

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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EDITOR'S NOTES

Incorrect ID Numbers on Filings

The Office of Administrative Rules was recently made aware that there were some processing issues which resulted in filings being published with an incorrect ID number.

The filing on Rule R277-727 was published in the May 1, 2021, with an ID number of 53415. The number should have been 53417. The effective date notice published in the July 1, 2021, Bulletin was correct.

No. 53417 (New Rule) R277-727: School Meals Program

Published: 05/01/2021

Effective: 06/24/2021

Two filings were published with the same ID number in the July 1, 2021, Bulletin. The filing on Rule R311-209 had an ID number of 53586. The filing on Rule R311-212 also had the ID number of 53586. The ID number 53586 on the filing for Rule R311-209 is correct.

The filing for Rule R311-212 should have had the filing ID number of 53587. It was correct when it was filed with our Office but the number got changed by the time it was published.

The Office regrets any confusion this may have caused. Any questions can be sent to rulesonline.utah.gov.

End of the Editor's Notes 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 June 16, 2021, 12:00 a.m., and July 01, 2021, 11:59 p.m. are included in this, the July 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 August 16, 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 November 12, 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.):	R23-31	Filing ID 53609

Agency Information

1. Department:	Government Operations	
Agency:	Facilities Construction and Management	
Room no.:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141160	
City, state and 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 or section catchline:
R23-31. Executive Residence Mansion
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Section 67-1-8.1 is amended effective July 1, 2021, to substitute the Division of Facilities Construction and Management (DFCM) for the State Building Board as the entity to which the Executive Residence Committee reports. The amendment of the statute requires the amendment of this rule.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
Substitutes references to the DFCM for the State Building Board; standardizes the name of the Governor's Mansion or Residence as the Thomas Kearns Mansion; states this rule now complies with S.B. 57 passed in the 2021 General Session; corrects the authorizing statute reference to Subsection 63A-5b-305(2)(c); clarifies the definitions of the Preservation Zones; and makes minor grammatical changes. S.B. 181 passed in the 2021 General Session also legislatively mandated that the name of the Department of Administrative Services be changed to the Department of Government Operations. "Administrative

Services" has been replaced with "Government Operations" in the rule title.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
None--The rule change substitutes DFCM for the Building Board with respect to the entity that the Executive Residence Commission (ERC) reports to and modifies preservation zones at the Kearns Mansion that will not have any impact on the state budget.
B) Local governments:
None--Salt Lake County and Salt Lake City, the relevant local governments, have no jurisdiction over, management responsibility for or substantive involvement with the Kearns Mansion.
C) Small businesses ("small business" means a business employing 1-49 persons):
None--No changes in the requirements for or scope of works of third-party contractors are anticipated.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
None--No changes in the requirements for or scope of works of third-party contractors are anticipated.
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>):
None--No such entities have jurisdiction over, responsibility for the management of or substantive involvement with the Kearns Mansion.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
None--There are no impacted entities other than the Building Board, DFCM, and ERC and there will be no costs for an impacted entity to adhere to this rule change.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
There is no fiscal impact on businesses. Jenney Rees, Executive Director
6. A) 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
B) Department head approval of regulatory impact analysis:			
I approve of the fiscal analysis. Jenney Rees, Executive Director			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 63A-5b-305(2)(c)	Subsection 67-1-8.1(8)	Subsection 67-1-8.1(3)

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/16/2021

10. This rule change MAY become effective on:	08/23/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	James R. Russell, Director, DFCM	Date:	06/10/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal and Reenact			
Utah Admin. Code Ref (R no.):	R51-4	Filing ID	53652

Agency Information

1. Department:	Agriculture and Food	
Agency:	Administration	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@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:
R51-4. ADA Complaint Procedure
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The rule changes are needed to expand civil rights grievance procedures for the Department of Agriculture and Food (Department) to include violations outside of the Americans with Disabilities Act (ADA). This change is needed to make the rule consistent with recently updated Department policy.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule has been rewritten to expand the guidelines for civil rights grievance procedures handled by the Department to include violations of the Civil Rights Act, Rehabilitation Act, or Age Discrimination Act, in addition to the ADA. While the basic complaint, investigation, and appeal procedures remain the same, this rule has been rewritten for clarity and timelines have been shortened in some cases.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

These changes will not impact the state budget because grievances can generally be handled within existing budgets as was the case in the past. Because the State ADA Coordinating Committee no longer exists, this rule requires that the Commissioner be consulted if additional appropriations are needed to complete an investigation.

B) Local governments:

These changes do not impact local governments because they do not handle employee or customer grievances for the Department.

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

There are no costs or savings to small businesses because the Department does not charge any fee or pay any grievant who has alleged a civil rights violation.

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

There are no costs or savings to non-small businesses because the Department does not charge any fee or pay any grievant who has alleged a civil rights violation.

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 cost or savings to other persons because the Department does not charge any fee or pay any grievant who has alleged a civil rights violation.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons because the Department does not assess any fees or penalties as part of the civil rights complaint process.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

These rule changes will not have a fiscal impact on businesses. Craig W. Buttars, Commissioner

6. A) 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

B) 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.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 4-2-103	Section 62A-5a-101	Section 63G-3-201
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	08/16/2021
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10. This rule change MAY become effective on:	08/23/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	07/01/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R68-25	Filing ID 53641

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and 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:
R68-25. Industrial Hemp Research Pilot Program for Processors

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

Changes are necessary to update this rule to make it clearer, more consistent with other rules, allow for additional specificity in licensing, and allow the Department of Agriculture and Food (Department) to manage the industrial hemp program more effectively. Changes are also needed to clarify the definition of THC to include other THC analogs beyond Delta-9-THC to allow the Department to limit these products with these analogs, consistent with changes the Department has filed to other rules.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

Definitions are added or updated to be more consistent with statute and other rules. The THC definition is updated to include THC analogs as defined under the Utah Controlled Substances Act. General clarifications are added to this rule to make it easier to understand. Four tiers of industrial hemp licenses are created that will allow the Department to license processors based on their specific processing practices. The transportation section of this rule is updated to ensure that industrial hemp is tracked properly and to add accountability for processors. Violations are added to address issues the Department has seen with processing of raw industrial hemp concentrate.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

There would be some cost to the state budget in the second and third year because we plan to reduce licensing fees for Tier 2-4 licensees. The Department is planning to charge \$2,000 (the current fee) for a Tier 1 license, \$1,500 for Tier 2, \$1,000 for Tier 3, and \$500 for Tier 4. The Department estimates that 30 current processors will register as Tier 2 licensees, 30 as Tier 3, and 15 as Tier 4. If this occurs, the Department will lose a total of \$74,500 worth of revenue for a total cost of \$67,500 to the Department. The Department doesn't feel the cost to administer the program will change dramatically.

B) Local governments:
There are no costs or savings to local governments because they do not operate as industrial hemp licensees or regulate industrial hemp licensees.
C) Small businesses ("small business" means a business employing 1-49 persons):
There would be some savings to small businesses who are able to pay less for an industrial hemp processor license during year 2 and 3 (FY '22 and FY '23). The Department estimates that 75% of current licensees are small businesses and that 30 will opt for Tier 2 licenses, 30 for Tier 3 licenses, and 15 for Tier 4 licenses rather than a Tier 1 license. This will amount to a total of \$67,500 savings for licensees or \$50,625 savings for small businesses and \$16,875 for non-small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There would be some savings to small businesses who are able to pay less for an industrial hemp processor license during year 2 and 3 (FY '22 and FY '23). The Department estimates that 75% of current licensees are small businesses and that 30 will opt for Tier 2 licenses, 30 for Tier 3 licenses, and 15 for Tier 4 licenses rather than a Tier 1 license. This will amount to a total of \$67,500 savings for licensees or \$50,625 savings for small businesses and \$16,875 for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There would be no costs or savings to other persons because they do not regulate or operate as industrial hemp processing licensees.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
The compliance costs for affected persons will decrease if they opt to obtain a Tier 2 - 4 license in FY '22 or FY '23. Those who get a Tier 2 license will save \$500 each, those who get a Tier 3 license will save \$1,000 each, and those who get a Tier 4 license will save \$1,500 each.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
These rule changes will allow businesses to get a license that more accurately represents their processing practices and will allow them to save money. This rule change will not pose a negative fiscal impact on businesses. Craig W. Buttars, Commissioner

6. A) 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	\$67,500	\$67,500
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$	\$
Non-Small Businesses	\$0	\$	\$
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$67,500	\$67,500
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$50,625	\$50,625
Non-Small Businesses	\$0	\$16,875	\$16,875
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$67,500	\$67,500
Net Fiscal Benefits	\$0	\$0	\$0

B) 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.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 4-41-103(4)		
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 08/16/2021

10. This rule change MAY become effective on: 08/23/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title: Craig W. Buttars, Commissioner
Date: 06/28/2021

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R68-31	Filing ID 53637

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and 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:
R68-31. Cannabis Licensing Process

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is no longer needed because the makeup and functions of the Cannabis Production Establishment Licensing Board were established in statute under S.B. 192, passed during the 2021 General Session.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This repeal will result in no change to the cannabis licensing process as all information is now incorporated in statute. This rule is repealed in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:
There should be no impact on the state budget because the Department of Agriculture and Food (Department) will continue to staff the new board as was done in the past.

B) Local governments:
There should be no impact on local governments because they do not administer or serve on the Cannabis Production Establishment Licensing Board.

C) Small businesses ("small business" means a business employing 1-49 persons):
There should be no impact on small businesses because the licensing board will operate in the same way it has in the past and the Department's cannabis program will not change.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There should be no impact on non-small businesses because the licensing board will operate in the same way it has in the past and the Department's cannabis program will not change.

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**):
Other persons should not be affected by this rule change because they are not impacted by the Cannabis Production Establishment Licensing Board.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

The compliance costs for affected persons will not change because the compliance requirements and fees charged by the Department will remain the same.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule change should not have a fiscal impact on businesses in Utah. Craig W. Butters, Commissioner

6. A) 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

B) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Agriculture and Food, Craig W. Butters, has reviewed and approves the regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 4-41a-201		
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	08/16/2021
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10. This rule change MAY become effective on:	08/23/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Butters, Commissioner	Date:	06/25/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R68-36	Filing ID 53642

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and 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:
R68-36. Industrial Hemp Testing Laboratory
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is needed because Section 4-41.103.4 requires that the Department of Agriculture and Food (Department) provide rules regarding the requirements for industrial hemp laboratory permits.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This new rule provides guidelines for the issuance of industrial hemp laboratory permits, including: application requirements, laboratory requirements, recordkeeping and security requirements, and guidance regarding steps a permittee should take when non-compliant material exceeding the acceptable hemp THC level is identified.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The Department estimates that the cost to the state budget to administer this new program would be approximately \$80,000 per year to pay for 1/2 of a full time equivalent (FTE) for office staff and 1/2 of an FTE for an inspector. The Department proposes charging \$2,000 as the fee for an industrial hemp laboratory permit. Given that this is a new program, it is difficult to know how many laboratories will apply for this permit; however, The Department is estimating three laboratories will apply to the Department in the first year and two more each additional year, which will bring in \$6,000 of revenue in the first year, and \$4,000 in years two and three.
B) Local governments:
There are no costs or savings to local governments because they do not regulate industrial hemp laboratories, nor do they operate as industrial hemp laboratories.
C) Small businesses ("small business" means a business employing 1-49 persons):
The costs to small businesses include the permitting fee for those that wish to obtain an industrial hemp laboratory permit. The Department estimates that approximately

50% of permittees will be small businesses for a total cost of \$3,000 in year one and \$2,000 in years two and three.																												
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																												
The costs to non-small businesses include the permitting fee for those that wish to obtain an industrial hemp laboratory permit. The Department estimatea that approximately 50% of permittees will be non-small businesses for a total cost of \$3,000 in year one and \$2,000 in years two and three.																												
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>):																												
Other persons should not be affected by this new rule because they will not operate as industrial hemp laboratories or be affected by them.																												
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):																												
The compliance costs for affected persons include the cost of obtaining an industrial hemp testing laboratory permit, or \$2,000 per permittee.																												
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):																												
This rule will have a limited fiscal impact on businesses because interested laboratories will have to pay a permitting fee; however, those laboratories will benefit from being able to offer testing services to the industrial hemp industry in Utah. Craig W. Buttars, Commissioner																												
6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)																												
Regulatory Impact Table																												
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2022</th> <th>FY2023</th> <th>FY2024</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$80,000</td> <td>\$80,000</td> <td>\$80,000</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$3,000</td> <td>\$2,000</td> <td>\$2,000</td> </tr> <tr> <td>Non-Small Businesses</td> <td>\$3,000</td> <td>\$2,000</td> <td>\$2,000</td> </tr> <tr> <td>Other Persons</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Total Fiscal Cost</td> <td>\$86,000</td> <td>\$84,000</td> <td>\$84,000</td> </tr> </tbody> </table>	Fiscal Cost	FY2022	FY2023	FY2024	State Government	\$80,000	\$80,000	\$80,000	Local Governments	\$0	\$0	\$0	Small Businesses	\$3,000	\$2,000	\$2,000	Non-Small Businesses	\$3,000	\$2,000	\$2,000	Other Persons	\$0	\$0	\$0	Total Fiscal Cost	\$86,000	\$84,000	\$84,000
Fiscal Cost	FY2022	FY2023	FY2024																									
State Government	\$80,000	\$80,000	\$80,000																									
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Small Businesses	\$3,000	\$2,000	\$2,000																									
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Other Persons	\$0	\$0	\$0																									
Total Fiscal Cost	\$86,000	\$84,000	\$84,000																									

NOTICES OF PROPOSED RULES

Fiscal Benefits			
State Government	\$6,000	\$4,000	\$4,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$6,000	\$4,000	\$4,000
Net Fiscal Benefits	\$(80,000)	\$(80,000)	\$(80,000)
B) 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.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 4-41-103.4		

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:	
	First Incorporation
Official Title of Materials Incorporated (from title page)	Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control, 2014 Revisions
Publisher	American Herbal Pharmacopoeia
Date Issued	2014
Issue, or version	2014 Version

B) This rule adds, updates, or removes the following title of materials incorporated by references:	
	Second Incorporation
Official Title of Materials Incorporated (from title page)	OECD Principles of Good Laboratory Practice and Compliance Monitoring
Publisher	Organization for Economic Cooperation and Development

Date Issued	1997
Issue, or version	1997 Version

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. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/16/2021

10. This rule change MAY become effective on:	08/23/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	06/28/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal			
Utah Admin. Code Ref (R no.):	R277-503	Filing ID	53645

Agency Information

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

General Information

2. Rule or section catchline:
R277-503. Licensing Routes
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule sunset by its own terms on June 30, 2020, and has been replaced by other licensing rules.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The rule is being repealed in its entirety and the substance of this rule has been moved to Board Rule R277-301, Educator Licensing.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. This repeal moves the authority and purpose to Board Rule R277-301. That new rule specifies the types of licenses and license areas of concentration available and does not have fiscal impact.
B) Local governments:
This rule change will not have fiscal impact on local governments' revenues or expenditures. This repeal moves the authority and purpose to Board Rule R277-301. That new rule specifies the types of licenses and license areas of concentration available and does not have fiscal impact.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This repeal moves the authority and purpose to Board Rule R277-301. That new rule specifies the types of licenses and license areas of concentration available and does not have fiscal impact.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed repeal of this rule is not expected

to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This repeal moves the authority and purpose to Board Rule R277-301. That new rule specifies the types of licenses and license areas of concentration available and does not have fiscal impact.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. This repeal moves the authority and purpose to Board Rule R277-301. That new rule specifies the types of licenses and license areas of concentration available and does not have fiscal impact.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule repeal is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, State Superintendent

6. A) 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

NOTICES OF PROPOSED RULES

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
B) Department head approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Section 53E-3-501	Subsection 53E-3-401(4)

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/16/2021
10. This rule change MAY become effective on:	
08/23/2021	
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/30/2021
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R277-605	Filing ID	53644

Agency Information

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

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

General Information

2. Rule or section catchline:
R277-605. Coaching Standards and Athletic Clinics
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Utah State Board of Education asked stakeholders to review this rule as it was nearing the deadline for its five-year review. Two local education agencies (LEAs) recommended strengthened language regarding anti-bullying training and supervision of students.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule incorporates existing training requirements for coaches and leaders regarding bullying, and clarifies responsibilities of coaches and leaders for supervising students at the end of an activity.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. The amendments apply specifically to LEAs.

B) Local governments:

This rule change is not expected to have significant fiscal impact on local governments' revenues or expenditures. The amendments clarify existing rules and requirements for coaches and should not meaningfully change processes or procedures for LEAs.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. The amendments apply specifically to LEAs.

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

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

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments apply specifically to LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. The amendments clarify existing rules and requirements for coaches and should not meaningfully change processes or procedures for LEAs.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, State Superintendent

6. A) 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

B) Department head approval of regulatory impact analysis:

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

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

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	08/16/2021
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10. This rule change MAY become effective on:	08/23/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	6/30/2021
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R277-607	Filing ID	53646

Agency Information

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

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

General Information

2. Rule or section catchline:
R277-607. Absenteeism and Truancy Prevention

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is being amended to provide clarity regarding what a "punitive action" is in relation to S.B. 219 passed in the 2021 General Session.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The amendment provides a definition of what is and is not considered punitive action for the 21-22 SY regarding the truancy moratorium and actions a local education agency (LEA) may take in responding to chronically absent students.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:
This rule change is not expected to have independent fiscal impacts on state government revenues or expenditures. The amendments are due to S.B. 219 (2021).

B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The amendments are due to S.B. 219 (2021).

C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. The amendments are due to S.B. 219 (2021).

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

have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments are due to S.B. 219 (2021).

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no independent compliance costs for affected persons. The amendments are due to S.B. 219 (2021).

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impacts on small businesses. Sydnee Dickson, State Superintendent

6. A) 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

B) Department head approval of regulatory impact analysis:

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 53E-3-501(1)(c)(iv)	Article X, Section 3	Subsection 53E-3-502(8)
Subsection 53E-3-401(4)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 08/16/2021

10. This rule change MAY become effective on: 08/23/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/30/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-609	Filing ID 53647

Agency Information

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

General Information

2. Rule or section catchline:
R277-609. Standards for LEA Discipline Plans and Emergency Safety Interventions
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being amended to reflect updates to several juvenile justice reform bills via H.B. 285 and H.B. 286 passed in the 2021 General Session.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendments are updates to two code citations that will be renumbered effective September 1, 2021.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The amendments to rule are due to H.B. 285 and H.B. 286 (2021).

B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The amendments to rule are due to H.B. 285 and H.B. 286 (2021).
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The amendments to rule are due to H.B. 285 and H.B. 286 (2021).
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments to rule are due to H.B. 285 and H.B. 286 (2021).
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for affected persons. The amendments to rule are due to H.B. 285 and H.B. 286 (2021).
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses.

Sydnee Dickson, State Superintendent of the Utah State Board of Education

6. A) 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

B) Department head approval of regulatory impact analysis:

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 53E-3-501(1)(b)(v)	Article X, Section 3	Section 53G-8-302
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Section 53E-3-401	Section 53G-8-702	Section 53G-8-202
Section 53E-3-509		

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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 08/16/2021

10. This rule change MAY become effective on: 08/23/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/30/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R277-930	Filing ID 53651

Agency Information

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

General Information

2. Rule or section catchline:
R277-930. English Language Learner Software
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being enacted to outline the process for distributing English language learner software funds allocated by the Legislature for distribution to local education agencies (LEAs).
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule establishes a distribution formula for LEAs and an application process for LEAs to receive funds for English language learner software.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. This rule creates a process to distribute to LEAs English language learner software funds appropriated by the Legislature.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. This rule creates a process to distribute to LEAs English language learner software funds appropriated by the Legislature.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. This rule creates a process to distribute to LEAs English language learner software funds appropriated by the Legislature.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or

expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This rule creates a process to distribute to LEAs English language learner software funds appropriated by the Legislature.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no independent compliance costs for affected persons. This rule creates a process to distribute to LEAs English language learner software funds appropriated by the Legislature.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, State Superintendent of the Utah State Board of Education

6. A) 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
B) Department head approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 53E-3-501(1)(c)(iv)	Article X, Section 3	Subsection 53E-3-502(8)
Subsection 53E-3-401(4)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/16/2021

10. This rule change MAY become effective on:	08/23/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/30/2021
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: New			
Utah Admin. Code Ref (R no.):	R392-106	Filing ID	53643

Agency Information

1. Department:	Health	
Agency:	Disease Control and Prevention, Environmental Services	
Room no.:	Second Floor	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142102	
City, state and zip:	Salt Lake City, UT. 84114-2102	
Contact person(s):		
Name:	Phone:	Email:
Karl Hartman	801-538-6191	khartman@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R392-106. Microenterprise Home Kitchen Sanitation
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Department of Health (Department) has developed this rule as required in the Microenterprise Home Kitchen Act (Subsection 26-15c-105(2)), which requires that the Department make rules regarding sanitation, equipment, and maintenance requirements for microenterprise home kitchens.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The Microenterprise Home Kitchen Sanitation rule establishes minimum standards for the sanitation, operation, and maintenance of a microenterprise home kitchen and, in order to safeguard public health and ensure

that food is safe, unadulterated, and honestly presented, provides for the prevention and control of health hazards associated with a microenterprise home kitchen.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

Enacting Rule R392-106 will not result in a cost or benefit to the state budget because this proposed rule does not require a change to state operations or programs, and it does not include requirements for the payment of fines or fees to the state.

B) Local governments:

Enacting Rule R392-106 will not result in a cost or benefit to a local health department that permits a microenterprise home kitchen according to the requirements of Rule R392-106 because this proposed rule contains a provision that allows the local health department to impose a fee for a microenterprise home kitchen permit in an amount that reimburses the local health department for the cost of regulating the microenterprise home kitchen. The local health department will charge a permit fee and may charge an additional fee to conduct a foodborne illness investigation, as needed. Sections 26-15c-103 and 26-15c-105 allow for these fees, but do not require the fees to be uniform statewide, so costs associated with these fees will vary from one local health department to another, and therefore, cannot be estimated at this time and cannot be obtained until after this rule is enacted.

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

Enacting Rule R392-106 may result in an inestimable fiscal cost to small businesses that operate a microenterprise home kitchen according to the requirements of Rule R392-106. The full fiscal impact to small businesses cannot be estimated as the necessary data are unavailable, and the cost to the state to obtain said data is prohibitively costly and cannot be obtained until after the rule is enacted. Unavailable data include the number of microenterprise home kitchen permits a local health department will issue, the cost of the permit fee, as authorized in Section 26-15-103, and an analysis of the time and resources spent preparing a home kitchen to qualify as a permitted establishment.

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

Not Applicable. By definition, there cannot be any non-small microenterprise home kitchen businesses in Utah.

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**):

Enacting Rule R392-106 will result in an inestimable direct cost to any individual who applies for a microenterprise home kitchen permit. The full fiscal impact to the individual cannot be estimated as the necessary data are unavailable, and the cost to the state to obtain said data is prohibitively costly and cannot be obtained until after the rule is enacted. Unavailable data include the cost of the permit fee, as authorized in Section 26-15-103, and an analysis of the time and resources spent by the individual to prepare a home kitchen to qualify as a permitted establishment.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

Affected persons are as follows:

Small business: Could be any kitchen that meets the minimum standards. Inestimable fiscal cost.

Persons: Any individual who applies for a microenterprise home kitchen permit. Inestimable fiscal cost.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There is no known fiscal impact on business at this time. Nathan Checketts, Interim Executive Director

6. A) 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

B) Department head approval of regulatory impact analysis:

The Interim Executive Director of the Department of Health, Nathan Checketts, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 26-1-5	Subsection 26-1-30(23)	Section 26-15-2
Subsection 26-15c-105(2)		

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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 08/16/2021

10. This rule change MAY become effective on: 08/23/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Nathan Checketts, Interim Executive Director	Date:	06/29/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R592-1	Filing ID 53653

Agency Information

1. Department:	Insurance	
Agency:	Title and Escrow Commission	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

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

General Information

2. Rule or section catchline:
R592-1. Title Insurance Licensing

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is being changed as a result of Executive Order 2021-12. During the review of this rule, the Utah Insurance Department (Department) discovered a number of minor issues that needed to be amended. The Title and Escrow Commission approved these changes in a June 30, 2021, meeting by a vote of 3 to 0.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The majority of the changes are being done to fix style issues to bring the rule text more in line with current rulewriting standards and to make the language of the rule more clear. It also updates Section R592-1-6 to use the Department's current language. It does not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:
There is no anticipated cost or savings to the state budget. The changes are clerical in nature and do not add, remove, or change regulations.

B) Local governments:			
There is no anticipated cost or savings to local governments. This rule applies to insurance licensees and has no bearing on local governments.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There is no anticipated cost or savings to small businesses. The changes are clerical in nature and do not add, remove, or change regulations.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There is no anticipated cost or savings to non-small businesses. The changes are clerical in nature and do not add, remove, or change regulations.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
There is no anticipated cost or savings to any other persons. The changes are clerical in nature and do not add, remove, or change regulations.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There are no compliance costs for any affected persons. Any affected persons are already required to comply with the provisions of the rule, and the changes do not add, remove, or change regulations.			
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):			
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. Jonathan T. Pike, Commissioner			
6. A) 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
B) Department head approval of regulatory impact analysis:			
The Commissioner of Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 31A-2-404(2)(a) (ii)	Subsection 31A-2-404(2)(b)	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/16/2021

10. This rule change MAY become effective on:	08/23/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	07/01/2021
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NOTICE OF PROPOSED RULE**TYPE OF RULE:** Amendment

Utah Admin. Code Ref (R no.):	R592-5	Filing ID	53654
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Agency Information

1. Department:	Insurance	
Agency:	Title and Escrow Commission	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

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

General Information

2. Rule or section catchline:
R592-5. Title Insurance Product or Service Approval for a Dual Licensed Title Licensee
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being changed in compliance with Executive Order 2021-12. During the review of this rule, the Utah Insurance Department (Department) discovered a number of minor issues that needed to be amended. The Title and Escrow Commission approved these changes in a June 30, 2021, meeting by a vote of 3 to 0.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards and to make the language of the rule more clear. It also updates Section R592-5-5 to use the Department's current language. It does not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

There is no anticipated cost or savings to the state budget. The changes are clerical in nature and do not add, remove, or change regulations.

B) Local governments:

There is no anticipated cost or savings to local governments. This rule applies to insurance licensees and has no bearing on local governments.

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

There is no anticipated cost or savings to small businesses. The changes are clerical in nature and do not add, remove, or change regulations.

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

There is no anticipated cost or savings to non-small businesses. The changes are clerical in nature and do not add, remove, or change regulations.

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

There is no anticipated cost or savings to any other persons. The changes are clerical in nature and do not add, remove, or change regulations.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for any affected persons. Any affected persons are already required to comply with the provisions of this rule, and the changes do not add, remove, or change regulations.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

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

6. A) 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

B) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 31A-2-404	Section 31A-2-405	
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	08/16/2021
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10. This rule change MAY become effective on:	08/23/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	07/01/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R592-6	Filing ID 53655

Agency Information

1. Department:	Insurance
Agency:	Title and Escrow Commission
Room no.:	Suite 2300
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state and zip:	Taylorville, UT 84129
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R592-6. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being changed as a result of Executive Order 2021-12. During the review of this rule, the Utah Insurance Department (Department) discovered a number of minor issues that needed to be amended. The Title and Escrow Commission approved these changes in a June 30, 2021, meeting by a vote of 3 to 0.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring the rule text more in line with current rulewriting standards and to make the language of the rule more clear. It does not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are clerical in nature and do not add, remove, or change regulations.
B) Local governments:
There is no anticipated cost or savings to local governments. This rule applies to insurance licensees and has no bearing on local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are clerical in nature and do not add, remove, or change regulations.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There is no anticipated cost or savings to non-small businesses. The changes are clerical in nature and do not add, remove, or change regulations.

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

There is no anticipated cost or savings to any other persons. The changes are clerical in nature and do not add, remove, or change regulations.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for any affected persons. Any affected persons are already required to comply with the provisions of the rule, and the changes do not add, remove, or change regulations.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

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

6. A) 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

NOTICES OF PROPOSED RULES

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection		
31A-2-404(2)		

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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	08/16/2021
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10. This rule change MAY become effective on:	08/23/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	07/01/2021
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NOTICE OF PROPOSED RULE	
TYPE OF RULE: Amendment	
Utah Admin. Code Ref (R no.):	R657-9
Filing ID	53636

Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources

Room no.:	2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R657-9. Taking Waterfowl, Wilson's Snipe and Coot
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule regulating the take of waterfowl.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The proposed amendments to this rule: 1) incorporate Waterfowl Management Areas into definitions as per H.B. 295, passed in the 2020 General Session, this bill requires an annual permit to perform commercial guide services on all identified Waterfowl Management areas; 2) add Utah Lake Wetland Preserve to the list of Waterfowl Management area with firearm, crossbow and archery tackle restrictions; 3) add Utah Lake Wetland Preserve to the list of Waterfowl Management areas with dog restrictions; and 4) restrict the constructing of new permanent blinds on waterfowl management areas.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed rule amendments add Utah Lake Wetland Preserve to the already established list of Waterfowl Management areas with weapon and dog restrictions. These changes can be initiated within the current workload and resources of the DWR, therefore, the DWR has determined that these amendments do not create a cost or savings impact to the state budget or the DWR's budget

since the changes will not increase workload and can be carried out with existing budget. However, the permitting requirements established in H.B. 295 (2020) for commercial guiding and outfitting on newly identified Waterfowl Management Areas could result in an increase in state budget due to the \$650 Special Use Permit and application fee. See "Small Businesses" below for the breakdown.

B) Local governments:

Since the proposed amendments adds an area to an already established list of Waterfowl Management areas with restrictions, this filing does not create any direct cost or savings impact to local governments. 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):

The proposed rule amendments will directly impact small businesses if they are in the business of guiding waterfowl hunts on Waterfowl Management Areas because a Special Use Permit will now be required of them. It is estimated that there are 12 - 15 guiding outfits currently in the . The application fee is \$150 as per the approved fee schedule with the Special Use Permit cost being \$500 per year.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in taking waterfowl on waterfowl management units in the state.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

DWR has determined that this amendment could create additional costs for those guiding waterfowl hunters on Waterfowl Management Units approximately \$650 additional dollars per year.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

After conducting a thorough analysis, it was determined that this proposed rule amendment will likely result in a

fiscal impact to small businesses who provide a guiding service on Waterfowl Management Areas. Brian Steed, Executive Director

6. A) 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	\$7,800 to \$9,750	\$7,800 to \$9,750	\$7,800 to \$9,750
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$7,800 to \$9,750	\$7,800 to \$9,750	\$7,800 to \$9,750
Fiscal Benefits			
State Government	\$7,800 to \$9,750	\$7,800 to \$9,750	\$7,800 to \$9,750
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$7,800 to \$9,750	\$7,800 to \$9,750	\$7,800 to \$9,750
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 23-14-18	Section 23-14-19	Section 23-32-101 et seq.
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NOTICES OF PROPOSED RULES

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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	08/16/2021
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10. This rule change MAY become effective on:	08/23/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Rory Reynolds, Division Director	Date:	06/24/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R714-164	Filing ID 53703

Agency Information

1. Department:	Public Safety	
Agency:	Highway Patrol	
Building:	Calvin Rampton Complex	
Street address:	4501 S 2700 W	
City, state and zip:	Salt Lake City, UT 84119-5994	
Mailing address:	PO Box 141100	
City, state and zip:	Salt Lake City, UT 84114-1100	
Contact person(s):		
Name:	Phone:	Email:
Tim Kincaid	801-580-9931	tkincaid@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Matt Spillman	801-698-2186	mspillman@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R714-164. School Bus Inspection, Maintenance and Auditing Requirements

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is being enacted as a result of the passage of H.B. 143 during the 2020 General Session, which became effective on January 1, 2021.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
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As authorized by Section 53-8-211, this rule establishes standards governing the following:

- 1) the safety inspection of school buses;
- 2) maintenance of school bus drivers' hours of service records, vehicle condition reports, and school bus maintenance and repair records;
- 3) validation that defects discovered during the inspection process have been corrected prior to returning a school bus to service; and
- 4) audits conducted by the division related to school bus safety operations of each entity performing inspections under Section 53-8-211 to ensure compliance with this rule.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:
There is not an anticipated cost or savings to the state budget because this rule only establishes the standards for school bus inspection, maintenance, and auditing required under Section 53-8-211.

B) Local governments:
There is not an anticipated cost or savings to the local governments because this rule only establishes the standards for school bus inspection, maintenance, and auditing required under Section 53-8-211.

C) Small businesses ("small business" means a business employing 1-49 persons):
There is not an anticipated cost or savings to small businesses because this rule only establishes the standards for school bus inspection, maintenance, and auditing required under Section 53-8-211.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
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There is not an anticipated cost or savings to non-small businesses because this rule only establishes the standards for school bus inspection, maintenance, and auditing required under Section 53-8-211.

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 not an anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities because this rule only establishes the standards for school bus inspection, maintenance, and auditing required under Section 53-8-211.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There is not an anticipated compliance cost for affected persons because this rule only establishes the standards for school bus inspection, maintenance, and auditing required under Section 53-8-211.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule should not have an impact on businesses because it only establishes the standards that apply for the inspection of a school bus performed by the Utah Highway Patrol, an education entity, an external maintenance facility or an internal maintenance facility, the maintenance of required records, and department audit and inspection procedures. Jess L. Anderson, Commissioner

6. A) 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

B) 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.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 53-8-211		
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Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	Utah School Bus Inspection Facility Entities
Publisher	Utah Department of Public Safety
Date Issued	01/01/2021
Issue, or version	01/01/2021

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

	Second Incorporation
Official Title of Materials Incorporated (from title page)	Utah School Bus Inspection Non-Facility Entities
Publisher	Utah Department of Public Safety
Date Issued	01/01/2021

NOTICES OF PROPOSED RULES

Issue, or version	01/01/2021
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	08/16/2021
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10. This rule change MAY become effective on:	08/23/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Tim Kincaid, Captain Utah Highway Patrol	Date:	06/30/2021
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End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R68-25-2	Filing ID: 53639

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and 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:
R68-25-2. Definitions
3. Effective Date:
06/28/2021
4. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This change is needed to limit the amount of Delta-8-THC or other psychoactive cannabinoids that can be present in industrial hemp products to ensure that the total concentration of any THC analog present in an industrial hemp product does not exceed 0.3%. The Department of Agriculture and Food (Department) has become more aware recently of the risks of new THC analogs that are being increasingly produced and the potential psychoactivity and risk to consumers if these are sold under the industrial hemp program.
5. Summary of the new rule or change (What does this filing do?):
This change amends the definition of "THC" in Section R68-25-2 to include THC analogs as defined by the Utah Controlled Substances Act in Subsection 58-37-4(2)(a)(ii)(AA).
6. A) The agency finds that regular rulemaking would:
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of

budget restraints or federal requirements; or
place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:
This rule change is needed to ensure that the total concentration of Delta-9-THC in any industrial hemp product, considered along with the concentration of any THC analog in the product, does not exceed 0.3%. The Department is concerned that if products that contain a high concentration of Delta-8-THC or other potentially psychoactive THC analogs are allowed to be sold in Utah this could pose significant health and safety risks to minors and others that may purchase industrial hemp products. Additionally, the clarification provided with this change will help industrial hemp processors more fully understand the types of products that may be sold in the . This change is consistent with the definition of tetrahydrocannabinol under the medical cannabis program as listed in Subsection 4-41a-101(41). Additionally, the Department has authority to make this change based on our general rulemaking authority in the hemp program under Subsection 4-41-403(1)(c) that allows the Department to make rules to determine standards for registration of cannabinoid products, including rules related to "any other issue the department deems necessary."

Fiscal Information

7. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The Department does not estimate that this change would lead to any costs or savings to the state budget because the Department has not yet registered products that contain any THC analog other than Delta-9-THC. This change should not lead to additional registration fees or Department costs.
B) Local governments:
The Department does not estimate that this change would lead to any costs to local governments because they do not produce or regulate industrial hemp products.
C) Small businesses ("small business" means a business employing 1-49 persons):
This change should not impact small businesses because they have not yet registered industrial hemp products with THC analogs other than Delta-9 THC in the state of Utah .
D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This change should not impact other persons because they do not produce or regulate industrial hemp products.

E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
Compliance costs for affected persons should not change because the fees charged by the Department will not be impacted by this change.
F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
This rule change should not have a fiscal impact on businesses. Craig W. Buttars, Commissioner

Citation Information

8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
Subsection 4-41-103(4)

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	06/28/2021
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R68-26-2	Filing ID:	53640
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Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and 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:	
R68-26-2. Definitions	
3. Effective Date:	
06/28/2021	
4. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):	
This change is needed to limit the amount of Delta-8-THC or other psychoactive cannabinoids that can be present in industrial hemp products to ensure that the total concentration of any THC analog present in an industrial hemp product does not exceed 0.3%. The Department of Agriculture and Food (Department) has become more aware recently of the risks of new THC analogs that are being increasingly produced and the potential psychoactivity and risk to consumers if these are sold under the industrial hemp program.	
5. Summary of the new rule or change (What does this filing do?):	
This change amends the definition of "THC" in Section R68-26-2 to include THC analogs as defined by the Utah Controlled Substances Act in Subsection 58-37-4(2)(a)(ii)(AA).	
6. A) The agency finds that regular rulemaking would:	
<input checked="" type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/>	place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:	
There are several industrial hemp products that the Department has not been able to register because the current statute and rules do not sufficiently address the presence of THC analogs in industrial hemp products. This rule change is needed to ensure that the total concentration of Delta-9-THC in any industrial hemp product, considered along with the concentration of any THC analog in the product, does not exceed 0.3%. The Department is concerned that if products that contain a high concentration of Delta-8-THC or other potentially psychoactive THC analogs are allowed to be sold in Utah this could pose significant health and safety risks to minors and others that may purchase industrial hemp products. Additionally, the clarification provided with this change will help industrial hemp processors more fully understand the types of products that may be sold in the . This change is consistent with the definition of tetrahydrocannabinol under the medical cannabis program as listed in Subsection 4-41a-101(41). Additionally, the Department has authority to make this change based on our general rulemaking authority in the hemp program under Subsection 4-41-403(1)(c) that allows the Department to make rules to determine standards for registration of	

cannabinoid products, including rules related to "any other issue the Department deems necessary."

Fiscal Information

7. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A) State budget:	
The Department does not estimate that this change would lead to any costs or savings to the state budget because the Department has not yet registered products that contain any THC analog other than Delta-9-THC. This change should not lead to additional registration fees or Department costs.	
B) Local governments:	
The Department does not estimate that this change would lead to any costs to local governments because they do not produce or regulate industrial hemp products.	
C) Small businesses ("small business" means a business employing 1-49 persons):	
This change should not impact small businesses because they have not yet registered industrial hemp products with THC analogs other than Delta-9 THC in the state of Utah.	
D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):	
This change should not impact other persons because they do not produce or regulate industrial hemp products.	
E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):	
Compliance costs for affected persons should not change because the fees charged by the Department will not be impacted by this change.	
F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):	
This rule change should not have a fiscal impact on businesses. Craig W. Buttars, Commissioner	

Citation Information

8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 4-41-103(4)	Subsection 4-41-403(1)	

NOTICES OF 120-DAY (EMERGENCY) RULES

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	06/28/2021
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End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.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.):	R52-7	Filing ID: 53286

Agency Information

1. Department:	Agriculture and Food	
Agency:	Horse Racing Commission (Utah)	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Leann Hunting	801-982-2242	leannhunting@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov

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

General Information

2. Rule catchline:
R52-7. Horse Racing

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 the authority of Section 4-38-104 which allows the Horse Racing Commission to make rules to resolve scheduling conflicts and settle disputes among horse racing licensees, supervise, and discipline horse racing licensees, and exclude or prohibit horses from participating in a horse race or meet.

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

No written comments were received.

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

This rule is necessary because it provides specific guidelines governing horse racing in Utah that will protect horses, as well as the public that attend races. This includes detailed information concerning the powers of the Horse Racing Commission and other racing organizations, licensing and racing official requirements, guidelines governing the running of races, and prohibited practices, including medication standards. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	07/01/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R156-28	Filing ID: 53041

Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and 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:
R156-28. Veterinary Practice 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 28, provides for the licensure and regulation of veterinarians and veterinarian interns and state certification of veterinary 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 Veterinary 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 28, with respect to veterinarians, veterinarian interns, and state certified veterinary 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 November 2016, the rule has been amended three times (September 2018, March 2019, and October 2020). With respect to the proposed rule amendments filed by the Division in September 2018 (DAR File No. 43189), the Division received the following two written/mailed comments: an October 17, 2018, email from Justin Stark and an October 18, 2018, email from Lucky 7 Schnauzers. Both of the

comments submitted were in opposition to proposed amendments with respect to unlicensed assistive personnel working with and being supervised by a licensed veterinarian. Both of these comments were reviewed by the Division and the Veterinarian Board. As a result of an October 2018 public rule hearing and the written comments received, additional proposed amendments (CPR filing) were filed by the Division in February 2019 which addressed the concerns raised in the October 2018 comments.

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 28. 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:	06/18/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R156-70a	Filing ID: 50303

Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Larry Marx	801-530-6254	lmarx@utah.gov

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

General Information

2. Rule catchline:	
R156-70a. Physician Assistant Practice 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 70a, provides for the licensure and regulation of physician assistants. 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 Physician Assistant 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 70a, with respect to physician assistants.	
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 November 2016, the rule has been amended two times, once in December 2016 and once in June 2018. 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 70a. 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:	06/18/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R156-86	Filing No. 50317

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:	
R156-86. State Certification of Commercial Interior Designers 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 86, provides for the state certification of commercial interior designers. 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, Chapter 86. Section 58-86-103 provides the Division may make rules under Title 58, Chapter 86. This rule was enacted to clarify the provisions of Title 58, Chapter 86, with respect to the state certification of commercial interior designers.	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
This rule was enacted in July 2016 and no amendments have been made to the rule since it was made effective on July 11, 2016. As a result, 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 state certified commercial interior designers of the requirements as allowed under statutory authority provided in Title 58, Chapter 86. This rule should also be continued as it provides information to ensure applicants for state certification are adequately trained and meet minimum requirements and provides state certified commercial interior designers 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.):	R909-75	Filing ID: 52103
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Agency Information

1. Department:	Transportation	
Agency:	Motor Carrier	
Room no.:	Administrative Suite, 1st floor	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state, and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

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

General Information

2. Rule catchline:
R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes
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 72-9-103 requires the Department of Transportation (Department) to make rules adopting by reference in whole or in part the Federal Motor Carrier Safety Regulations, including minimum security

requirements for motor carriers. This rule incorporates by reference specific parts of the Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes that are part of 49 CFR, Sub-Chapter C.

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

The Department has not received any 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:

Section 72-9-103 requires the Department to have this rule, and this section of the Code is still effective law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Bracerias, PE, Executive Director	Date:	06/28/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R926-15	Filing ID: 52143
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Agency Information

1. Department:	Transportation	
Agency:	Program Development	
Room no.:	Administrative Suite, 1st floor	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov

James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R926-15. Designated Scenic Backways
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsections 72-4-303(4) through (6) require the Department of Transportation, in cooperation with the Utah State Scenic Byway Committee (Committee), make this rule and maintain it in accordance with 23 U.S.C. Sec. 131.
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 are no written comments received by the Committee since the last five-year 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 is necessary in the event a new scenic backway is proposed, however, as written in the rule: "The network of scenic backways is already extensive and the committee intends to limit the number of backways in order to maintain the quality and integrity of the scenic backway system. For this reason, the likelihood of new designations is low, but proposals for new backway routes will be considered".
The Committee has not received any new scenic backway designation requests in the recent past; however, this rule is necessary in the event a request is received so the Committee knows how to proceed. This rule outlines the basic parameters of the program such as eligibility for federal money, road types 1 - 3, difference between a scenic backway and byway, jurisdiction and limitations of authority, etc. This rule also contains the official list of the approved scenic backways which information is used in the tourism/outdoor industry marketing, creating of maps, etc. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Bracerias, PE, Executive Director	Date:	06/18/2021
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Agriculture and Food

Animal Industry

No. 53409 (Repeal) R58-24: Community Spay and Neuter Grants

Published: 05/01/2021

Effective: 06/28/2021

Regulatory Services

No. 53433 (Amendment) R70-910: Registration of Servicepersons for Commercial Weighing and Measuring Devices

Published: 05/15/2021

Effective: 06/28/2021

Communications Authority Board (Utah)

Administration

No. 53362 (Repeal and Reenact) R174-1: Utah Communications Authority, Administration

Published: 04/15/2021

Effective: 07/07/2021

Education

Administration

No. 53412 (Amendment) R277-108: Annual Assurance of Compliance by Local School Boards

Published: 05/01/2021

Effective: 06/24/2021

No. 53411 (Amendment) R277-301: Educator Licensing

Published: 05/01/2021

Effective: 06/24/2021

No. 53413 (Amendment) R277-325: Public Education Exit and Engagement Surveys

Published: 05/01/2021

Effective: 06/24/2021

No. 53367 (Amendment) R277-419: Pupil Accounting

Published: 04/01/2021

Effective: 06/15/2021

No. 53414 (Amendment) R277-614: Athletes and Students with Head Injuries

Published: 05/01/2021

Effective: 06/24/2021

No. 53417 (New Rule) R277-727: School Meals Program

Published: 05/01/2021

Effective: 06/24/2021

No. 53416 (Amendment) R277-733: Incorporation of Utah Adult Education Policies and Procedures Guide by Reference

Published: 05/01/2021

Effective: 06/24/2021

Government Operations

Administration

No. 53466 (New Rule) R13-4: In-State Work Location Rule

Published: 05/15/2021

Effective: 07/01/2021

Human Resource Management

No. 53447 (Amendment) R477-1: Definitions

Published: 05/15/2021

Effective: 07/01/2021

No. 53448 (Amendment) R477-2: Administration

Published: 05/15/2021

Effective: 07/01/2021

No. 53449 (Amendment) R477-3: Classification

Published: 05/15/2021

Effective: 07/01/2021

NOTICES OF RULE EFFECTIVE DATES

No. 53450 (Amendment) R477-4: Filling Positions
Published: 05/15/2021
Effective: 07/01/2021

No. 53451 (Amendment) R477-5: Employee Status and Probation
Published: 05/15/2021
Effective: 07/01/2021

No. 53452 (Amendment) R477-6: Compensation
Published: 05/15/2021
Effective: 07/01/2021

No. 53453 (Amendment) R477-7: Leave
Published: 05/15/2021
Effective: 07/01/2021

No. 53454 (Amendment) R477-8: Working Conditions
Published: 05/15/2021
Effective: 07/01/2021

No. 53455 (Amendment) R477-9: Employee Conduct
Published: 05/15/2021
Effective: 07/01/2021

No. 53456 (Amendment) R477-10: Employee Development
Published: 05/15/2021
Effective: 07/01/2021

No. 53457 (Amendment) R477-11: Discipline
Published: 05/15/2021
Effective: 07/01/2021

No. 53458 (Amendment) R477-12: Separations
Published: 05/15/2021
Effective: 07/01/2021

No. 53459 (Amendment) R477-13: Volunteer Programs
Published: 05/15/2021
Effective: 07/01/2021

No. 53460 (Amendment) R477-14: Substance Abuse and Drug-Free Workplace
Published: 05/15/2021
Effective: 07/01/2021

No. 53461 (Amendment) R477-15: Workplace Harassment Prevention
Published: 05/15/2021
Effective: 07/01/2021

No. 53462 (Amendment) R477-16: Abusive Conduct Prevention
Published: 05/15/2021
Effective: 07/01/2021

No. 53463 (Amendment) R477-101: Administrative Law Judge Conduct Committee
Published: 05/15/2021
Effective: 07/01/2021

Governor

Economic Development
No. 53542 (Amendment) R357-3: Economic Development Tax Increment Financing Rule
Published: 06/01/2021
Effective: 07/12/2021

No. 53468 (Amendment) R357-24: Utah Works Program
Published: 05/15/2021
Effective: 06/23/2021

No. 53544 (New Rule) R357-39: Talent Development Grant Rule
Published: 06/01/2021
Effective: 07/12/2021

Health

Health Care Financing, Coverage and Reimbursement Policy
No. 53442 (Amendment) R414-401: Assessment
Published: 05/15/2021
Effective: 07/01/2021

Family Health and Preparedness, Emergency Medical Services

No. 53436 (Amendment) R426-8: Emergency Medical Services Ground Ambulance Rates and Charges
Published: 05/15/2021
Effective: 07/01/2021

Family Health and Preparedness, Primary Care and Rural Health

No. 53446 (Amendment) R434-40: Utah Health Care Workforce Financial Assistance Program Rules
Published: 05/15/2021
Effective: 06/24/2021

Disease Control and Prevention, Laboratory Improvement

No. 53363 (Amendment) R444-14: Rule for the Certification of Environmental Laboratories
Published: 04/01/2021
Effective: 06/11/2021

Insurance

Administration

No. 53469 (Amendment) R590-200-5: Minimum Standards and General Provisions
Published: 05/15/2021
Effective: 06/22/2021

No. 53467 (Amendment) R590-254: Annual Financial Reporting Rule

Published: 05/15/2021
Effective: 06/22/2021

Natural Resources

Wildlife Resources

No. 53474 (Amendment) R657-41: Conservation and Sportsman Permits
Published: 06/01/2021
Effective: 07/09/2021

No. 53475 (Amendment) R657-60: Aquatic Invasive
Species Interdiction
Published: 06/01/2021
Effective: 07/09/2021

Public Service Commission

Administration
No. 53438 (Amendment) R746-8: Calculation and
Application of UUSF Surcharge
Published: 05/15/2021
Effective: 07/01/2021

Workforce Services

Employment Development
No. 53464 (Amendment) R986-700: Child Care Assistance
Published: 05/15/2021
Effective: 07/01/2021

Housing and Community Development

No. 53437 (Amendment) R990-8: Permanent Community
Impact Fund Board Review and Approval of Applications for
Funding Assistance
Published: 05/15/2021
Effective: 07/01/2021

End of the Notices of Rule Effective Dates Section