

State of Utah
Administrative Rule Analysis
 Revised December 2019

NOTICE OF EMERGENCY (120-DAY) RULE		
	Title No. - Rule No. - Section No.	
Utah Admin. Code Ref (R no.):	R600-4	Filing No. (Office Use Only)

Agency Information

1. Department:	Administration	
Agency:	Utah Labor Commission	
Room no.:		
Building:	Heber M. Wells	
Street address:	160 East 300 South, 3 rd Floor	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state, zip:	Salt Lake City UT 84114-6600	
Contact person(s):		
Name:	Phone:	Email:
Chris Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:	
Definitions Applicable to Disease Testing for Peace Officers, Health Care Providers and Volunteers.	
3. Effective Date (mm/dd/yyyy):	
04/08/2020	
4. Purpose of the new rule or reason for the change:	
The purpose of this rule is to add COVID-19 and its transmission method to the list of diseases for peace officers, health care providers and volunteers. The need for this emergency rule is due to the COVID-19 pandemic and to provide further safety measures for peace officers, health care providers and volunteers.	
5. Summary of the new rule or change:	
This rule adds COVID-19 and its transmission method to the list of diseases for peace officers, health care providers and volunteers	
6. Regular rulemaking would:	
<input checked="" type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/>	place the agency in violation of federal or state law.
Specific reason and justification:	
Utah Code Ann. 78B-8-401 et seq. allows for peace officers, health care providers and volunteers who are significantly exposed to certain infectious diseases during the course of performing their duties to petition the district court for an order requiring the person to whom the peace officer, health care provider or volunteer was significantly exposed submit to testing to determine whether that person is infected and that the results of that test be disclosed to the petitioner by the Department of Health. The current statute only defines three diseases, HIV, Hepatitis B and Hepatitis C.	
Due to the current pandemic caused by the novel coronavirus, COVID-19, it has become necessary to add that disease and its method of transmission to the list of diseases and transmission methods currently in statute. This will allow peace officers, health care providers and volunteers who are exposed, while in the course of their duties, to a person who refuses to submit to a test for COVID-19 to petition the court and obtain an order from the court requiring such a test. This will allow peace officers, health care providers and volunteers to more quickly determine whether or not they have been exposed to a person who has tested positive for COVID-19. If the test is negative, the peace officers, health care providers and volunteers will not need to be quarantined and therefore, can return to their places of work which are vital and essential to the safety and health of the public	

during this pandemic.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

The impact to the state budget will be neutral. The reason that the fiscal impact will be neutral is because the testing for COVID-19 is free. The Utah Department of Health stated that if a test for COVID-19 is performed by the state lab as ordered by a local public health department, the testing is free as it is considered part of the Department of Health's public health responsibilities. Adding COVID-19 and its method of transmission to the already existing list of diseases and methods of transmission found in 78B-8-401 for which testing can be required will have a neutral fiscal impact because the testing is free.

B) Local governments:

The impact to local governments will be neutral. The reason that the fiscal impact will be neutral is because the testing for COVID-19 is free. The Utah Department of Health stated that if a test for COVID-19 is performed by the state lab as ordered by a local public health department, the testing is free as it is considered part of the Department of Health's public health responsibilities. Adding COVID-19 and its method of transmission to the already existing list of diseases and methods of transmission found in 78B-8-401 for which testing can be required will have a neutral fiscal impact because the testing is free.

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

The impact to small businesses will be neutral. The reason that the fiscal impact will be neutral is because the testing for COVID-19 is free. The Utah Department of Health stated that if a test for COVID-19 is performed by the state lab as ordered by a local public health department, the testing is free as it is considered part of the Department of Health's public health responsibilities. Adding COVID-19 and its method of transmission to the already existing list of diseases and methods of transmission found in 78B-8-401 for which testing can be required will have a neutral fiscal impact because the testing is free.

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**):

The impact to persons other than small businesses, non-small businesses, state, or local government entities will be neutral. The reason that the fiscal impact will be neutral is because the testing for COVID-19 is free. The Utah Department of Health stated that if a test for COVID-19 is performed by the state lab as ordered by a local public health department, the testing is free as it is considered part of the Department of Health's public health responsibilities. Adding COVID-19 and its method of transmission to the already existing list of diseases and methods of transmission found in 78B-8-401 for which testing can be required will have a neutral fiscal impact because the testing is free.

8. Compliance costs for affected persons:

There will be limited to no costs for affected persons. The reason that the fiscal impact will be neutral is because the testing for COVID-19 is free. The Utah Department of Health stated that if a test for COVID-19 is performed by the state lab as ordered by a local public health department, the testing is free as it is considered part of the Department of Health's public health responsibilities. Adding COVID-19 and its method of transmission to the already existing list of diseases and methods of transmission found in 78B-8-401 for which testing can be required will have a neutral fiscal impact because the testing is free.

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

Adding COVID-19 to the list of diseases and its method of transmission to the already-existing diseases and methods of transmission found in 78B-8-401 will have little to no fiscal impact on the state, local governments, small businesses and individuals. After consultation with the Utah Department of Health ("UDOH"), UDOH indicated that if a test for COVID-19 is performed by the state lab as ordered by a local public health department, the test is free as it is considered part of the Department of Health's public

health responsibilities. However, provider ordered tests performed at other labs within the state are charged to the individual or that individual's health insurance.

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

Commissioner Jaceson R Maughan

Citation Information

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

78B-8-401	78B-8-404	

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables)

11. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	First Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 304, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date and publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Commissioner Jaceson R Maughan	Date (mm/dd/yyyy):	04/08/2020
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R600. Labor Commission, Administration.

R600-4. Definitions Applicable to Disease Testing for Peace Officers, Health Care Providers and Volunteers.

R600-4-1. Authority and Scope.

A. The Commission, after consultation with the Department of Health, enacts this rule pursuant to the authority granted by 78B-8-401(2) and (8), and 78B-8-404.

B. "Disease" means COVID-19 in addition to the diseases listed in 78B-8-401(2).

C. "Significant exposure" and "significantly exposed" mean exposure to COVID-19 through airborne water droplets.

KEY: labor commission, unincorporated entity, construction licensees

Date of Enactment or Last Substantive Amendment:

Notice of Continuation:

Authorizing, and Implemented or Interpreted Law: 78B-8-401, 78B-8-404