Amendment) R162-2f: Real Estate Licensing
and Practices Rules
Published: 05/01/2021
Effective: 06/08/2021

Education

Administration

No. 53366 (Amendment) R277-214: Utah Professional
Practices Advisory Commission Criminal Background Review
Published: 04/01/2021
Effective: 05/24/2021

No. 53368 (Repeal) R277-504: Early Childhood,
Elementary, Secondary, Special Education (K-12), and
Preschool Special Education (Birth-Age 5) Licensure
Published: 04/01/2021
Effective: 05/24/2021

No. 53369 (Repeal) R277-509: Licensure of Student
Teachers and Interns
Published: 04/01/2021
Effective: 05/24/2021

No. 53370 (Repeal) R277-511: Academic Pathway to
Teaching (APT) Level 1 License
Published: 04/01/2021
Effective: 05/24/2021

No. 53371 (Amendment) R277-617: Smart School
Technology Program
Published: 04/01/2021
Effective: 05/24/2021

Environmental Quality

Administration

No. 53378 (New Rule) R305-11: Clean Air Support
Restricted Account Grant Program New Rule
Published: 04/15/2021
Effective: 06/01/2021

NOTICES OF RULE EFFECTIVE DATES

Governor

Economic Development
No. 53418 (Amendment) R357-25: Rural Coworking and
Innovation Center Grant Program
Published: 05/01/2021
Effective: 06/08/2021

Health

Administration
No. 53290 (New Rule) R380-412: Compassionate Use
Board
Published: 02/15/2021
Effective: 06/03/2021

Disease Control and Prevention, Health Promotion
No. 53257 (Amendment) R384-415: Electronic Cigarette
Substance Standards
Published: 01/15/2021
Effective: 06/01/2021

Disease Control and Prevention, Health Promotion
No. 53257 (Change in Proposed Rule) R384-415:
Electronic Cigarette Substance Standards
Published: 03/15/2021
Effective: 06/01/2021

Health Care Financing, Coverage and Reimbursement Policy
No. 53359 (Amendment) R414-60: Limitations
Published: 04/01/2021
Effective: 05/12/2021

No. 53360 (Amendment) R414-510: Intermediate Care
Facility for Persons with Intellectual Disabilities Transition
Program and Education
Published: 04/01/2021
Effective: 05/12/2021

Center for Health Data, Vital Records and Statistics
No. 53374 (Repeal and Reenact) R436-2: Infants of
Unknown Parentage; Foundling Registration
Published: 04/15/2021
Effective: 05/26/2021

Human Services

Recovery Services
No. 53388 (Amendment) R527-250: Emancipation
Published: 04/15/2021
Effective: 05/24/2021

Insurance

Administration
No. 53271 (Amendment) R590-102: Insurance Department
Fee Payment Rule
Published: 01/15/2021
Effective: 05/24/2021

No. 53271 (Change in Proposed Rule) R590-102:
Insurance Department Fee Payment Rule
Published: 04/15/2021
Effective: 05/24/2021

Title and Escrow Commission

No. 53375 (Amendment) R592-6: Unfair Inducements and
Marketing Practices in Obtaining Title Insurance Business
Published: 04/15/2021
Effective: 05/24/2021

Natural Resources

Oil, Gas and Mining; Oil and Gas
No. 53303 (Amendment) R649-1: Oil and Gas Definitions
Published: 02/15/2021
Effective: 05/27/2021

No. 53303 (Change in Proposed Rule) R649-1: Oil and
Gas Definitions
Published: 04/15/2021
Effective: 05/27/2021

No. 53306 (Amendment) R649-10: Administrative
Procedures
Published: 02/15/2021
Effective: 05/27/2021

No. 53306 (Change in Proposed Rule) R649-10:
Administrative Procedures
Published: 04/15/2021
Effective: 05/27/2021

No. 53305 (New Rule) R649-11: Administrative Penalties
Published: 02/15/2021
Effective: 05/27/2021

No. 53305 (Change in Proposed Rule) R649-11:
Administrative Penalties
Published: 04/15/2021
Effective: 05/27/2021

Public Safety

Driver License
No. 53384 (Repeal) R708-18: Regulatory and
Administrative Fees
Published: 04/15/2021
Effective: 05/25/2021

School and Institutional Trust Lands

Administration
No. 53407 (Repeal and Reenact) R850-80: Sale of Trust
Lands
Published: 05/01/2021
Effective: 06/08/2021

End of the Notices of Rule Effective Dates Section