

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed January 01, 2021, 12:00 a.m. through January 15, 2021, 11:59 p.m.

Number 2021-03
February 01, 2021

Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* 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 *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* 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 *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* 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 information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* 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

Unless otherwise noted, all information presented in this publication is in the public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
- I. Utah. Office of Administrative Rules.

KFU440.A73S7
348.792'025--DDC

85-643197

TABLE OF CONTENTS

EXECUTIVE DOCUMENTS	1
Anticipated Civil Unrest (2021-05).....	1
NOTICES OF PROPOSED RULES	3
Commerce	
Occupational and Professional Licensing	
R156-17b. Pharmacy Practice Act Rule	4
Education	
Administration	
R277-752. Special Education Intensive Services Fund.....	11
R277-800. Utah Schools for the Deaf and the Blind.....	15
R277-923. American Indian and Alaskan Native Education State Plan Pilot Programs.....	20
R277-926. Certification of Residential Treatment Center Special Education Program	23
Environmental Quality	
Drinking Water	
R309-405. Compliance and Enforcement: Administrative Penalty	27
Insurance	
Administration	
R590-238-16. Acquisition of Control of or Merger with Domestic Company	32
Natural Resources	
Wildlife Resources	
R657-58. Fishing Contests and Clinics.....	34
NOTICES OF CHANGES IN PROPOSED RULES	37
Insurance	
Administration	
R590-85. Accident and Health Insurance and Medicare Supplement Rates	38
R590-286. Minimum Standards for Short-Term Limited Duration Health Insurance	42
FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION	49
Agriculture and Food	
Plant Industry	
R68-4. Standardization, Marketing, and Phytosanitary Inspection of Fresh Fruits, Vegetables, and Other Plant and Plant Products	49
R68-18. Quarantine Pertaining to Karnal Bunt	50
Regulatory Services	
R70-410. Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes	50

TABLE OF CONTENTS

Commerce

Occupational and Professional Licensing

R156-67. Utah Medical Practice Act Rule.....51
 R156-69. Dentist and Dental Hygienist Practice Act Rule52
 R156-73. Chiropractic Physician Practice Act Rule.....52

Environmental Quality

Waste Management and Radiation Control

R313-26. Generator Site Access Permit Requirements for Accessing Utah Radioactive
 Waste Disposal Facilities53

Waste Management and Radiation Control, Waste Management

R315-15. Standards for the Management of Used Oil54
 R315-17. End of Life Automotive Mercury Switch Removal Standards55
 R315-101. Cleanup Action and Risk-Based Closure Standards55
 R315-102. Penalty Policy.....56
 R315-103. Commercial Hazardous Waste Facility Siting Criteria57
 R315-124. Procedures for Decisionmaking57
 R315-260. Hazardous Waste Management System58
 R315-261. General Requirements -- Identification and Listing of Hazardous Waste.....59
 R315-262. Hazardous Waste Generator Requirements.....60
 R315-263. Standards Applicable to Transporters of Hazardous Waste and Standards
 Applicable to Emergency Control of Spills for All Hazardous Waste Handlers.....61
 R315-264. Standards for Owners and Operators of Hazardous Waste Treatment,
 Storage, and Disposal Facilities61
 R315-265. Interim Status Standards for Owners and Operators of Hazardous Waste
 Treatment, Storage, and Disposal Facilities62
 R315-266. Standards for the Management of Specific Hazardous Wastes and
 Specific Types of Hazardous Waste Management Facilities63
 R315-268. Land Disposal Restrictions64
 R315-270. Hazardous Waste Permit Program64
 R315-273. Standards for Universal Waste Management65

Financial Institutions

Administration

R331-26. Ownership of Real Estate Other Than Property Used for Institution
 Business or Held as an Investment by Depository Institutions Subject to the
 Jurisdiction of the Department of Financial Institutions66

Natural Resources

Parks and Recreation

R651-201. Definitions67
 R651-202. Boating Advisory Council67
 R651-203. Waterway Marking System68
 R651-204. Regulating Waterway Markers68

R651-205. Zoned Waters..... 69

R651-206. Carrying Passengers for Hire..... 69

R651-207. Registration Fee..... 70

R651-208. Backing Plates 70

R651-210. Change of Address 71

R651-211. Assigned Numbers 72

R651-212. Display of Yearly Registration Decals and Month of Expiration Decals..... 72

R651-213. Dealer Numbers and Registrations..... 73

R651-214. Temporary Registration 73

R651-215. Personal Flotation Devices 74

R651-216. Navigation Lights - Note: Figures 1 through 7 mentioned below are
on file with the Utah Division of Parks and Recreation..... 74

R651-217. Fire Extinguishers 75

R651-218. Carburetor and Back Flame Control 75

R651-219. Additional Safety Equipment..... 76

R651-220. Registration and Numbering Exemptions 76

R651-221. Boat Liveries - Boat Rental Companies..... 77

R651-222. Muffling Requirements 77

R651-224. Towed Devices 78

R651-226. Regattas and Races 78

R651-401. Off-Highway Vehicle and Registration Stickers 79

R651-405. Off Highway Implement of Husbandry Sticker Fee and Display..... 79

R651-406. Off Highway Vehicle Registration Fees..... 80

R651-611. Fee Schedule 80

R651-801. Swimming Prohibited 81

R651-802. Scuba Diving..... 81

Forestry, Fire and State Lands

R652-8. Adjudicative Proceedings..... 82

R652-9. Consistency Review..... 82

R652-41. Rights of Entry..... 83

R652-80. Land Exchanges 84

Pardons (Board of)

Administration

R671-518. Conduct of Proceedings When a Criminal Charge Results in Conviction 84

Public Safety

Administration

R698-8. Local Public Safety and Firefighter Surviving Spouse Trust Fund..... 85

Driver License

R708-18. Regulatory and Administrative Fees 85

TABLE OF CONTENTS

R708-19. Automobile No-Fault Self-Insurance 86
R708-20. Motor Vehicle Accident Prevention Course Standards 86
R708-38. Anatomical Gift 87
R708-42. Driver Address Record..... 87
R708-43. Verification of Personal Identifying Information by Depository Institutions 88
R708-44. Citation Monitoring Service 89
NOTICES OF RULE EFFECTIVE DATES..... 91

EXECUTIVE DOCUMENTS

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

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

EXECUTIVE ORDER 2021-05

Anticipated Civil Unrest

WHEREAS, a violent siege of the United States Capitol in Washington, D.C. took place on January 6, 2021;

WHEREAS, that siege resulted in multiples death, numerous bodily injuries, and significant property damage;

WHEREAS, sieges of state capitol buildings, including the Utah State Capitol, are being planned;

WHEREAS, the planned siege of the Utah State Capitol may result in loss of life, human suffering, and public or private property damage;

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

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

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

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

1. As used in this Order, "capitol hill complex," "capitol hill facilities," and "capitol hill grounds" have the same meaning as provided in Utah Code § 63C-9-102.
2. As determined necessary by the Department of Public Safety, the closure of any part of the capitol hill complex, capitol hill facilities, or capitol hill grounds.
3. Notwithstanding Section 2, the Department of Public Safety shall allow the following individuals to access the capitol hill complex, capitol hill facilities, and capitol hill grounds:
 - a. officers and employees of the Utah Executive Branch, the Utah Legislature, and the Utah Judiciary; and
 - b. law enforcement and emergency personnel determined necessary by the Department of Public Safety; and
 - c. any other individual determined necessary by the Department of Public Safety.
4. As necessary, coordination by the Department of Public Safety with other state agencies, local agencies, and federal agencies.

This Order is effective January 15, 2021, and shall remain in effect through January 21, 2021.

EXECUTIVE DOCUMENTS

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 14th day of January, 2021.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2021/05/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between January 01, 2021, 12:00 a.m., and January 15, 2021, 11:59 p.m. are included in this, the February 01, 2021, issue of the *Utah State Bulletin*.

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.

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them (~~example~~). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Office of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least March 03, 2021. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through June 01, 2021, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-17b	Filing No. 53284

Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber M Wells	
Street address:	160 E 300 S	
City, state:	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:
Jennifer Falkenrath	801-530-7632	jzaelit@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-17b. Pharmacy Practice Act Rule
3. Purpose of the new rule or reason for the change:
This filing is made to conform the rule to statutory changes made by S.B. 145, S.B.157, H.B. 24, and H.B. 207 passed during the 2020 General Session. These bills amended the Pharmacy Practice Act regarding dispensing scope of practice for pharmacist and pharmacy interns and changed the requirements for the charitable prescription drug recycling program. Additionally, the Division of Occupational and Professional Licensing (Division) in collaboration with the Board of Pharmacy (Board) recommends certain amendments to the preceptor language to reflect the current practice in the profession.
4. Summary of the new rule or change:
The amendments to Sections R156-17b-303a, R156-17b-303b, R156-17b-303c, R156-17b-602, R156-17b-614d, and R156-17b-614g, delete language for an eliminated registration type and makes nonsubstantive formatting changes for clarity.
Section R156-17b-305 is deleted in its entirety to align with Board recommendations regarding endorsement pursuant to S.B. 23 passed during the 2020 General Session.
Section R156-17b-402 updates the fine schedule to add a fine for violation of Subsection 58-17b-502(1)(p) in accordance with H.B. 24 (2020).

The amendments to Section R156-17b-606 update the preceptor language to align with current internship and preceptor standards in the profession.
The new Section R156-17b-612a establishes operating standards for a pharmacist or pharmacy intern to dispense a prescription device pursuant to a prescriber's prescription.
The new Section R156-17b-612b establishes operating standards for a pharmacist to dispense a refill of insulin pursuant to an exhausted prescription.
The new Section R156-17b-626 creates operating standards for a pharmacist or pharmacy intern to make appropriate substitutions for albuterol.
Sections R156-17b-904 through R156-17b-907e are consolidated into one new Section R156-17b-901 for the Charitable Prescription Drug Recycling Program, and the provisions are amended to update the requirements for registration in accordance with Subsection 58-17b-902(8)(b) as amended by S.B. 157 (2020).

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
None of these proposed changes are expected to impact state government revenues or expenditures because the changes merely update this rule to establish operating standards that encompass current statutory requirements and current practices in the profession and make formatting changes for clarity.
B) Local governments:
These proposed amendments will affect businesses in the pharmacy industry that employ pharmacists and pharmacy interns, and this may potentially include certain local government entities acting as businesses. However, the Division estimates that these proposed amendments will have no fiscal impact on local governments because the changes merely update this rule to establish operating standards that encompass current statutory requirements and current practices in the profession and make formatting changes for clarity. These amendments are based on extensive collaboration with the Board of Pharmacy and the Physician Board to update this rule in accordance with the statutory changes and incorporate and codify existing generally accepted professional standards common in the industry.
C) Small businesses ("small business" means a business employing 1-49 persons):
These proposed amendments will affect small businesses in the pharmacy industry that employ pharmacists and pharmacy interns. However, the Division estimates that these proposed amendments will have no fiscal impact on small businesses' revenues or expenditures because the

changes merely update this rule to establish operating standards that encompass current statutory requirements and current practices in the profession and make formatting changes for clarity. These amendments are based on extensive collaboration with the Board of Pharmacy and the Physician Board to update this rule in accordance with the statutory changes and incorporate and codify existing generally accepted professional standards common in the industry.

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

These proposed amendments will affect non-small businesses in the pharmacy industry that employ pharmacists and pharmacy interns. However, the Division estimates that these proposed amendments will have no fiscal impact on non-small businesses' revenues or expenditures because the changes merely update this rule to establish operating standards that encompass current statutory requirements and current practices in the profession and make formatting changes for clarity. These amendments are based on extensive collaboration with the Board of Pharmacy and the Physician Board to update this rule in accordance with the statutory changes and incorporate and codify existing generally accepted professional standards common in the industry.

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

No other persons are expected to be impacted by these amendments because the changes merely update this rule in accordance with statutory changes and codify existing generally accepted professional standards common in the industry.

F) Compliance costs for affected persons:

There are no compliance costs expected for affected persons because the changes merely update this rule in accordance with statutory changes and codify existing generally accepted professional standards common in the industry.

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

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

The Interim Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.

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

The Division proposes amendments to the Utah Pharmacy Practice Act Rule. This filing harmonizes the statutory changes with the corresponding rule made by S.B. 145, S.B.157, H.B. 24, and H.B. 207 (2020). These bills amended the Pharmacy Practice Act relating to the scope of practice for pharmacist and pharmacy interns and changed the requirements for the prescription drug recycling program. Further, the Division in conference with the Board have made minor amendments to update references and clarify this rule.

Small Businesses (less than 50 employees):

These amendments to the rule should have no expected fiscal impact to small businesses in Utah practicing in pharmacy (North American Industry Classification System (NAICS) code 446110). Although these proposed amendments will affect small businesses in the pharmacy industry that employ pharmacists and pharmacy interns, the Division estimates that these proposed amendments will have no fiscal impact on small businesses' revenues or expenditures because the changes are updating the rule to establish operating standards that currently exist in the statute. Further, no fiscal impact is expected for small businesses over and above any fiscal impact described in

the legislative fiscal notes for S.B. 145, S.B. 157, H.B. 24, and H.B. 207 (2020) as these costs are either inestimable or there is no fiscal impact.

Regulatory Impact to Non-Small Businesses (50 or more employees)

These amendments will have no expected fiscal impact for non-small pharmacy businesses in Utah (NAICS code 446110) as described above for small businesses. These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

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

Margaret W. Busse, Interim Executive Director

Citation Information

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

Section 58-17b-101	Subsection 58-17b-601(1)	Section 58-37-1
Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)	

Public Notice Information

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

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

B) A public hearing (optional) will be held:

On:	At:	At:
02/23/2021	8:30 AM	For electronic Google Meets information for this rule hearing, please see the Utah State Board of Pharmacy February 23, 2021 agenda for this meeting date on the PMN website.

10. This rule change MAY become effective on: 03/10/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the

date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Director	Date:	01/14/2021
--	-----------------------------	--------------	------------

R156. Commerce, Occupational and Professional Licensing. R156-17b. Pharmacy Practice Act Rule.

R156-17b-303a. Qualifications for Licensure - Education Requirements.

(1) In accordance with Subsections 58-17b-303(2) and 58-17b-304([7]6)(b), the credentialing agency recognized to provide certification and evaluate equivalency of a foreign educated pharmacy graduate is the Foreign Pharmacy Graduate Examination Committee (FPGEC) of the National Association of Boards of Pharmacy Foundation.

(2) In accordance with Subsection 58-17b-304([7]6), an applicant for a pharmacy intern license shall demonstrate that the applicant meets one of the following education criteria:

(a) current admission in a college of pharmacy accredited by the ACPE, by written verification from a dean of the college;

(b) a graduate degree from a school or college of pharmacy that is accredited by the ACPE; or

(c) a graduate degree from a foreign pharmacy school as established by a certificate of equivalency from an approved credentialing agency defined in Subsection (1).

(3) In accordance with Subsection 58-17b-305(1)(f), a pharmacy technician shall complete a training program that is:

(a) accredited by ASHP; or

(b) conducted by:

(i) the National Pharmacy Technician Association;

(ii) Pharmacy Technicians University; or

(iii) a branch of the Armed Forces of the United States, and

(c) meets the following standards:

(i) completion of at least 180 hours of directly supervised practical training in a licensed pharmacy as determined appropriate by a licensed pharmacist in good standing; and

(ii) written protocols and guidelines for the teaching pharmacist outlining the utilization and supervision of pharmacy technician trainees that address:

(A) the specific manner in which supervision will be completed; and

(B) an evaluative procedure to verify the accuracy and completeness of ~~an~~ any act[s], task[s] and function[s] performed by the pharmacy technician trainee.

(4) An individual shall complete a pharmacy technician training program and successfully pass the required examination as listed in Subsection R156-17b-303c(4) within two years after obtaining a pharmacy technician trainee license, unless otherwise approved by the Division in collaboration with the Board for good cause showing exceptional circumstances.

(a) Unless otherwise approved under Subsection (4), an individual who fails to apply for and obtain a pharmacy technician license within the two-year time frame shall repeat a pharmacy

technician training program in its entirety if the individual pursues licensure as a pharmacy technician.

(5)(a) Pharmacy technician training programs that received Division approval on or before April 30, 2014 are exempt from satisfying standards [established] in Subsection R156-17b-303a(3) for students enrolled on or before December 31, 2018.

(b) A student in a program described in Subsection (5)(a) shall comply with the program completion deadline and testing requirements in Subsection (4), except that the license application shall be submitted to the Division no later than December 31, 2021.

(c) A program in ASHP candidate status shall notify a student prior to enrollment that if the program is denied accreditation status while the student is enrolled in the program, the student will be required to complete education in another program with no assurance of how many credits will transfer to the new program.

(d) A program in ASHP candidate status that is denied accreditation shall immediately notify the Division, enrolled students and student practice sites, of the denial. The notice shall instruct each student and practice site that:

(i) the program no longer satisfies the pharmacy technician license education requirement in Utah; and

(ii) enrollment in a different program meeting requirements established in Subsection R156-17b-303a(3) is necessary for the student to complete training and to satisfy the pharmacy technician license education requirement in Utah.

(6) An applicant from another jurisdiction seeking licensure as a pharmacy technician in Utah [is deemed to have met]meets the qualifications for licensure in Subsection 58-17b-305(1)([f]e) and 58-17b-305(1)([g]f) if the applicant:

(a) has engaged in the practice of a pharmacy technician for a minimum of 1,000 hours in that jurisdiction within the past two years or has equivalent experience as approved by the Division in collaboration with the Board; and

(b) has passed and maintained current PTCB or ExCPT certification.

R156-17b-303b. Qualifications for Licensure - Pharmacist - Pharmacy Internship Standards.

(1) In accordance with Subsection 58-17b-303(1)([g]f), the [following standards are established for the]pharmacy internship standards required for licensure as a pharmacist are established in this section.[:]

([1]2) A [For] graduate[s] of [an]a U.S. pharmacy school[s] shall have at[:]

(a) At least 1,740 hours of practice [supervised by a pharmacy preceptor shall be]obtained according to the Accreditation Council for Pharmacy Education (ACPE), Accreditation Standards and Key Elements for the Professional Program in Pharmacy Leading to the Doctor of Pharmacy Degree, effective July 1, 2016 ("Standards 2016"), which is hereby incorporated by reference.

(3)(a) A graduate of a foreign pharmacy school shall have at least 1,440 hours of supervised pharmacy practice in the United States.

(b) The Division in collaboration with the Board may credit up to 500 hours towards the requirement of Subsection (2)(a) for a graduate's other experience substantially related to the practice of pharmacy.

([b]4) If a pharmacy intern is suspended or dismissed from an approved College of Pharmacy, the pharmacy intern shall notify the Division within 15 days of the suspension or dismissal.

([e]5) If a pharmacy intern ceases to meet [an]each requirement[s] for intern licensure, the pharmacy intern shall

surrender the pharmacy intern license to the Division within 60 days unless an extension is requested and granted by the Division in collaboration with the Board.[

~~(2) For graduates of all foreign pharmacy schools, at least 1,440 hours of supervised pharmacy practice in the United States.~~

~~(3) Up to 500 hours towards the requirements of Subsections (1)(a) or (2) may be granted, at the discretion of the Division in collaboration with the Board, for other experience substantially related to the practice of pharmacy.]~~

R156-17b-303c. Qualifications for Licensure - Examinations.

(1) In accordance with Subsection 58-17b-303(1)([h]g), the examinations that shall be [successfully]passed by an applicant for licensure as a pharmacist are:

(a) the NAPLEX with a passing score as established by NABP; and

(b) the Utah Multistate Pharmacy Jurisprudence Examination(MPJE) with a minimum passing score as established by NABP.

(2)(a) An individual who has failed either examination three times shall meet with the Board to request an additional authorization to test.

(b) The Division, in collaboration with the Board, may require additional training as a condition for approval of an authorization to retest.

(3) In accordance with Subsection 58-17b-303(3)([j]i), an applicant applying by endorsement [is required to]shall pass the Utah MPJE.

(4)(a) In accordance with Subsection 58-17b-305(1)([g]f), an applicant applying for licensure as a pharmacy technician shall pass the PTCB or ExCPT with a passing score as established by the certifying body.

(b) The certificate shall exhibit a valid date and that the certification is active.

(5) A graduate of a foreign pharmacy school shall obtain a passing score on the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination.

~~**R156-17b-305. Qualifications for Licensure - Pharmacist by Endorsement.**~~

~~In accordance with Subsections 58-17b-303(3) and 58-1-301(3), an applicant for licensure as a pharmacist by endorsement shall:~~

~~(1) apply through the "Licensure Transfer Program" administered by NABP;~~

~~(2) have obtained sufficient continuing education credits to maintain a license to practice pharmacy in the state of practice; and~~

~~(3) not had a pharmacist license suspended, revoked, annulled, surrendered, or otherwise restricted for any reason in any state for ten years prior to application in Utah, unless otherwise approved by the Division in collaboration with the Board.]~~

R156-17b-402. Administrative Penalties.

In accordance with Subsection 58-17b-401(6) and Sections 58-17b-501 and 58-17b-502, unless otherwise ordered by the presiding officer, the following fine and citation schedule shall apply:

TABLE

FINE SCHEDULE

VIOLATION	FIRST OFFENSE	SUBSEQUENT OFFENSE
58-1-501(1) (a)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-1-501(1) (b)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000

NOTICES OF PROPOSED RULES

58-1-501(1)(c)	\$ 500 - \$ 1,000	\$ 1,000 - \$ 5,000
58-1-501(1)(d)	\$ 500 - \$ 1,000	\$ 1,000 - \$ 5,000
58-1-501(1)(e)	\$ 100 - \$ 2,000	\$ 2,000 - \$10,000
58-1-501(1)(f)(i)(A)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-1-501(2)(m)(i)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-1-501(1)(f)(i)(B)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-1-501(2)(m)(ii)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-1-501(2)(a)	\$ 100 - \$ 2,000	\$ 2,000 - \$10,000
58-1-501(2)(b)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-1-501(2)(c)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-1-501(2)(d)	\$ 100 - \$ 500	\$ 200 - \$ 1,000
58-1-501(2)(e)	\$ 100 - \$ 500	\$ 200 - \$ 1,000
58-1-501(2)(f)	\$ 100 - \$ 500	\$ 200 - \$ 1,000
58-1-501(2)(g)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-1-501(2)(h)	\$ 100 - \$ 500	\$ 200 - \$ 1,000
58-1-501(2)(i)	\$ 100 - \$ 500	\$ 200 - \$ 1,000
58-1-501(2)(j)	\$ 100 - \$ 500	\$ 200 - \$ 1,000
58-1-501(2)(k)	\$ 100 - \$ 1,000	\$ 500 - \$ 2,000
58-1-501(2)(l)	\$ 100 - \$ 500	\$ 200 - \$ 1,000
58-1-501(2)(n)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-1-501.5	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
R156-1-501(1)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
R156-1-501(2)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
R156-1-501(3)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
R156-1-501(4)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
R156-1-501(5)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
R156-1-501(6)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
58-17b-501(1)	\$ 500 - \$ 2,000	\$ 5,000
58-17b-501(2)	\$ 100 - \$ 1,000	\$ 500 - \$ 2,000
58-17b-501(3)(a)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-17b-501(3)(b)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-17b-501(4)	\$ 1,000 - \$ 5,000	\$10,000
58-17b-501(5)	\$ 100 - \$ 500	\$ 200 - \$ 1,000
58-17b-501(6)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-17b-501(7)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-17b-501(8)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
58-17b-501(9)	\$ 500 - \$ 1,000	\$ 1,500 - \$ 5,000
58-17b-501(10)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
58-17b-501(11)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
58-17b-501(12)	\$ 1,000 - \$ 5,000	\$10,000
58-17b-501(13)	\$ 100 - \$ 500	\$ 1,000 - \$ 2,500
58-17b-502(1)(a)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
58-17b-502(1)(b)	\$ 2,500 - \$ 5,000	\$ 5,500 - \$10,000
58-17b-502(1)(c)	\$ 1,000 - \$ 5,000	\$10,000
58-17b-502(1)(d)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
58-17b-502(1)(e)	\$ 1,000 - \$ 5,000	\$10,000
58-17b-502(1)(f)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
58-17b-502(1)(g)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
58-17b-502(1)(h)	\$ 100 - \$ 500	\$ 500 - \$ 1,000
58-17b-502(1)(i)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
58-17b-502(1)(j)	\$ 100 - \$ 500	\$ 500 - \$ 1,000
58-17b-502(1)(k)	\$ 100 - \$ 500	\$ 2,000 - \$10,000
58-17b-502(1)(l)	\$ 100 - \$ 500	\$ 500 - \$ 1,000
58-17b-502(1)(m)	\$ 500 - \$ 1,000	\$ 2,500 - \$ 5,000
58-17b-502(1)(n)	\$ 100 - \$ 500	\$ 500 - \$ 1,000
58-17b-502(1)(o)	\$ 100 - \$ 500	\$ 500 - \$ 1,000
58-17b-502(1)(p)	\$ 2,500 - \$ 5,000	\$ 5,000 - \$10,000
R156-17b-502(1)	\$ 250 - \$ 500	\$ 2,000 - \$10,000
R156-17b-502(2)(a)	\$ 250 - \$ 500	\$ 500 - \$ 750
R156-17b-502(2)(b)	\$ 500 - \$ 2,000	\$ 2,500 - \$10,000
R156-17b-502(3)	\$ 100 - \$ 500	\$ 500 - \$ 1,000
R156-17b-502(4)	\$ 50 - \$ 100	\$ 200 - \$ 300
R156-17b-502(5)	\$ 100 - \$ 200	\$ 200 - \$ 500
R156-17b-502(6)	\$ 500 - \$ 1,000	\$ 2,000 - \$10,000
R156-17b-502(7)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
R156-17b-502(8)	\$ 100 - \$ 250	\$ 300 - \$ 500
R156-17b-502(9)(a)	\$ 50 - \$ 100	\$ 250 - \$ 500
R156-17b-502(9)(b)	\$ 250 - \$ 500	\$ 750 - \$ 1,000
R156-17b-502(10)	\$ 500 - \$ 2,000	\$ 2,000 - \$10,000
R156-17b-502(11)	\$ 100 - \$ 500	\$ 500 - \$ 1,000
R156-17b-502(12)(a)	\$ 100 - \$ 250	\$ 500 - \$ 2,500
R156-17b-502(12)(b)	\$ 250 - \$ 1,000	\$ 500 - \$ 5,000
R156-17b-502(13)(a)	\$ 50 - \$ 100	\$ 250 - \$ 500
R156-17b-502(13)(b)	\$ 250 - \$ 500	\$ 1,000 - \$ 2,000
R156-17b-502(14)(a)	\$ 500 - \$2,500	\$ 5,000 - \$10,000
R156-17b-502(14)(b)	\$ 2,000 per occurrence	
R156-17b-502(15)	double original penalty, up to	\$10,000
R156-17b-502(16)	\$ 500 - \$2,000	\$ 2,000 - \$10,000

R156-17b-502(17)	\$ 1,000 - \$5,000	\$10,000
R156-17b-502(18)	\$ 500 - \$2,500	\$ 5,000 - \$10,000
R156-17b-502(19)	\$ 100 - \$500	\$ 200 - \$ 1,000
R156-17b-502(20)	\$ 100 - \$500	\$ 200 - \$ 1,000
R156-17b-502(21)	\$ 100 - \$500	\$ 200 - \$ 1,000
R156-17b-502(22)	\$ 500 - \$2,000	\$ 2,000 - \$10,000
R156-17b-502(23)(a)	\$ 100 - \$300	\$ 500 - \$ 1,000
R156-17b-502(23)(b)	\$ 250 - \$500	\$ 500 - \$ 1,250
R156-17b-502(24)	\$ 100 - \$500	\$ 500 - \$ 1,000
R156-17b-502(25)	\$ 500 - \$2,000	\$ 2,500 - \$10,000
R156-17b-502(26)	\$ 500 - \$2,000	\$ 2,500 - \$10,000
58-37-8	\$ 1,000 - \$5,000	\$ 5,000 - \$10,000
R156-37-502(1)(a)	\$ 500 - \$2,000	\$ 2,500 - \$10,000
R156-37-502(1)(b)	\$ 500 - \$2,000	\$ 2,500 - \$10,000
R156-37-502(2)	\$ 500 - \$2,000	\$ 2,500 - \$10,000
R156-37-502(3)	\$ 500 - \$2,000	\$ 2,500 - \$10,000
R156-37-502(4)	\$ 500 - \$2,000	\$ 2,500 - \$10,000
R156-37-502(5)	\$ 500 - \$2,000	\$ 2,500 - \$10,000
R156-37-502(6)	\$ 500 - \$2,000	\$ 2,500 - \$10,000
R156-37-502(7)	\$ 500 - \$2,000	\$ 2,500 - \$10,000
R156-37-502(8)	\$ 500 - \$2,000	\$ 2,500 - \$10,000
Any other conduct that constitutes Unprofessional or Unlawful conduct	\$ 100 - \$ 500	\$ 200 - \$ 1,000

R156-17b-602. Operating Standards - Pharmacy Intern.

A pharmacy intern may provide services including the practice of pharmacy under the supervision of a ~~[n-approved]~~ pharmacist preceptor, ~~[as defined in Subsection 58-17b-102(50), provided]~~ if the pharmacy intern met the criteria ~~[as established]~~ in Subsection R156-17b-303a.

R156-17b-606. Operating Standards - ~~[Approved]~~ Pharmacist Preceptor.

~~(1)~~ In accordance with Subsections ~~58-17b-601(1) and 58-17b-102(50)~~, the operating standards for a pharmacist ~~[acting as a]~~ preceptor ~~[include]~~ are established in this section.

~~(1)2~~ ~~[meeting the following criteria]~~ A pharmacist preceptor shall:

(a) hold an active and good standing ~~[a Utah]~~ pharmacist license permitting practice in the jurisdiction where the pharmacist is acting as a preceptor ~~[that is active and in good standing];~~

(b) ~~[document engaging]~~ have engaged in active practice as a licensed pharmacist for ~~[not less than]~~ at least one year immediately preceding the internship, in any jurisdiction; and

~~(c) [not be under any sanction which, when considered by the Division and Board, would be of such a nature that the best interests of the intern and the public would not be served]~~ ensure the totality of the internship circumstances are safe and appropriate according to generally recognized industry standards of practice;

~~(d)3~~ A pharmacist preceptor may provide indirect, on-site supervision to:

~~(i) a~~ ~~[no more than]~~ up to two pharmacy interns during a working shift, except as provided in Subsection ~~(i)3~~(b);

~~(ii) b~~ up to five pharmacy interns at public-health outreach programs such as informational health fairs, chronic disease state screening and education programs, ~~[and]~~ or immunization clinics, ~~[, provided];~~

~~(A)~~ the totality of the circumstances are safe and appropriate according to generally recognized industry standards of practice; and

~~(B)~~ the preceptor has obtained written approval from the pharmacy interns' schools of pharmacy for the intern's participation; and

~~(c)~~ refer to the intern training guidelines as outlined in the Pharmacy Coordinating Council of Utah Internship Competencies,

October 12, 2004, as information about a range of best practices for training interns;]

(2)4) [maintaining adequate records to—]A pharmacist preceptor shall document the number of internship hours completed by the pharmacy intern, and [evaluating]evaluate the quality of the pharmacy intern's performance during the internship[.];

[—(3) completing the preceptor section of a Utah Pharmacy Intern Experience Affidavit found in the application packet at the conclusion of the preceptor/intern relationship regardless of the time or circumstances under which that relationship is concluded; and]

(4)5) [being]A preceptor is responsible for the pharmacy intern's actions related to the practice of pharmacy while the pharmacy intern is practicing [as a pharmacy intern—]under the preceptor's supervision.

R156-17b-612a. Operating Standards - Prescription Devices.

(1) In accordance with Subsections 58-17b-601(1) and 58-17b-610.8, the operating standards for prescription devices are established in this section.

(2) The prescribing practitioner identified on the prescription document under Subsection 58-17-610.8(1) is the prescriber for the prescription device described in Subsection 58-17b-610.8(3).

(3) The pharmacist or pharmacy intern dispensing the prescription device shall determine the following:

- (a) an appropriate dispense quantity;
- (b) directions for device use; and
- (c) refill.

(4) Each prescription device dispensed by a pharmacist or pharmacy intern shall be:

- (a) dispensed in accordance with Subsection 58-17b-602(1)(a) through (e) and Section 58-17b-609; and
- (b) dispensed from a Class A or Class B pharmacy.

(5)(a) Notice of the prescription device dispense shall be conveyed to the prescribing practitioner in writing, by electronic transmission, or by telephone within five business days following the prescription device dispense.

(b) The prescription device dispense notice shall include the following:

- (i) pharmacy name;
- (ii) pharmacy phone number;
- (iii) patient;
- (iv) dispensed quantity;
- (v) directions for use; and
- (vi) refill.

R156-17b-612b. Operating Standards - Exhausted Prescription for Insulin.

(1) In accordance with Subsections 58-17b-601(1) and 58-17b-608.2(7), the operating standards for dispensing an exhausted prescription for insulin are established in this section.

(2) Under Subsection 58-17b-608.2(3), a refill for an exhausted prescription in an amount up to a supply for 60 days may be for the nearest available package size.

(3) The pharmacist who dispenses a refill of an exhausted prescription of insulin shall obtain:

- (a) the prescribing information for the insulin;
- (b) prescription directions; and

(c) other documentation based on the pharmacist's clinical judgment.

(4) The pharmacist shall document the following on the exhausted prescription refill hard copy or in the medication profile system:

(a) the information described in Subsection (3);

(b) the method of the attempt under Subsection 58-1b7-608.2(5)(a) to contact the patient's prescribing practitioner; and

(c) the method of the notification to the patient under Subsection 58-17b-608.2(5)(b) regarding the outcome of the attempt to contact the prescribing practitioner.

(5) An exhausted prescription refill label shall state "exhausted prescription".

R156-17b-614d. Operating Standards - Class B - Nuclear Pharmacy.

(1) In accordance with Subsection 58-17b-601(1), the operating standards for a Class B pharmacy designated as a nuclear pharmacy [shall have the following:]are established in this section.

(1)2) A nuclear pharmacy shall have the following:

(a) have applied for or possess a current Utah Radioactive Materials License; and

(b) adequate space and equipment commensurate with the scope of services required and provided.

(2)3) Nuclear pharmacies shall only dispense radiopharmaceuticals that comply with acceptable standards of quality assurance.

(3)4) Nuclear pharmacies shall maintain a library commensurate with the level of radiopharmaceutical service to be provided.

(4)5)(a) A licensed Utah pharmacist shall be immediately available on the premises at [an]any time[s] when the facility is open or available to engage in the practice of pharmacy.

(5)b) In addition to Utah licensure, the pharmacist shall have classroom and laboratory training and experience as required by the Utah Radiation Control Rules.

(6) This rule does not prohibit:

(a) a licensed pharmacy intern or technician from acting under the direct supervision of a [an approved] pharmacist preceptor who meets the requirements to supervise a nuclear pharmacy; or

(b) a Utah Radioactive Materials license from possessing and using radiopharmaceuticals for medical use.

(7) A hospital nuclear medicine department or an office of a physician[/-]surgeon, osteopathic physician[/-]surgeon, veterinarian, [pediatric]podiatric physician or dentist that has a current Utah Radioactive Materials License does not require licensure as a Class B pharmacy.

(8) A nuclear pharmacy preparing sterile compounds [must]shall follow the USP-NF Chapter 797 Compound for sterile preparations.

(9) A nuclear pharmacy preparing medications for a specific person shall be licensed as a Class B - nuclear pharmacy if located in Utah, and as a Class D pharmacy if located outside of Utah.

R156-17b-614g. Operating Standards - Class A or Class B Pharmacy - Remote Dispensing Pharmacy.

(1) In accordance with Subsections 58-17b-102(58), 58-17b-601(1), 58-17b-612(1)(b), and 58-1-301(3), the [following]operating standards [shall apply to]for a remote dispensing pharmacy are established in this section.[.]

(1)2) A remote dispensing pharmacy shall:

- (a) be a Class A or Class B pharmacy;

NOTICES OF PROPOSED RULES

(b) have a Class A or Class B pharmacy serve as its supervising pharmacy to oversee its operations; and

(c) be located in an area of need as defined in Subsection R156-17b-102(4).

(2)3) A remote dispensing pharmacy may not perform compounding.

(3)4)(a) The supervising pharmacy's PIC shall serve as the remote dispensing pharmacy's RDPIC, who is responsible for ~~all~~any remote dispensing pharmacy operations.

(b) An RDPIC may not serve as the RDPIC for more than one remote dispensing pharmacy, unless approved by the Division in collaboration with the Board.

(4)5) ~~Staffing and Supervision~~ (a) At ~~all~~any time[s] that a remote dispensing pharmacy is open and available to serve patients, its pharmacy technicians shall be physically or electronically supervised by a pharmacist from the supervising pharmacy, under Subsection 58-17b-102(70).

(b) In accordance with Subsections 58-17b-612(1)(b) and (d) a pharmacist may oversee the operation of up to two remote dispensing pharmacies simultaneously.

(c) Unless a pharmacist is physically present, a remote dispensing pharmacy shall be staffed by no more than two licensed pharmacy technicians.

(d) Each pharmacy technician staffing a remote dispensing pharmacy shall have at least 500 hours of pharmacy technician experience.

(e)(i) Adequate supervision by a pharmacist of a remote dispensing pharmacy shall include maintaining uninterrupted visual supervision and auditory communication with the site, and full supervisory control of the automated system, if applicable.

(ii) ~~This~~A supervising pharmacist may not delegate supervision ~~may not be delegated~~ to any other person.

(5)6) The supervising pharmacy shall maintain a surveillance system and telepharmacy system that provides for effective video and audio communication between supervising pharmacy personnel and remote dispensing pharmacy personnel and patients, that includes the following features:

(a) provides an adequate number of views of the entire site;

(b) facilitates adequate pharmacist supervision;

(c) allows the appropriate exchanges of visual, verbal, and written communication for patient counseling and other matters involved in the lawful transaction or dispensing of drugs;

(d) confirms that the drug selected to fill the prescription is the same as indicated on the prescription label and prescription; and

(e) is secure and HIPAA compliant as defined in R156-17b-102(64).

(6)7)(a) Each component of the telepharmacy system shall be in good working order.

(b) If a~~ny~~ component of the system is malfunctioning, the remote dispensing pharmacy shall immediately close to the public and remain closed until system corrections or repairs are completed, unless a pharmacist is present onsite.

(7)8)(a) The supervising pharmacy shall develop and include in both the supervising pharmacy's and the remote dispensing pharmacy's policies and procedures a plan for continuation of pharmaceutical services by the remote dispensing pharmacy in case of an emergency interruption[.].

(a)1)(i) The plan shall address the timely arrival at the remote dispensing pharmacy of necessary personnel, and the delivery

to the remote dispensing pharmacy of necessary supplies, within a reasonable period of time following the identification of an emergency need.

(ii) A pharmacist shall be available onsite at the remote dispensing pharmacy as soon as possible after an emergency, and shall notify the Division in writing if the time exceeds 24 hours.

(b)1)(c) The plan may provide for alternate methods of continuation of the services of the remote dispensing pharmacy, including personal delivery of patient prescription medications from an alternate pharmacy location or on-site pharmacist staffing at the remote dispensing pharmacy.

(8)9) ~~Facility~~ (a)(i) The remote dispensing pharmacy's security system shall ~~allow for~~track[ing of] entries into the remote dispensing pharmacy.

(ii) The ~~and the~~RDPIC shall periodically review the record of entries.

(b) A remote dispensing pharmacy shall display a sign easily visible to the public that informs patients of the following:

(i) that the pharmacy is a remote dispensing pharmacy;

(ii) the location of the supervising pharmacy; and

(iii) that at the patient's request a pharmacist will counsel the patient using audio and video communication systems.

(9)10) ~~Records and Inspections~~ (a)(i) The supervising pharmacy shall maintain records of ~~all~~the orders entered into its information system, including orders entered from the remote dispensing pharmacy.

(ii) Electronic records shall be available to and accessible from both the remote dispensing pharmacy and the supervising pharmacy.

(iii) The original records of the controlled substance prescriptions dispensed from the remote dispensing pharmacy shall be maintained at the remote dispensing pharmacy.

(b) The remote dispensing pharmacy shall retain a recording of surveillance, excluding patient communications, for at least 45 days.

(c)(i) The RDPIC shall oversee documented monthly inspections of the remote dispensing pharmacy.

(ii) Documentation of ~~such~~the inspections shall be kept for five years, and shall include:

(i)A maintenance and reconciliation of ~~all~~any controlled substance[s];

(ii)B a perpetual inventory of Schedule II controlled substances;

(iii)C temperature logs of the refrigerator and freezer that hold medications; and

(iv)D the RDPIC's periodic review of the record of entries into the remote dispensing pharmacy.

R156-17b-626. Operating Standards - Appropriate Substitutes for Albuterol.

(1) In accordance with Subsections 58-17b-601(1) and 58-17b-605(9), a pharmacist or pharmacy intern may make appropriate substitutes for an albuterol inhaler with any brand or proprietary name albuterol product that has the same milligram dose per actuation.

(2) The pharmacist or pharmacy intern shall document an albuterol substitution on the prescription hard copy or in the medication profile system.

~~R156-17b-904~~901. ~~[Criteria for Eligible Prescription Drug Beyond use Date or Expiration Date.]~~Operating Standards - Charitable Prescription Drug Recycling Program.

(1) In accordance with Sections 58-17b-903 and 58-17b-907, the operating standards for implementation of the Charitable Prescription Drug Recycling Program under Title 58, Chapter 17b, Part 9, Charitable Prescription Drug Recycling Act, are established in this section.

(2) The Division~~[The division]~~ in collaboration with the board has not established a date later than the beyond use date or the expiration date recommended by the manufacturer for a specific prescription drug.[

~~R156-17b-905. Fees.~~

(3) As authorized by Subsection 58-17b-905(2)(e), an eligible pharmacy may charge the following handling fees:

(1)a) ~~[B]~~before accepting a prescription drug under the program: \$0 - \$10; and

(2)b) ~~[B]~~before dispensing a prescription drug under the program: \$0 - \$5.[

~~R156-17b-907a. Registration Requirements - Eligible Pharmacy.~~

(1)4) A pharmacy seeking registration with the ~~[d]~~Division as an eligible pharmacy shall submit an application on a form provided by the ~~[d]~~Division and establish that:[

~~(2) The division's form shall at a minimum require the applicant pharmacy to establish that:~~

(a) the applicant is currently licensed and in good standing with the ~~[d]~~Division;

(b) the applicant agrees to maintain, subject to inspection by the ~~[d]~~Division, written standards and procedures in compliance with ~~[Section R156-17b-907e]~~Subsection (6);

(c) the applicant agrees to create and maintain, subject to inspection by the ~~[d]~~Division, a special training program in accordance with ~~[Section R156-17b-907e]~~Subsection (8); and

(d) ~~[as required by]the applicant meets the requirements of Subsection 58-17b-902(8)(b)[, the applicant is operated by a county, county health department, a pharmacy under contract with a county health department, the Department of Health, the Division of Substance Abuse and Mental Health, or a charitable clinic].~~[

~~R156-17b-907b. Formulary.~~

(5) The formulary established under Subsection 58-17b-907(2) shall include ~~[all]each~~ prescription drug[s] approved by the federal Food and Drug Administration that meet Section 58-17b-904 criteria, except for:

(1)a) controlled substances;

(2)b) compounded drugs; and

(3)c) drugs that can only be dispensed to a patient registered with the drug's manufacturer per federal Food and Drug Administration requirements.[

~~R156-17b-907c. Standards and Procedures - Eligible Pharmacies.~~

(6) An eligible pharmacy shall maintain written standards and procedures available for inspection by the division that:

(1)a) satisfy the requirements of Section 58-17b-907; and

(2)b) satisfy labeling requirements of Subsections 58-17b-602(5) through (8), and ensure that labels clearly identify the eligible drug was dispensed under the program.[

~~R156-17b-907d. Standards and Procedures - Facilities and Mental Health and Substance Abuse Clients.~~

(1)7)(a) In accordance with Subsection 58-17b-907(4)(a), the division shall schedule and facilitate an annual meeting between the Department of Health and eligible pharmacies to establish program standards and procedures for assisted living facilities and nursing care facilities~~[, and]~~.

(2)b) In accordance with Subsection 58-17b-907(4)(b), the division shall schedule and facilitate an annual meeting between the Division of Substance Abuse and Mental Health and eligible pharmacies to establish program standards and procedures for mental health and substance abuse clients.[

~~R156-17b-907e. Special Training Program.~~

(8) An eligible pharmacy shall:

(1)a) create and maintain a special training program that its pharmacists and licensed pharmacy technicians shall complete before participating in the program; and

(2)b) maintain a record for at least two years of ~~[all]each~~ pharmacist[s] and licensed pharmacy technician[s] that ~~[have]~~has completed the special training program.

KEY: pharmacists, licensing, pharmacies
Date of Enactment or Last Substantive Amendment: ~~[November 10, 2020]~~2021
Notice of Continuation: September 5, 2019
Authorizing, and Implemented or Interpreted Law: 58-17b-101; 58-17b-601(1); 58-37-1; 58-1-106(1)(a); 58-1-202(1)(a)

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-752	Filing No. 53280

Agency Information

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

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

General Information

2. Rule or section catchline:
R277-752. Special Education Intensive Services Fund

<p>3. Purpose of the new rule or reason for the change:</p> <p>Following recent budget cuts, a need was identified to reevaluate how the Intensive Services Fund is distributed. This rule was reviewed in an effort to promote a more equitable distribution of funds to ensure funding for a greater number of local education agencies (LEAs).</p>
<p>4. Summary of the new rule or change:</p> <p>The rule amendments include updates to the distribution formula for the federal special education funds held in the Intensive Services Fund.</p>

Fiscal Information

<p>5. Aggregate anticipated cost or savings to:</p>
<p>A) State budget:</p> <p>This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The amendments will distribute federal intensive services funds more equitably amongst LEAs but do not change total amounts distributed from or received to the program.</p>
<p>B) Local governments:</p> <p>This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The amendments will distribute federal intensive services funds more equitably amongst LEAs. Compared to the current distribution formula, smaller LEAs will likely receive greater amounts from the program and larger LEAs will likely receive somewhat smaller amounts.</p>
<p>C) Small businesses ("small business" means a business employing 1-49 persons):</p> <p>This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The amendments impact distributions of federal intensive services funds to LEAs.</p>
<p>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</p> <p>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.</p>

<p>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):</p> <p>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 impact distributions of federal intensive services funds to LEAs.</p>
--

<p>F) Compliance costs for affected persons:</p> <p>There are no material compliance costs for affected persons. The amendments impact distributions of federal intensive services funds to LEAs.</p>
--

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

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

H) Department head approval of regulatory impact analysis:

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

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

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

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Section 53E-6-302	Subsection 53E-6-201(3)(a)
Subsection 53E-3-401(4)		

Public Notice Information

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

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

10. This rule change MAY become effective on: 03/10/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative

Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	01/14/2021
--	--	--------------	------------

R277. Education, Administration.

R277-752. Special Education Intensive Services Fund.

R277-752-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to establish:

(a) an application process for the special education intensive services fund; and

(b) a formula to distribute the funds.

R277-752-2. Definitions.

(1) "Base reimbursement level" means an LEA's eligible costs up to \$10,000.

([+]~~2~~) "Budget" means the total expenditures reported on an LEA's Annual Program Report, "APR."

(~~2~~]~~3~~)(a) "Cost of setting" means the average cost of a student's educational environment, including:

([a]~~i~~) for a preschool student, the cost of services provided in an early childhood setting;

([b]~~ii~~) for a general education student, the cost of services provided in a general education classroom by special education personnel;

([e]~~iii~~) for resource students, the cost of services provided in a special education classroom by pull-out from the general education classroom;

([d]~~iv~~) for a student in a special class, the cost of services provided in a special education classroom for all or most of the day; and

([e]~~v~~) for a student in a special school, the cost of services provided in a separate school where all students have disabilities.

(b) "Cost of setting" is calculated by dividing the sum of costs for teachers and paraprofessionals in a given learning environment by the number of students in the same learning environment.

[~~_____~~ (3) "Highest impacted LEA cost ratio" means the quotient of, for a fiscal year:

~~_____ (a) an LEA's unreimbursed expenses remaining after allocations are made from the high cost student fund described in R277-752-3; and~~

~~_____ (b) an LEA's total state special education revenues from the prior fiscal year.]~~

(4) "Local education agency" or "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(5) "Small LEA" means an LEA with enrollment of less than 5,000 students as shown on the most recent October 1 count.

NOTICES OF PROPOSED RULES

~~([5]6)~~ "Special education intensive services fund" means funding available to offset the costs of students whose educational program exceeds three times the state average per pupil expenditures.

R277-752-3. Application Process - Distribution Formula.

(1) ~~Beginning in the 20-21 school year, [F]to~~ receive an annual allocation from the special education intensive services fund, an LEA shall annually submit to the Superintendent an application by ~~[March 1]June 30, on a form approved by the Superintendent.~~~~[claiming;~~

- ~~(a) prior fiscal year expenses that:~~
 - ~~(i) are associated with providing direct special education and related services identified in a student's IEP; and~~
 - ~~(ii) exceed three times the state average per pupil expenditures using data from the most recently published State Superintendent's Annual Report; and~~
- ~~(b) any reimbursements received for the expenses described in Subsection (1)(a)(i) from private insurance or Medicaid.]~~

(2)(a) Except as provided in Subsection (2)(b), if the carry forward balances of an LEA's state special education programs exceed 20% of the LEA's special education budget as of June 30 of the prior fiscal year as reported in the LEA's Annual Program Report, the LEA may not submit an application for an annual allocation or reimbursement under the intensive services fund.

(b) An LEA with prior fiscal year carry forward balances that exceed 20% as described in Subsection (2)(a) may submit an application for an annual allocation or reimbursement under the intensive services fund if the LEA:

- (i) demonstrate the LEA's state special education carry forward balances do not exceed 20% of the LEA's special education current year budget as of December 31; and
- (ii) submits a balance sheet, signed by the LEA's superintendent or charter school director certifying the LEA's state special education fund balances as of December 31 immediately prior to filing the application.

(3) From the special education intensive services fund, the Superintendent shall allocate up to the base reimbursement level to all qualifying LEAs.~~;~~

- ~~(a) 50% of the appropriation to the high cost student fund to be distributed to LEAs based on the highest cost students with disabilities in accordance with Subsection (4); and~~
- ~~(b) 50% of the appropriation to the highly impacted LEA fund to be distributed to LEAs based on the highest impact to an LEA due to high cost students with disabilities in accordance with Subsection (5).]~~

(4)(a) Following the distribution described in Subsection (3), the Superintendent shall set aside funding for qualifying small LEAs proportional to the small LEAs' share of self-contained special education students.

(b) The Superintendent shall distribute the funds set aside in accordance with Subsection (4)(a) to small LEAs following the step down reimbursement formula described in Subsections (5)(a) through (d).

~~([4]5)(a)~~ Following the distribution described in Subsection (4), ~~[F]the Superintendent shall distribute any remaining funds to LEAs~~~~[from the high cost student fund]~~ using a step down reimbursement process as described in this Subsection ~~([4]5)(-)]~~;

~~([b]a)~~ The first step is to reimburse for the highest cost student equal to the difference between the highest cost student and the second highest cost student.

~~([e]b)~~ The second step is to reimburse for the highest cost student and second highest cost student equal to the difference between the second highest cost student and the third highest cost student.

~~([d]c)~~ ~~[Except as provided in Subsection (4)(c), t]~~The Superintendent shall continue the step down reimbursement process described in this subsection until funds are exhausted.

~~(e)~~ If funding is insufficient to fully reimburse the cost for all students in a step, the Superintendent shall reallocate the remaining funds to the highly impacted LEA fund.]

~~([f]d)~~ In determining student cost under this Subsection ~~([4]5)~~, the Superintendent shall sum expenses from an LEA's application described in Subsection (1)~~(a)(i)~~ less:

(i) the state average per pupil expenditures using data from the most recently published State Superintendent's Annual Report; and

(ii) reimbursements from private insurance or Medicaid. ~~(5)(a)~~ The Superintendent shall distribute funds to LEAs from the highly impacted LEA fund by providing a reimbursement equal to the difference between:

(i) an LEA's unreimbursed expenses remaining after allocations are made from the high cost student fund; and

(ii) the product of:

(A) an LEA's total federal and state special education funding from the prior fiscal year; and

(B) the median of the highest impacted LEA cost ratios.

~~(b)~~ The Superintendent shall provide a reimbursement described in Subsection (5)(a) starting with the LEA with the highest impacted LEA cost ratio until funds are exhausted.]

(6)(a) The Superintendent shall maintain and publish a list of costs eligible for reimbursement under this rule along with the rate of reimbursement.

(b)~~(i)~~ The Superintendent shall exclude cost of setting from reimbursement calculations.

(ii) Notwithstanding Subsection (6)(b)(ii), the Superintendent shall allow reimbursement of cost of setting to a small LEA.

(7)(a) If an LEA's carry forward exceeds the LEA's special education budget by an amount greater than 20% of the special education budget, the Superintendent shall recoup funds in excess of the 20% carry forward and make the funds available for distribution in the next year's intensive services fund program.

(b) Notwithstanding the requirements of Subsection (7)(a), an LEA has three years to spend carry forward fund balances incurred prior to June 30, 2019.

KEY: special education, intensive services fund

Date of Enactment or Last Substantive Amendment:

2021~~[December 16, 2020]~~

Authorizing, and Implemented or Interpreted Law: Art X Sec 3;

53E-3-401(4)~~;~~**53F-2-309]**

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.): R277-800

Filing No.
53281

Agency Information

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

General Information

2. Rule or section catchline:
R277-800. Utah Schools for the Deaf and the Blind
3. Purpose of the new rule or reason for the change:
H.B. 10, from the 2020 General Session, enacted a sunset date of July 1, 2021, for the Utah School of Deaf and Blind (USDB) Advisory Council. In October, the Utah State Board of Education made a motion supporting the sunset date. Based on the sunset, the Board requested the Utah School for the Deaf and Blind (USDB) Advisory Council to be recreated through Utah State Board of Education (USBE) Board Policy 4002.
4. Summary of the new rule or change:
Board Rule R277-800 is being amended to remove provisions on the advisory council in anticipation of legislative action, with an effective date of July 1, 2021.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The amendments are due to H.B. 10 (2020) and approved changes to USBE Board Policy 4002.
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 H.B. 10 (2020) and approved changes to USBE Board Policy 4002.
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 are due to H.B. 10 (2020) and approved changes to USBE Board Policy 4002.

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 are due to H.B. 10 (2020) and approved changes to USBE Board Policy 4002.

F) Compliance costs for affected persons:

There are no material compliance costs for affected persons. The amendments are due to H.B. 10 (2020) and approved changes to USBE Board Policy 4002.

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

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

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

H) Department head approval of regulatory impact analysis:

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

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

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

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Section 53E-8-402	Subsection 53E-3-401(4)
Subsection 53E-3-401(4)	Section 53E-8-409	Section 53E-8-204

Public Notice Information

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

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

10. This rule change MAY become effective on: 03/10/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	01/14/2021
--	--	--------------	------------

R277. Education, Administration.

R277-800. Utah Schools for the Deaf and the Blind.

R277-800-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53E-8-204 which authorizes the Board to make rules regarding the administration of the Utah Schools for the Deaf and the Blind;

~~(c) Subsection 53E-8-204(3), which directs the Board to appoint Advisory Council members;~~

~~(d) Section 53E-8-402, which directs the Board to establish entrance policies and procedures to be considered, consistent with the IDEA, for student placement recommendations at the USDB;~~

~~(e) Section 53E-8-409, which directs the Board to establish the USIMAC and outline collaboration and operating procedures for USIMAC and USDB resources; and~~

~~(f) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.~~

(2) The purpose of this rule is to provide standards and procedures for the operation of the USDB and the USDB outreach programs and services.

R277-800-2. Definitions.

(1) "Accessible media producer" means a company or agency that creates fully-accessible, specialized, student-ready formats for curriculum materials, such as:

- (a) Braille;
- (b) large print;
- (c) audio books; or
- (d) digital books.

~~[(2)] "Advisory Council" means the Advisory Council for the Utah Schools for the Deaf and the Blind appointed by the Board in accordance with Subsection 53E-8-204(3) and Section R277-800-4.~~

~~[(3)](a) "Assessment" means the process of documenting, usually in measurable terms, knowledge, skills, attitudes and abilities pertaining to the fields of vision and hearing.~~

~~(b) An assessment may include the following areas of focus:~~

~~(i) a valid, reliable and appropriate assessment given to determine eligibility for placement and services by a team of qualified professionals and a student's parent or guardian;~~

~~(ii) a functional assessment accomplished by observation and measurement of daily living skills and functional use of vision or hearing, or both; and~~

~~(iii) academic evaluations as part of the Statewide School Accountability System, including an alternate assessment with appropriate accommodations as indicated on a student's IEP.~~

~~[(4)](a) "Campus-based program" means a program provided by USDB that offers an alternative to an outreach program for students, ages three to 22, who are blind or visually impaired, deaf or hard of hearing, or deafblind.~~

~~(b) Under a campus-based program, services are provided by qualified USDB staff at a USDB site.~~

~~[(5)](a) "The Chafee Amendment to the Copyright Act" or the "Chafee Amendment" is a federal law, 17 U.S.C. 121, that allows an authorized entity to reproduce or distribute copyrighted materials in specialized formats for students who are blind or have other print disabilities without the need to obtain permission of the copyright owner.~~

~~(b) Authorized entities under the Chafee Amendment include governmental or nonprofit organizations that have a primary mission to provide copyrighted works in specialized formats for students who are blind or have other print disabilities.~~

~~[(6)] "Child Find" means activities and strategies designed to locate, evaluate, and identify individuals eligible for services under the IDEA.~~

~~[(7)] "Consultation" means a meeting for discussion or seeking advice.~~

~~[(8)] "Designated LEA" means the local education agency assigned by a student's IEP or Section 504 team to have primary responsibility for ensuring that all rights and requirements regarding individual student assessment, eligibility services and procedural safeguards are satisfied consistent with the IDEA.~~

~~[(9)] "Deafblindness" or "deafblind" means written verification provided by a medical professional stating that an individual has concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.~~

~~[(10)] "Deafness" is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, and that adversely affects a student's educational performance.~~

~~[(11)] "Educational Resource Center" or "ERC" is a center under the direction of the USDB that:~~

(a) provides information, technology, and instructional materials to assist children who are deaf, hard of hearing, blind, visually impaired, and deafblind in progressing in the curriculum; and

(b) facilitates access to materials, information, and training for teachers and parents of children who are deaf, hard of hearing, blind, visually impaired, and deafblind.

~~[(12)] "Extension classroom" means a classroom provided by an LEA where USDB provides a full-time classroom teacher and related services to students who remain enrolled in the LEA's general education programs.~~

~~[(13)] "Hearing loss" is an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance, but that is not included under the definition of deafness.~~

~~[(14)] "National Instructional Materials Access Center" or "NIMAC" is a central national repository that receives file sets in the NIMAS from publishers to maintain, catalogue, and house for future reference file sets for states to use with students who have print disabilities and require accessible alternate formats.~~

~~[(15)] "National Instructional Materials Accessibility Standard" or "NIMAS" means the electronic standard that enables all producers of alternate formats for students with print disabilities to work from one standard format available from publishers for this purpose.~~

~~[(16)](a) "Outreach program" is a program provided by the USDB that offers an alternative to a campus-based program for students ages three to 22 who are blind or visually impaired, deaf or hard of hearing, or deafblind.~~

~~(b) In an outreach program, services are provided at a student's resident school or at a designated school by a qualified teacher of the blind or visually impaired, deaf or hard of hearing, or deafblind.~~

~~[(17)](a) "Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a student with disability to benefit from special education.~~

~~(b) Related services may include:~~

~~(i) speech-language pathology services;~~

~~(ii) audiology services;~~

~~(iii) interpreting services;~~

~~(iv) psychological services;~~

~~(v) physical and occupational therapy;~~

~~(vi) recreation, including therapeutic recreation;~~

~~(vii) early identification and assessment of disabilities in students;~~

~~(viii) counseling services, including rehabilitation counseling;~~

~~(ix) orientation and mobility services;~~

~~(x) health services and school nursing services;~~

~~(xi) social work services in schools;~~

~~(xii) parent counseling and training; or~~

~~(xiii) low vision services.~~

~~[(18)] "Section 504 accommodation plan" means a plan required by Section 504 of the Rehabilitation Act of 1973, which is designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.~~

~~[(19)] "Technical assistance" means assistance to public education employees, licensed educators, parents, and families in significant areas of need by someone who has the expertise necessary to give council and training in designated areas.~~

~~[(20) "USDB" means the Utah Schools for the Deaf and the Blind.]~~

(~~21~~19) "Utah State Instructional Materials Access Center" or "USIMAC" means a center that receives NIMAS electronic file sets and produces them in the accessible alternate format required by students with print disabilities.

(~~22~~20)(a) "Visual impairment," is an impairment in vision that, even with correction, adversely affects a student's educational performance.

(b) "Visual impairment" includes both partial sight and blindness that adversely affect a student's educational performance.

(~~23~~21) "Weighted pupil unit" or "WPU" means the basic unit used to calculate the amount of state funds for which a school district or charter school is eligible.

R277-800-3. Operation of USDB.

(1) Consistent with Section 53E-8-204, the Board is the governing board of the USDB.

(2) The USDB superintendent, appointed consistent with Subsection 53E-8-204(2), is subject to the direction of the Board and the Superintendent.

(3) The USDB superintendent shall serve subject to the following:

(a) the USDB superintendent's term of office is for two years and until a successor is appointed;

(b) the Board shall set the USDB superintendent's compensation for services;

(c) the USDB superintendent shall have, at a minimum, an annual evaluation, as directed by the Board;

(d) the USDB superintendent qualifications shall be established by the Board; and

(e) the duties of the USDB superintendent shall be established by the Board.

(4) The Superintendent shall support, provide assistance, and work cooperatively with the USDB in providing services to designated Utah students.

(5) The Superintendent shall assign a liaison to provide appropriate supervision to the USDB to ensure compliance with the law.

(6) The Superintendent shall assist the USDB, its superintendent, and associate superintendents in adopting policies and preparing an annual budget that are consistent with the law.

(7) The Board shall approve the annual budget and expenditures of USDB.

(8)(a) The USDB superintendent shall, subject to the approval of the Board, appoint an associate superintendent to administer the Utah School for the Deaf and an associate superintendent to administer the Utah School for the Blind.

(b) Qualifications of a USDB associate superintendent shall be aligned with the requirements of Section 53E-8-204.

(9)(a) The USDB superintendent and associate superintendents may hire staff and teachers as needed for the USDB.

(b) Educators and related service providers shall be appropriately licensed and credentialed for their specific assignments.

(10) In employment practices and decisions, the USDB superintendent shall maintain the accreditation of the USDB school and programs.

(11) The USDB superintendent and associate superintendents shall communicate regularly and effectively with the Board and provide a written report to the Board at least annually in

adequate time prior to the November legislative interim meeting, or at such other time as requested by the Board.

(12) The USDB report shall include the data required by Subsection 53E-8-204(6).

(13) USDB shall ensure that each child or student served by USDB is assigned a unique student identifier (SSID) to allow for annual data collection and reporting of achievement of current and past students.

(14) USDB shall provide the Superintendent with a listing of past and current children or students, including the assigned unique student identifier, served by USDB by September 1 of each year to facilitate the required data collection.

R277-800-4. USDB ~~Advisory Council and~~ Community Council.

~~[(1) The Board shall establish the Advisory Council for USDB and appoint Advisory Council members as directed in Section 53E-8-204.~~

~~[(2) The Advisory Council shall have not more than 11 Board appointed voting members and shall include members as qualified under Section 53E-8-204.~~

~~[(3)(a) Advisory Council members shall serve two year terms and members may serve no more than three consecutive terms.~~

~~[(b) Notwithstanding, Subsection (3)(a), advisory Council members serve at the pleasure of the Board.~~

~~[(4) If an Advisory Council member resigns or is asked to resign, the Board shall appoint another member in a timely manner after seeking nominations.~~

~~[(5) The Board shall assist the Advisory Council in developing and passing by laws establishing procedures for:~~

~~[(a) nominating Advisory Council members;~~

~~[(b) recommending dismissal of Advisory Council members;~~

~~[(c) ethical standards for Advisory Council members; and~~

~~[(d) operation of the Advisory Council.~~

~~[(6) Advisory Council bylaws may allow for representation on the Advisory Council of constituencies within the USDB community.]~~

(~~7~~1) The USDB shall establish a community council to operate in a comparable manner to a school community council under Section 53G-7-1202 through 53G-7-1203 and Rule R277-491.

~~[(8) Members of the Advisory Council may serve as school community council members.]~~

(~~9~~2) The USDB school community council and election process shall be the same as for a district school in Section 53G-7-1202 and Rule R277-491.

(~~10~~3) The USDB may implement electronic voting and consider encouraging school community council participation through electronic meetings and technology that facilitate participation of parents of USDB students.

R277-800-5. USDB or Student's District of Residence/Charter School as Designated LEA.

(1) To be eligible to receive free services from the USDB, a student must meet the requirements of Section 53E-8-401.

(2)(a) A student's IEP or Section 504 accommodation plan shall determine a student's placement at the USDB, in a district school or charter school.

(b) USDB shall limit its services for students who are school-age to those on an IEP or Section 504 accommodation plan.

(3) Consistent with Subsection 53E-8-401(3), an IEP team or Section 504 team shall determine the appropriate placement for

each blind, deaf or deafblind student consistent with Board Special Education Rules incorporated by reference in Section R277-750-2.

(4)(a) It is the responsibility of the student's district of residence or charter school to conduct Child Find, and to convene the initial IEP or Section 504 team meeting in order to determine a student's placement.

(b) A student's initial IEP or Section 504 accommodation plan meeting shall include a representative from the student's district of residence or charter school and a representative from the USDB.

(5)(a) If USDB is the designated LEA for a student, USDB has full responsibility for all services defined in the student's IEP or Section 504 accommodation plan.

(b) Notwithstanding USDB's designation as LEA for a student, a representative from the district of residence or charter school remains a required member of the IEP or Section 504 accommodation plan team.

(6) If a district of residence or charter school is the LEA designated to provide services to a student with an IEP or Section 504 accommodation plan, the district of residence or charter school has the responsibility for providing instruction and services for the student except that the USDB:

(a) may be designated by the team as a related service provider; and

(b) remains a required member of the student's IEP or 504 accommodation plan team.

(7) A student's IEP or Section 504 accommodation plan shall clearly define what services are to be provided by a related service provider.

(8) The IEP or Section 504 accommodation plan team shall determine the designated LEA for student placement.

(9) If a parent is dissatisfied with a student's placement at USDB, the student's district of residence, or charter school, the parent may access dispute resolution procedures, consistent with Utah State Board of Education Special Education Rules, adopted by the Board in Section R277-750-2

(10) If a student's IEP or Section 504 accommodation plan provides for services to be provided by both the USDB and the student's district of residence, or for the USDB and district of residence to share responsibility for serving a student, a parent may access dispute resolution procedures consistent with Utah State Board of Education Special Education Rules, adopted by the Board in Section R277-750-2.

R277-800-6. Assessment of USDB Students Served in LEAs of Residence.

(1) An appropriate specialist shall assess a student who may be deaf, hard of hearing, blind, visually impaired, or deafblind using statewide assessment results and in compliance with Board rule and state and federal law.

(2) The USDB shall establish an assessment policy and guidelines to implement required assessments, which address:

(a) appropriate, complete, and timely evaluations of students;

(b) procedures for administration of assessments in addition to those required by the law, as determined by IEPs, Section 504 accommodation plans, and individual teachers;

(c) complete and accurate required assessments available to eligible students consistent with state and LEA assessment timelines and availability of materials for non-disabled students;

(d) staff professional development and preparation on appropriate administration of assessments and reporting of assessment results; and

(e) procedures to ensure appropriate interpretation and use of assessments and results for parents and USDB personnel.

R277-800-7. Extension Classrooms.

(1) The USDB and an LEA may negotiate to share the costs for providing more efficient, cost-effective, and convenient services to students who are deaf, blind, or deafblind in extension classrooms in locations other than the USDB campus.

(2) If the USDB and an LEA enter into an agreement in accordance with Subsection (1), the LEA shall provide:

(a) classrooms;

(b) basic instructional materials;

(c) physical education, music, media, school lunch, and other programs and services, consistent with those programs and services provided to other students within the LEA;

(d) administrative support;

(e) basic secretarial services;

(f) special education and related services; and

(g) IT support.

(3) If the USDB and an LEA enter into an agreement in accordance with Subsection (1), the USDB shall provide:

(a) classroom instructors, including aides; and

(b) instructional materials specific to the disability of the students.

(4) An agreement pursuant to Subsection (1) may reassign the responsibilities of the USDB and a school district or charter school as negotiated between the LEA and the USDB.

(5) An LEA shall claim the state WPU if the LEA provides all items or services identified in Subsection (2).

R277-800-8. USDB Fiscal Procedures.

(1) The USDB shall keep fiscal, program, and accounting records as required by the Board and shall submit reports required by the Board.

(2) The USDB shall follow state standards for fiscal procedures, auditing, and accounting, consistent with Subsection 53E-8-203(3).

(3) The USDB is a public state entity under the direction of the Board and as such is subject to state laws and exemptions consistent with Section 53E-8-203.

(4)(a) The USDB shall prepare and present an annual budget to the Board that includes no more than a five percent carryover of any one fund, including reimbursement funds from federal programs.

(b) The five percent carryover prohibition does not apply to funds received under Section 53F-2-404 and Section 12 of the Utah Enabling Act.

(5)(a) The Superintendent shall recover federal reimbursement funds (IDEA and Medicaid) quarterly during the year.

(b) The Superintendent shall identify reimbursement amounts in the current year's budget, but in no event later than the subsequent year's budget.

(6)(a) The USDB shall use the revenue from the federal trust land grant designated for the benefit of the blind and the deaf, solely for the benefit of deaf, blind, and deafblind students.

(b) The recommended or designated use of federal trust land funds is subject to review by the Board.

R277-800-9. Utah State Instructional Materials Access Center.

(1) The USIMAC shall produce core instructional materials in alternative formats to ensure that all students with print

NOTICES OF PROPOSED RULES

disabilities qualified under the Chafee Amendment receive their materials in a timely manner.

(2) The USIMAC shall provide materials for all students with print disabilities who are qualified under the Chafee Amendment or otherwise eligible through an IEP or Section 504 accommodation plan.

(3) The Superintendent shall oversee the operations of the USIMAC.

(4) The USDB is the fiscal agent and operates the USIMAC to the extent of funds received annually from the Utah Legislature and the Board.

(5) An LEA may purchase accessible instructional materials using the LEA's own funding or request the production of accessible instructional materials in alternate formats from the USIMAC in accordance with established opt in procedures to ensure timely access for students with print disabilities.

(6) USIMAC shall provide a textbook in an alternate format by the beginning of the school year if requested no later than April 1 of the preceding school year by an LEA.

(7) The USDB ERC shall serve as the repository and distribution center for the USIMAC.

(8) A student qualifies for accessible instructional materials from the USIMAC, including Braille, audio, large print, or digital formats following an LEA determination that the student has a print disability in accordance with:

- (a) the Chafee Amendment;
- (b) IDEA; or
- (c) Section 504 of the Rehabilitation Act.

(2)(a) An LEA may request textbooks for blind, vision impaired or deafblind students served by the USDB or the LEA consistent with a student's IEP or Section 504 accommodation plan.

(b)(i) When an LEA requests a core instructional textbook the USIMAC shall conduct a search for the textbook within existing resources, and if the textbook is available, the USIMAC shall send the textbook to the ERC for distribution to the LEA.

(ii) If a textbook is not available within existing resources, the USIMAC will conduct a search to determine if the textbook is available for purchase through another source.

(iii) If a textbook is available through the American Printing House for the Blind (APH), the USDB shall order the textbook using state acquired federal funds designated specifically for USIMAC materials and send the textbook to the ERC for distribution to the LEA.

(iv) If a textbook is not available from APH, but is available from another accessible media producer, the textbook shall be purchased and sent to the ERC for distribution to the LEA.

(v) If a textbook is not available for purchase, the LEA shall provide a regular print hard copy of the textbook to the USIMAC, which shall then produce the textbook and send it to the ERC for distribution.

(3)(a) All approved textbook contracts for the state of Utah for instructional materials published after August 2006 shall include a provision for making NIMAS file sets available through the NIMAC in accordance with the IDEA and Board Instructional Materials Contract timelines.

(b) If the USIMAC is unable to obtain the NIMAS file set from the NIMAC because the publisher fails to timely provide the NIMAS file set to the NIMAC in accordance with the IDEA and Board Instructional Materials Contract timelines, the USIMAC may:

- (i) bill the textbook publisher the difference in the cost of producing the alternate format textbook without benefit of the NIMAS file set; or

(ii) request authorization from the Board to seek damages from the publisher for failure to meet contract provisions.

(c) The Superintendent shall advise publishers of the provisions of this Subsection (3).

(d) The Utah Instructional Materials Commission created under Rule R277-469 may not approve textbooks and materials from publishers that have a pattern of not providing materials and textbooks for students with disabilities in a timely manner, consistent with the law and Board rules.

(4)(a) An LEA may request and access audio books through the USIMAC, as appropriate, or through other sources.

(b) Membership required for other sources is the responsibility of the LEA designated as the responsible entity for serving the student in the IEP or Section 504 accommodation plan.

R277-800-10. Effective Date.

This rule is effective July 1, 2021.

KEY: educational administration

Date of Enactment or Last Substantive Amendment: 2021 ~~February 7, 2020~~

Notice of Continuation: July 19, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-8-204; 53E-8-402; 53E-8-409

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-923	Filing No. 53282

Agency Information

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

General Information

2. Rule or section catchline:
R277-923. American Indian and Alaskan Native Education State Plan Pilot Programs

3. Purpose of the new rule or reason for the change:
Rule R277-923 is a program that has been a pilot program. In the 2020 General Session, S.B. 124 passed making it a permanent program.
4. Summary of the new rule or change:
The changes include taking the word "pilot" out of this rule to match the amendments in S.B. 124 (2020).

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The amendments are due to S.B. 124 (2020).
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. 124 (2020).
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impacts on small businesses' revenues or expenditures. The amendments are due to S.B. 124 (2020).
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule 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 are due to S.B. 124 (2020).

F) Compliance costs for affected persons:																																																												
There are no material compliance costs for affected persons. The amendments are due to S.B. 124 (2020).																																																												
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)																																																												
Regulatory Impact Table																																																												
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2021</th> <th>FY2022</th> <th>FY2023</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Non-Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Other Persons</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Total Fiscal Cost</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Fiscal Benefits</td> <td></td> <td></td> <td></td> </tr> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Non-Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Other Persons</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Total Fiscal Benefits</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Net Fiscal Benefits</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2021	FY2022	FY2023	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0	Small Businesses	\$0	\$0	\$0	Non-Small Businesses	\$0	\$0	\$0	Other Persons	\$0	\$0	\$0	Total Fiscal Cost	\$0	\$0	\$0	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
Fiscal Cost	FY2021	FY2022	FY2023																																																									
State Government	\$0	\$0	\$0																																																									
Local Governments	\$0	\$0	\$0																																																									
Small Businesses	\$0	\$0	\$0																																																									
Non-Small Businesses	\$0	\$0	\$0																																																									
Other Persons	\$0	\$0	\$0																																																									
Total Fiscal Cost	\$0	\$0	\$0																																																									
Fiscal Benefits																																																												
State Government	\$0	\$0	\$0																																																									
Local Governments	\$0	\$0	\$0																																																									
Small Businesses	\$0	\$0	\$0																																																									
Non-Small Businesses	\$0	\$0	\$0																																																									
Other Persons	\$0	\$0	\$0																																																									
Total Fiscal Benefits	\$0	\$0	\$0																																																									
Net Fiscal Benefits	\$0	\$0	\$0																																																									
H) Department head approval of regulatory impact analysis:																																																												
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.																																																												
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:																																																												
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased																																																												

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

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Section 53E-6-302	Subsection 53E-6-201(3)(a)
Subsection 53E-3-401(4)		

Public Notice Information

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

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

10. This rule change MAY become effective on: 03/10/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	01/14/2021
--	--	--------------	------------

R277. Education, Administration.

R277-923. American Indian and Alaskan Native Education State Plan [~~Pilot~~]Programs.

R277-923-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and
 - (b) Section 53F-5-603, which provides that the Board may make rules related to the [~~pilot~~]programs; and
 - (c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
- (2) The purpose of this rule is to provide:
 - (a) criteria for evaluating grant applications; and
 - (b) procedures for:
 - (i) a school district to apply to the Board to receive grant money; and
 - (ii) the review of the use of grant money.

R277-923-2. Definitions.

- (1) "American Indian and Alaskan Native concentrated school" has the same meaning as that term is defined in Section 53F-5-601.
- (2) "Program site" means the school where an LEA plans to use grant money and implement the LEA's program.

R277-923-3. Grant Application.

- (1) An LEA may apply for a grant described in Section 53F-5-603 by submitting an application to the Superintendent on or before the last Friday in May.
- (2) The Superintendent shall develop a grant application and make the grant application available to LEAs that meet the eligibility as an American Indian and Alaskan Native concentrated school.

R277-923-4. Procedure and Criteria for Awarding a Grant.

- (1) The Superintendent shall award:
 - (a) one American Indian and Alaskan Native Education State Plan [~~Pilot~~]Program grant to an LEA to serve one or more program sites for the five-year [~~pilot~~]program created in Subsection 53F-5-602(1); and
 - (b) one grant to an LEA to serve one or more program sites for the four-year [~~pilot~~]program created in Subsection 53F-5-602(2).
- (3) The Superintendent shall award a grant described in Subsection (1) to an LEA based on the following criteria:
 - (a) up to 20 points will be awarded based on the percentage of American Indian and Alaskan Native students enrolled in the program sites;
 - (b) up to 15 points will be awarded based on the educator recruiting and retention needs of the program sites;
 - (c) up to 15 points will be awarded based on the strength of the LEA's program design plan;
 - (d) up to 10 points will be awarded based on the LEA's plan to objectively evaluate the success of the LEA's program design plan; and
 - (e) up to 10 points will be awarded based on the strength of the LEA's proposed budget and how many educators the LEA plans to serve.

KEY: Native Americans, Alaskan Natives, grant programs, teacher retention

Date of Enactment or Last Substantive Amendment: 2021[~~August 7, 2017~~]

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-5-603; 53E-3-401(4)

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-926	Filing No. 53283

Agency Information

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

General Information

2. Rule or section catchline:
R277-926. Certification of Residential Treatment Center Special Education Program
3. Purpose of the new rule or reason for the change:
Rule R277-926 is being amended to incorporate requested changes by residential treatment centers (RTC) and Utah State Board of Education (USBE) staff to achieve greater clarity regarding requirements for an RTC's special education program to be approved by the USBE.
4. Summary of the new rule or change:
The amendments clarify what is required for teaching personnel certifications, what transition plans need to include, and expand the time for application review and the correction time frame for application errors.

Fiscal Information

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

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

NOTICES OF PROPOSED RULES

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

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state

and federal laws. State code or constitution citations (required):		
Article X, Section 3	Subsection 53E-3-401(4)	

Public Notice Information

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

10. This rule change MAY become effective on:	03/10/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	01/14/2021
--	---	--------------	------------

**R277. Education, Administration.
R277-926. Certification of Residential Treatment Center Special Education Program.**

R277-926-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board; and
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and State of Utah law.

- (2) The purpose of this rule is to provide a certification process and procedure for residential treatment centers where IEP teams place an in-state or out-of-state special education students for purposes of receiving a free and appropriate public education.

R277-926-2. Definitions.

- (1) "Nonsectarian" means a nonpublic school or agency that is not owned, operated, controlled by, or formally affiliated with a religious group or sect, whatever might be the actual character of the education program or the primary purpose of the facility.
- (2)(a) "Residential Treatment Center" or "RTC" means a private, or nonsectarian establishment that provides related services

necessary for a student with special needs to benefit educationally from the student's IEP.

(b) "Residential Treatment Center" or "RTC" does not include an organization or agency that operates as a public agency or offers public service, including:

- (i) a state or local agency;
- (ii) an affiliate of a state or local agency including:

(A) a private, nonprofit corporation established or operated by a state or local agency;

(B) a public university or college; or

(C) a public hospital.

(3) "Qualified personnel" means an in-classroom staff member who:

(a) provides assistance with a student's education;

(b) has met requirements for federal and state certification~~], and licensing[, registration, or other comparable training]~~ requirements that apply to the area in which the staff member is providing ~~[related]~~ services, including board approved or Utah Department of Professional Licensing~~[recognized]~~ requirements; and

(c) actively adheres to the standards of professional practice established in federal and State of Utah law or regulation.

R277-926-3. Certification of a Residential Treatment Center.

(1) An RTC shall have the RTC's special needs program certified by the Superintendent before providing services for a free and appropriate public education to in-state or out-of-state students with special education needs and a current IEP from an LEA.

(2) An RTC seeking certification shall apply for an initial or renewal certification in a form prescribed by the Superintendent.

(3) An RTC's application shall include:

(a) a detailed description of the RTC's general and special education program provided, including:

(i) minimum instructional minutes for each grade level served;

(ii) specially designed instruction and related services~~[for:~~

~~_____ (A) social skills;~~

~~_____ (B) counseling; and~~

~~_____ (C) parent training];~~

(iii) evidence of age appropriate core curriculum that aligns with the Utah core standards or aligns with the core standards of the student's state of origin;

(iv) for grades K-8, evidence showing the use of at least one resource, including a textbook or curricular program, adopted by the student's state of origin or Utah for each core standard subject~~including:~~

~~_____ (A) English language arts;~~

~~_____ (B) Math; and~~

~~_____ (C) Science];~~

(v) for grades 9-12, evidence showing alignment of curriculum for core standard subjects with an LEA's curriculum in Utah or the student's state of origin;

(b) evidence, including educator licenses ~~[or employee resumes,]~~ of qualified personnel for each subject area including:

(i) English language arts;

(ii) Math;~~and~~

(iii) Science;

~~_____ (iv) Special Education; and~~

~~_____ (v) Related services.~~

(c) documentation of training implementation and supervision in a special education program of paraprofessionals as described by the Special Education Rules Manual incorporated by reference in R277-750~~[evidence that each aide assisting in a student's~~

~~education has received training in appropriate behavior as regulated by the Utah Department of Human Services and academic content areas specific to an aide's classroom assignment, including training required by state of Utah and federal law];~~

(d) an assurance that each student, aged 14 years and above, has a transition plan as described in Subsection R277-926-4(3)(~~a~~)b);

(e) evidence that an RTC is collaborating with a student's LEA of origin's fully constituted IEP team to:

(i) carry out the specific requirements of the student's IEP, including the general requirements described in Subsection R277-926-4(3)(b);

(ii) facilitate an annual IEP review; and

(iii) when necessary, participate in the student's triennial evaluation, including:

(A) an outlined process for the evaluation;

(B) the ability to allow on-site accessibility to third parties required for evaluation participation; and

(C) collaborate with the LEA of origin for the administration of the assessment.

(f) a description of the RTC's~~[behavior intervention plan, including the]~~ incident management process and procedures for a student, and reporting requirements described in Subsection R277-926-4(3)(c);

(g) evidence of how meaningful parental involvement is facilitated;

(h) documentation showing all staff at the RTC have been fingerprinted and have passed state and federal criminal background checks before being allowed to have contact with any student;

(i) an assurance showing participation in the LEA of origin with federal Child Find mandates as outlined in 20 U.S.C. 1412(a)(3);

(j) an assurance that the RTC is a nonsectarian RTC; and

(k) if applicable, a copy of the Private School Affidavit filed with a student's state of origin.

(4) Except as provided in Subsection (7), an RTC may apply for an initial certification and receive notification of certification approval or denial within 60 days of an on-site review.

(5) An RTC shall apply for certification renewal no later than 60 days prior to the expiration of the RTC's current certification~~[June 1st for the upcoming school year].~~

(6) Except as provided in Subsection (7), the Superintendent shall provide the RTC notice of the Superintendent's approval or denial of the RTC's application for certification within 60 days of an on-site review~~[of receipt of the RTC's application].~~

(7) For an application received before January 1, 2020, the Superintendent shall notify an RTC of the Superintendent's approval or denial of the RTC's request for certification within 45 days.

(8) An RTC with a pending application shall be subject to an on-site review by the Superintendent within ~~[45]~~60 days of the RTC submitting the RTC's application.

(9) An RTC's application for certification and on-site review shall be reviewed collectively by the Superintendent in considering approval or denial of certification.

(10) An RTC shall be informed of compliance errors at the time of the on-site review and will be provided six weeks to correct the compliance errors before a final certification decision is made.

~~(11)~~(9) If approved, an RTC's certification lasts for two years from the date of approval and is subject to monitoring protocols as described in Subsection R277-926-4.

~~(12)~~(+) If the Superintendent denies an RTC's application for certification, the Superintendent shall provide the reason for the denial in writing to the RTC.

NOTICES OF PROPOSED RULES

(13[2]) If an RTC operates a special needs program at more than one site, the RTC shall submit a separate certification application for each site.

R277-926-4. Certification Maintenance and General Monitoring.

(1) An RTC that has been certified is subject to periodic monitoring and review.

(2) An RTC shall ensure general compliance with the requirements of this rule, state law, and federal law by providing the Superintendent with:

- (a) documentation, including:
 - (i) applicable student and program records; and
 - (ii) information for which the Board is responsible;
- (b) access to on-site visits at any time; and
- (c) any combination of Subsections (a) and (b).

(3) An RTC that has been certified shall comply with all requirements of this rule, State of Utah law and federal law, including the following requirements:

(a) collaborating with an LEA of origin to maintain and facilitate a ~~[transition]~~ plan for transition from the RTC to a less restrictive setting or from a less restrictive setting to an RTC ~~[for each student served by the RTC that includes:~~

- ~~(i) a list of a relevant course of study related to needs and ability of the student;~~
- ~~(ii) a list of all required transition assessments needed;~~
- ~~(iii) a plan for transitions to and from restrictive placement; and~~
- ~~(iv) age of majority documentation in a form approve by the Superintendent];~~

(b) collaborating with the LEA of origin on a student's IEP through:

- (i) timely and appropriate IEP progress monitoring;
- (ii) documentation of a student's specially designed instruction and related services ~~[including]~~ such as:

- (A) service provisions;
- (B) treatment notes; and
- (C) service logs;
- (iii) post secondary transition plans for students age 14 and older including:

(A) a list of a relevant course of study related to needs and ability of the student;

(B) a list of all required transition assessments needed; and

(C) age of majority documentation;

(iv)[#] sign-in or attendance sheets for each IEP meeting held for a student; and

(iv) adhering to all other applicable state and federal laws;

(c) when appropriate, establishing a discipline guide consistent with IDEA that includes a behavior intervention plan with the following minimum components:

- (i) general behavior goals;
- (ii) crisis de-escalation and restraint training and training frequency;

(iii) restraint and seclusion policies and procedures consistent with state and federal law; and

(iv) parental notification policies requiring notice within at least 24-hours.

(4) An RTC shall notify the Superintendent within ~~[30]~~45 days if the RTC makes any material change to the RTC's special education program.

(5) If a certified RTC is found to be noncompliant with a provision of R277-926, State of Utah law, or federal law, the

Superintendent may suspend or revoke the RTC's certification as outlined in Subsection R277-926-5.

R277-926-5. Revocation of Certification.

(1) The Superintendent may revoke an RTC's certification at any time if the RTC fails to comply with the requirements of R277-926, State of Utah law, or federal law.

(2) The Superintendent shall provide the reason for revocation of the RTC's certification in writing to the RTC and provide a 30-day cure period before revocation may occur.

(3) If an RTC does not ~~[cure]~~correct identified non-compliance described in Subsection (2) within the ~~[30-day cure]~~45-day correction period, the Superintendent shall revoke the RTC's certification.

(4) If an RTC's certification is revoked, the RTC:

(a) may not receive new students into the RTC's special education program; and

(b) may maintain the students currently attending the RTC's special education program.

(5) An RTC may reapply for certification within 12 months following the RTC's completed corrective action in response to the Superintendent's reasons for revocation described in Subsection (2).

R277-926-6. Request for Review.

(1) A public education agency that contracts with a certified RTC may request the Superintendent to review the status of the RTC's certification.

(2) The Superintendent shall establish a mechanism for referrals, complaints, and information related to the status of an RTC's certification.

(3) The Superintendent shall conduct a review pursuant to this in accordance with all requirements in Sections R277-926-4 and R277-926-5.

R277-926-7. RTC Appeal of Certification Application Denial or Certification Revocation.

(1) An RTC may file an appeal to the Board of an adverse decision of the Superintendent resulting in the denial of application or revocation of a certification.

(2) An appeal pursuant to this rule shall be an informal adjudication.

(3) An appeal described in Subsection (1) shall be made in writing and within 30 days of the date of the Superintendent's action.

(4) The Board may:

(a) review the appeal as a full board; or

(b) refer the appeal to the Board's audit committee to make a recommendation to the Board for action.

KEY: residential treatment centers, special education, certification Date of Enactment or Last Substantive Amendment: 2021|July 2, 2019]

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	R309-405	Filing No. 53234

Agency Information

1. Department:	Environmental Quality	
Agency:	Drinking Water	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state, zip:	Salt Lake City, UT 84114-4830	
Contact person(s):		
Name:	Phone:	Email:
Jennifer Yee	385-515-1501	jyee@utah.gov
Mark Berger	801-641-6457	mberger@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R309-405. Compliance and Enforcement: Administrative Penalty
3. Purpose of the new rule or reason for the change:
S.B. 88, which was passed in the 2020 General Session and signed by the governor, authorized the Director of the Division of Drinking Water (Division) to make rules to issue and enforce a notice of violation and an administrative order, and to assess and make a demand for payment of an administrative penalty for a violation of the Safe Drinking Water Act; Title R309 of the Administrative Code; and an order, permit, or administrative authorization issued by the director. S.B. 88 also established administrative penalty limits. Changes to Rule R309-405 incorporate those changes into the rule by repealing the current rule and reenacting a rewritten rule in its place.
4. Summary of the new rule or change:
This repeal and reenactment enhances the penalty and formal enforcement processes for the Director of the Division of Drinking Water. It provides a more detailed enforcement and penalty process for the Division. The Drinking Water Board reviewed and approved this rule repeal and reenactment on 01/12/2021.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
Changes to Rule R309-405 are anticipated to have no cost or savings to the state budget. The state General Fund, however, would benefit from any administrative penalties collected by the Division under the terms of this rule.

B) Local governments:

Changes to Rule R309-405 are anticipated to have no savings to local governments. The changes could have minor, unquantifiable costs to a local government, which operates a public water system that is assessed an administrative penalty for violation of state drinking water requirements. All costs could be avoided by maintaining compliance with state public drinking water requirements.

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

Changes to Rule R309-405 are anticipated to have no savings to small businesses. The changes could have minor, unquantifiable costs to a small business, which operates a public water system that is assessed an administrative penalty for violation of state drinking water requirements. All costs could be avoided by maintaining compliance with state public drinking water requirements.

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

Changes to Rule R309-405 are anticipated to have no savings to non-small businesses. The changes could have minor, unquantifiable costs to a non-small business, which operates a public water system that is assessed an administrative penalty for violation of state drinking water requirements. All costs could be avoided by maintaining compliance with state public drinking water requirements.

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**):

Changes to Rule R309-405 are anticipated to have no savings to persons other than small businesses, non-small businesses, state, or local governmental entities. The changes could have minor, unquantifiable costs to a person, who operates a public water system that is assessed an administrative penalty for violation of state drinking water requirements. All costs could be avoided by maintaining compliance with state public drinking water requirements.

F) Compliance costs for affected persons:

Changes to Rule R309-405 are anticipated to have small to no compliance costs for affected persons. Affected persons would be public water systems and their customers. The changes would only have a relatively small, unquantifiable cost to a public water system and its customers that were assessed an administrative penalty for violation of state drinking water requirements. All costs could be avoided by maintaining compliance with state public drinking water requirements.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there

are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kim Shelley, has reviewed and approved this fiscal analysis.

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

There would only be a cost to a business that operates a public water system and was assessed an administrative penalty for violation of state drinking water requirements. This cost is inestimable because it would depend on the gravity of the violation and whether a penalty was assessed. All costs could be avoided by maintaining compliance with state public drinking water requirements.

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

Kim Shelley, Executive Director

Citation Information

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

Section 19-4-104	Section 19-4-105	Subsection 9-4-106(4)
Section 19-4-109		

Public Notice Information

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

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

10. This rule change MAY become effective on:	03/10/2021
--	------------

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Ying-Ying Macauley, Interim Director, Division of Drinking Water	Date:	01/12/2021
--	--	--------------	------------

R309. Environmental Quality, Drinking Water.

R309-405. Compliance and Enforcement: Administrative Penalty.

~~**R309-405-1. Authority.**~~

~~Utah Code Annotated, Sections 19-4-104 and 19-4-109~~

~~**R309-405-2. Purpose, Scope, and Applicability.**~~

~~(1) This rule sets the criteria and procedures the Director will use in assessing penalties to public drinking water systems for violation of its rules.~~

~~(2) This guidance and ensuing criteria is intended to be flexible and liberally construed to achieve a fair, just, and equitable result with the intent of returning a public water system to compliance.~~

~~(3) This rule is applicable to all public drinking water systems.~~

~~**R309-405-3. Limits on Authority and Liability.**~~

~~Nothing in this rule should be construed to limit the Director's ability to take enforcement actions under Utah Code Annotated, Section 19-4-109.~~

R309-405 4. Assessment of a Penalty and Calculation of Settlement Amounts.

(1) Where the Director determines that a penalty may be appropriate, the Director shall propose a penalty amount by sending a notice of agency action to the public water system. The notice of agency action shall provide that the public water system may submit comments and/or information on the proposed penalty to the Director within 30 days. The criteria the Director will use in establishing a proposed penalty amount shall be as follows:

(a) Major Violations: \$600 to \$1000 per day for each day of violation. This category includes violations with high potential for impact on drinking water users, major deviations from the requirements of the rules or Safe Drinking Water Act, intentional fraud, falsification of data, violations which result in a public water system being considered by the Environmental Protection Agency to be: "Significant Non-Compliers" (SNC), or violations that may have a substantial adverse effect on the regulatory program. Specific violations that are subject to a major violation category can include the following:

(i) Violations subject to \$1000 per day penalty:

(A) Any violation defined by R309-220-5 which would trigger a Tier 1 public notification.

(B) Not having any elements of a source protection plan as required in R309-600 for ground water sources and R309-605 for surface water sources.

(C) Failure to respond to an Administrative Order issued by the Director.

(D) Introduction by the water system of a source water that has not been evaluated and approved for use as a public drinking water source under R309-515.

(E) Construction or use of an interconnection to another public water system which has not been reviewed and approved in accordance with R309-550-9.

(F) Having over 20 IPS points (Improvement Priority System points based on R309-400, the Water System Rating Criteria) specifically for operating pressures below that required by R309-105-9.

(G) Having 50 IPS points specifically for an inadequate well seal as required in R309-515.

(H) Having over 50 IPS points (not including the deficiencies in (F) and (G) above) specifically assessed in the physical facility section of an IPS report.

(I) Use of a surface water source without proper filtration treatment in accordance with R309-525 or 530.

(J) Exceeding the rated water treatment plant capacity as determined by review under R309-525 or 530.

(K) Insufficient disinfection contact time as evaluated under R309-215-7.

(ii) Violations subject to \$800 per day penalty:

(A) Not having any of the required components of a cross connection control program in place as required by R309-105-12.

(B) Any violation of the turbidity requirements outlined in R309-215-9(4)(b)(iii-iv) for individual filter turbidities using consecutive readings taken 15 minutes apart.

(b) Moderate Violations: \$400 to \$600 per day for each day of violation. This category includes violations with a moderate potential for impact on drinking water users, moderate deviations from the requirements of the rules or Safe Drinking Water Act with some requirements implemented as intended, or violations that may have a significant notable adverse effect on the regulatory program. Specific violations that are subject to a moderate violation category can include the following:

(i) Violations subject to \$600 penalty:

(A) Any violation defined by R309-220-6 which would trigger a Tier 2 public notification.

(B) Having a disapproved status on a source protection plan (R309-600 and 605) for a period longer than 90 days.

(C) Installation or use of disinfection equipment that has not been evaluated and approved for use under R309-520.

(D) Having measured turbidity spikes of greater than 0.5 or 1.0 NTU in two consecutive fifteen minute readings as defined in R309-215-9(4)(b)(i) or (ii) respectively.

(E) Insufficient source capacity, storage capacity, or delivery capacity as established by review of the system design under R309-500 through 550.

(F) Not complying with plan approval requirements as set forth in R309-500. The term infrastructure can include the disinfection process, surface water treatment process, and physical facilities such as water treatment plants, storage reservoirs, sources and distribution piping.

(c) Minor Violations: Up to \$400 per day for each day of violation. This category includes violations with a minor potential for impact on drinking water users, slight deviations from the rules or Act with most of the requirements implemented, or violations that may have a minor adverse effect on the regulatory program. Specific violations that are subject to a minor violation category can include the following:

(i) Violations subject to \$400 per day penalty:

(A) Any violation defined by R309-220-7 which would trigger a Tier 3 public notification or a violation of the monitoring requirements of R309-515-4(5), except for turbidity monitoring for surface water treatment facilities and violations termed as minor monitoring as outlined in R309-400-3 (minor bacteriological routine monitoring violation, minor bacteriological repeat monitoring violation and minor chemical monitoring violation).

(B) Failure to upgrade a Preliminary Evaluation Report for a source protection plan as required in R309-600 and 605.

(C) Failure to update a source protection plan as required in R309-600 and 605.

(D) Construction or use of a storage reservoir that has not been evaluated for use under R309-545.

(ii) Violations subject to \$200 per day penalty:

(A) Lacking individual components of a cross connection control program as required by R309-105-12.

(B) Not having a certified operator on staff as required in R309-300-5(10) after 1 year or 4 operator certification exam cycles.

(C) Any minor monitoring violation as defined by R309-400-3 (minor bacteriological routine monitoring violation, minor bacteriological repeat monitoring violation and minor chemical monitoring violation).

(D) A violation of the turbidity requirements outlined in R309-215-9(4)(b)(i-ii) for individual filter turbidities using consecutive readings taken 15 minutes apart.

(2) The Director will assess the penalty, if any, after reviewing information submitted by the public water system. The public water system may appeal the assessment of the penalty as provided in R309-7-302.

R309-405 5. Factors for Seeking or Negotiating Amount of Penalties.

The Director, in assessing the penalty, may take into account the following factors:

(1) Economic benefit. The costs a person or organization may save by delaying or avoiding compliance with applicable laws or rules.

(2) Gravity of the violation. This component of the calculation shall be based on:

NOTICES OF PROPOSED RULES

- _____ (a) The extent of deviation from the rules;
- _____ (b) The potential for harm to drinking water users, regardless of the extent of harm that actually occurred;
- _____ (c) The degree of cooperation or noncooperation and good faith efforts to comply. Good faith takes into account the openness in dealing with the violations, promptness in correction of problems, and the degree of cooperation with the State;
- _____ (d) History of compliance or noncompliance. The penalty amount may be adjusted upward in consideration of previous violations and the degree of recidivism. Likewise, the penalty amount may be adjusted downward when it is shown that the violator has a good compliance record; and,
- _____ (e) Degree of willfulness or negligence. Factors to be considered include how much control the violator had over the violation and the foreseeability of the events constituting the violation, whether the violator made or could have made reasonable efforts to prevent the violation, whether the violator knew, or should have known, of the legal requirements which were violated, and degree of recalcitrance.
- _____ (3) The number of days of non compliance
- _____ (4) Public sensitivity. The actual impact of the violation(s) that occurred.
- _____ (5) Response and investigation costs incurred by the State and others.
- _____ (6) The possible deterrent effect of a penalty to prevent future violations.

~~**R309-405-6. Satisfaction of Penalty Under Stipulated Penalty Agreement.**~~

~~The Director may accept the following methods of payment or satisfaction of a penalty to promote compliance and to achieve the purposes set forth in Utah Code Annotated Section 19-4-109:~~

- _____ (1) ~~Payment of the penalty may be extended based on a person or organization's inability to pay. This shall be distinguished from an unwillingness to pay. In cases of financial hardship, the Director may accept payment of the penalty under an installment plan or delayed payment schedule with interest.~~
- _____ (2) ~~In circumstances where there is a demonstrated financial hardship, the Director may allow a portion of the penalty to be deferred and eventually waived if no further violations are committed within a period designated by the Director.~~
- _____ (3) ~~In some cases, the Director may allow the violator to satisfy the penalty by completing a Supplemental Environmental Project (SEP) approved by the Director. The following criteria shall be used in determining the eligibility of such projects:~~
 - _____ (a) ~~The project must be in addition to all regulatory compliance obligations;~~
 - _____ (b) ~~The project must relate to some or all of the issues of the violation;~~
 - _____ (c) ~~The project must primarily benefit the drinking water users;~~
 - _____ (d) ~~The project must be defined, measurable and have a beginning and ending date;~~
 - _____ (e) ~~The project must be agreed to in writing between the public water system and the Director;~~
 - _____ (f) ~~The project must not generate the public perception favoring violations of the laws and rules.~~

R309-405-7. Penalty Policy for Civil Proceedings.

Pursuant to Utah Code Annotated Section 19-4-109(2)(b), any person who willfully violates any rule or order made or issued pursuant to the Utah Safe Drinking Water Act, Utah Code Annotated Section 19-4-101 et seq. is subject to a civil penalty of not more than

\$5000 per day for each day of violation. The Director shall apply the provisions of R309-405-4, 5, and 6 in pursuing or resolving willful violations except that the penalty range per day for each day of violation for major violations shall be \$3000 to \$5000, for moderate violations shall be \$2000 to \$3000, and for minor violations shall be up to \$2000.]

R309-405-1. Purpose, Scope, and Applicability.

(1) The Division's enforcement program protects public health by ensuring compliance with the Safe Drinking Water Act, rules promulgated by the Board, and valid administrative orders issued by the Director.

(2) Rule R309-405 sets the procedures, criteria, and factors that apply to the assessment and settlement of formal administrative penalties against public drinking water system suppliers for violation of the Safe Drinking Water Act, Sections 19-4-101 et seq., rules promulgated by the Board, or orders issued by the Director under the Safe Drinking Water Act.

(3) Rule R309-405 applies to all public drinking water systems and suppliers under the Safe Drinking Water Act.

R309-405-2. Authority.

Sections 19-4-104, 19-4-105, 19-4-106(4), and 19-4-109.

R309-405-3. Definitions.

The following additional definitions apply to Rule R309-405:

(1) "Administrative order" means any form of order issued by the Director under the Safe Drinking Water Act that requires the supplier to take an action or refrain from taking an action. Administrative orders include any order variations, including Compliance Agreement/Enforcement Order, Stipulated Consent Order, Initial New System Order, and any form of unilateral order.

(2) "Administrative penalties" are monetary sanctions imposed by the Director pursuant to Section 19-1-109 arising from violations of the Safe Drinking Water Act, rules promulgated by the Board, or lawful orders issued by the Director.

(3) "Formal enforcement" is an action initiated by the Director that is intended to result in an enforceable order or final violation finding under either administrative or civil (judicial) procedures.

(4) A "notice of agency action" is a notice issued by the Director under Section 19-4-109(4) and the Utah Administrative Procedures Act that initiates any type of formal enforcement action that involves the assessment of administrative penalties. A notice of agency action may include a notice of violation or an administrative order in any combination where a penalty is being sought in connection with the formal enforcement matter.

(5) A "notice of violation" is a written notice signed by the Director under Section 19-4-107 stating the nature of the violation of one or more legally-binding requirements. A notice of violation may include an administrative order to correct the violation or seek a variance by a specific date. A notice of violation may be the only formal enforcement action taken or it may be used as a basis for other enforcement actions.

(6) "Respondent" is the public water system supplier or other person who is the subject of the notice of violation, administrative order, or other form of formal enforcement under this rule.

R309-405-4. Formal Enforcement Introduction; No Limits on Authority and Remedies.

Section R309-405-4 addresses administrative procedures as they apply to formal enforcement actions.

(1) Formal enforcement actions are initiated by the Director through the issuance of a notice of violation or any form of administrative order, notice of agency action, or any combination of a notice of violation, administrative order, or notice of agency action.

(2) The Director may initiate and pursue formal enforcement through administrative procedures or through judicial procedures. In lieu of initiating formal enforcement through administrative procedures, the Director may initiate formal enforcement proceedings through judicial procedures in state court under Subsection 19-4-109(8). Final administrative orders may also be enforced in state court through judicial procedures.

(3) Administrative penalties are intended to emphasize the need for timely, meaningful, and lasting corrective actions and to deter future violations.

(4) Nothing in Rule R309-405 should be construed to limit the Director's enforcement discretion or right to pursue any administrative or judicial enforcement actions under the Safe Drinking Water Act.

R309-405-5. Formal Administrative Enforcement Actions and Assessment of Administrative Penalties.

Section R309-405-5 addresses formal enforcement actions and monetary penalties available to the Director through administrative procedures.

(1) Formal Administrative Enforcement Actions Seeking No Penalties.

(a) Whenever the Director issues, under the Safe Drinking Water Act, a notice of violation or administrative order, or a combined notice of violation and administrative order, that does not seek the imposition of administrative penalties, the procedures set forth in Section 19-1-301 and Rule R305-7 shall apply to the issuance and service of the notice of violation or administrative order, or combined notice of violation and order, and any adjudication arising from the issuance and service of the notice of violation or administrative order, or combined notice of violation and administrative order.

(2) Formal Administrative Enforcement Actions Seeking Penalties.

(a) Whenever the Director issues, under the Safe Drinking Water Act, a notice of violation or administrative order, or a combined notice of violation and administrative order, that seeks the imposition of administrative penalties, the notice of agency action procedures set forth in Section 19-4-109 and Subsection R309-405-5(5) shall apply to the issuance and service of the notice of violation or administrative order, or combined notice of violation and administrative order, and any adjudication arising from the issuance and service of the notice of violation or administrative order, or combined notice of violation and administrative order.

(3) Violations of Administrative Orders.

(a) If the Director seeks the imposition of administrative penalties arising from the violation of an administrative order, the notice of agency action procedures set forth in Section 19-4-109 and Subsection R309-405-5(5) shall apply to the issuance and service of the notice of agency action and any adjudication arising from the issuance and service of the notice of agency action.

(b) The Director may seek judicial enforcement or the imposition of administrative penalties arising from the violation of an administrative order issued under the Safe Drinking Water Act without first issuing a notice of violation.

(4) Administrative Penalty Range.

(a) Any violation by a public water system serving a population of more than 10,000 individuals shall be subject to a penalty of exactly \$1,000 on a per day, per violation basis.

(b) Any violation by a public water system serving a population of less than 10,000 individuals shall be subject to a penalty not to exceed \$1,000 on a per day, per violation basis, based on the criteria described in Section R309-405-6.

(5) Administrative Penalty Assessment, Payment, and Collection Procedures; Adjudications and Appeals.

(a) Prior to assessing administrative penalties under the Safe Drinking Water Act and Rule R309-405, the Director shall provide the respondent with a written Notice of Proposed Assessment of Administrative Penalties, in accordance with Section R305-7-402, and provide the respondent with the opportunity of no less than 30 calendar days to submit comments to the Director relating to the proposed penalties. The comments may include evidence of mitigating circumstances the respondent desires the Director to consider prior to assessing penalties.

(b) After considering any timely comments or evidence submitted by the respondent, the Director may decline to assess administrative penalties by providing notice to the respondent. If, after considering timely comments and evidence submitted by the respondent, the Director makes the decision to pursue the assessment of penalties, the Director shall proceed as follows:

(i) The Director shall issue a Notice of Agency Action and Demand for Payment in accordance with Section 19-4-109 and Title 63G, Chapter 4, Administrative Procedures Act, providing a detailed statement of basis for the assessed penalty, including the Director's evaluation of any comments or evidence submitted by the respondent during the comment period.

(ii) The Notice of Agency Action and Demand for Payment shall include notice of the right to a formal adjudicative proceeding in accordance with Subsection 63G-4-201(2)(a)(vi) by filing a written response within 30 days of the mailing date of the Notice of Agency Action and Demand for Payment. The adjudication of administrative penalties shall be conducted as a formal adjudication.

(iii) If the respondent does not request an adjudicative proceeding, payment of administrative penalties shall be due within 30 days of the date of issuance of the Notice of Agency Action and Demand for Payment.

(iv) If the respondent files a timely written response to the Notice of Agency Action and Demand for Payment pursuant to Section 63G-4-204, the following procedures shall apply:

(A) The Director, serving as the presiding officer, shall conduct a formal adjudication pursuant to Title 63G, Chapter 4, Administrative Procedures Act.

(B) At the conclusion of the formal adjudicative proceeding, the Director shall issue a final order of the adjudicative proceeding, pursuant to Section 63G-4-208, as the final agency action regarding the assessment of administrative penalties.

(C) The final order of the adjudicative proceeding shall be subject to judicial review pursuant to Section 63G-4-403.

(6) Settlement.

(a) At any time during a notice of violation, administrative order, or penalty assessment or adjudication process, the Director may compromise or settle administrative penalties in accordance with Subsection 19-4-109(3), except that settlements that require the payment of penalties in excess of \$25,000 require Board approval under Subsection 19-4-104(1)(c)(vii).

(b) The Director's authority to compromise or settle administrative penalties includes providing payment terms and extensions of time, at the discretion of the Director.

R309-405-6. Factors for Determining Amount of Penalties.

The Director, in assessing or setting any administrative penalty, or in settling any claim for civil penalty, and the Board, in reviewing an administrative penalty settlement under Subsection 19-4-104(1)(c)(vii), may evaluate the following factors in determining the appropriate amount of the penalty:

(1) Economic benefit. The costs a person or organization may save by delaying or avoiding compliance with applicable laws or rules.

(2) Gravity of the violation. This component of the calculation shall be based on:

(a) the extent of deviation from the Utah Safe Drinking Water Act or rules;

(b) the potential for harm to drinking water users, regardless of the extent of harm that in fact occurred; and

(c) the degree of willfulness, recklessness, or negligence including how much control the respondent had over the violation and the reasonable foreseeability of the events constituting the violation; whether the respondent made or could have made reasonable efforts to prevent the violation; whether the respondent knew, or should have known, of the legal requirements which were violated; any facts suggesting that the violation was intentional; and the degree of the respondent's recalcitrance.

(3) The duration of non-compliance.

(4) Self-disclosure of non-compliance by the water supplier.

(5) The degree of cooperation and good faith efforts to comply. Good faith takes into account the openness in dealing with the violations and promptness in providing notice, correcting violations, and avoiding potential public harm.

(6) By contrast with Subsection R309-405-6(5), the degree of recalcitrance, non-cooperation, or delay associated with providing notice and appropriate responses to the violations.

(7) History of compliance or non-compliance. The penalty amount may be adjusted upward in consideration of previous violations and the degree of recidivism. Likewise, the penalty amount may be adjusted downward when it is shown that the respondent has a good compliance record.

(8) Response and investigation costs incurred by the state and others.

(9) The possible deterrent effect of a penalty to prevent future violations by the respondent or other suppliers.

(10) The respondent's financial structure, revenue sources to pay penalties, financial capabilities, and ability to pay or demonstrated inability to pay.

(11) Any other aggravating or mitigating circumstances that are relevant to the matter.

R309-405-7. Financial Hardship; Penalty Adjustments.

Based on demonstrated financial hardship not previously considered under Section R309-405-6, the Director may:

(1) reduce or extend payment of an administrative penalty under the Safe Drinking Water Act and this rule; or

(2) approve a payment installment plan or allow a portion of the penalty to be deferred and eventually waived if no further violations are committed within a period designated by the Director.

KEY: drinking water, environmental protection, penalties
Date of Enactment or Last Substantive Amendment: ~~2021~~ [October 12, 2013]
Notice of Continuation: March 12, 2020
Authorizing, and Implemented or Interpreted Law: 19-4-104

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-238-16	Filing No. 53285

Agency Information

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

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

General Information

2. Rule or section catchline:
R590-238-16. Acquisition of Control of or Merger with Domestic Company
3. Purpose of the new rule or reason for the change:
As currently worded, this rule permits the Insurance Commissioner to waive or modify the public notice and hearing requirements under Section 31A-16-103 when the Commissioner is considering an application to change the control of a Utah insurance company. However, Section 31A-16-103 now gives the Commissioner the authority to waive or modify those requirements. Accordingly, the language in this rule is no longer needed and should be deleted.
4. Summary of the new rule or change:
The change deletes language that gives the Insurance Commissioner authority to waive or modify public notice and hearing requirements under Section 31A-16-103 when the Commissioner is considering an application to change the control of an insurance company. The language is no longer needed because Section 31A-16-103 gives the Commissioner this authority.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:			
There is no anticipated cost or savings to the state budget. The change removes language from this rule that is already present in statute and has no other effect.			
B) Local governments:			
There is no anticipated cost or savings to local governments. The change removes language from this rule that is already present in statute and has no other effect.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There is no anticipated cost or savings to small businesses. The change removes language from this rule that is already present in statute and has no other effect.			
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 change removes language from this rule that is already present in statute and has no other effect.			
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 change removes language from this rule that is already present in statute and has no other effect.			
F) Compliance costs for affected persons:			
There are no compliance costs for any affected persons. The change removes language from this rule that is already present in statute and has no other effect.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Commissioner of the Insurance Department, Jonathan T. Pike, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Jonathan T. Pike, Insurance Commissioner			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 31A-2-201	Section 31A-37-106	

Public Notice Information

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

NOTICES OF PROPOSED RULES

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

10. This rule change MAY become effective on:	03/10/2021
--	------------

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	01/15/2021
--	---	--------------	------------

R590. Insurance, Administration.

R590-238. Captive Insurance Companies.

R590-238-16. Acquisition of Control of or Merger with Domestic Company.

The acquisition of control of or merger of a domestic captive insurance company shall be regulated pursuant to Section 31A-16-103[; notwithstanding the Commissioner may waive or modify the requirements for public notice and hearing when the Commissioner concludes the public hearing is not necessary due to limited public interest in the change of control].

KEY: captive insurance

Date of Enactment or Last Substantive Amendment: ~~2021~~ **June 21, 2019**

Notice of Continuation: May 2, 2017

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-37-106

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R657-58	Filing No. 53276

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room no.:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146301	
City, state, 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:

R657-58. Fishing Contests and Clinics

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

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 pursuant to fishing contests and clinics.

4. Summary of the new rule or change:

The proposed amendments to this rule adjusts the number of participants from 50 to 85.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The proposed rule amendments adjust the number of participants for fishing contests and clinic and can be initiated within the current workload and resources of DWR, therefore, DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since the proposed amendments only adjusts the number of participants and does not impact the process 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 not directly impact small businesses because a service is not required of them.

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**):

There will not be a fiscal impact because the fees are not based on the number of participants.

F) Compliance costs for affected persons:

There will not be a fiscal impact because the fees are not based on the number of participants.

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

Regulatory Impact Table

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

H) Department head approval of regulatory impact analysis:

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

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

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

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

Brian Steed, Executive Director

Citation Information

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

Section 23-14-18	Section 23-14-19	
------------------	------------------	--

Public Notice Information

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

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

10. This rule change MAY become effective on: 03/10/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Rory Reynolds, Interim Division Director	Date:	01/07/2021
--	--	--------------	------------

R657. Natural Resources, Wildlife Resources.

R657-58. Fishing Contests and Clinics.

R657-58-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 of, the Wildlife Board has established this rule to provide the standards and procedures for fishing contests and events including:

- (a) Certified fishing contests;
- (b) tagged fish contests; and
- (c) fishing clinics.

NOTICES OF PROPOSED RULES

(2) Any violation of, or failure to comply with, any provision of this rule or any specific requirements in a Certificate of Registration issued pursuant to this rule may be grounds for revocation or suspension of the Certificate of Registration, as determined by the division.

R657-58-2. Definitions.

(1) Terms used in this rule are defined in Sections 23-13-2 and R657-13-2.

(2) In addition:

(a) "Certificate of Registration (COR)" means a license or permit issued by the division that authorizes a contest organizer to conduct a contest and outlines any special provisions and conditions that must be followed.

(b) "Cold water fish species" means: any fish in the family Salmonidae, salmon, trout, whitefish, char, grayling, and associated hybrids.

(c) "Cull" or "high-grade" means to release alive and in good condition, a fish that has been held as part of a possession limit for the purpose of including larger fish in the possession limit.

(d) "Fishing clinic" means an organized gathering of anglers for non-competitive, educational purposes that does not offer cash, awards or prizes for their individual or team catches.

(e) "Live weigh" or "live weigh-in" means that fish are held in possession by contest participants and transported live to a specified location to be weighed.

(f) "Possession" means active or constructive possession.

(g) "Tagged fish contest" means any certified fishing contest where prizes are awarded for the capture of fish previously tagged or marked specifically for that contest.

(h) "Certified fishing contest" means a competitive event that meets any of the following criteria:

(i) involves ~~50~~85 or more participants per water per day;

(ii) includes cash and or prizes awarded individually or cumulatively per year at \$2,000 or more for a contest or a series of contests;

(iii) utilizes a live weigh-in; or

(iv) any tagged fish contest.

(v) Certified fishing contest does not include any event where fish are not legally possessed by participants.

(i) "Warmwater fish species" means any species not considered to be included in the definition of coldwater fish species.

KEY: fish, fishing, wildlife, wildlife law

Date of Enactment or Last Substantive Amendment: ~~2021~~January 7, 2021]

Notice of Continuation: January 9, 2018

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-19-1; 23-22-3

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends March 03, 2021.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through June 01, 2021, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective 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. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Utah Admin. Code Ref (R no.):	R590-85	Filing No. 53217

Agency Information

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

General Information

2. Rule or section catchline:		
R590-85. Accident and Health Insurance and Medicare Supplement Rates		
3. Change in Proposed Rule:		
Changes Name, Publication, date of prior filing:	FILING	Accident and Health Insurance and Medicare Supplement Rates, 12/01/2020
4. Reason for this change:		
Based on comments received from the industry, the medical loss ratio was changed to improve the availability of short-term limited duration health insurance in the Utah market.		
5. Summary of this change:		
The change decreases the minimum loss ratio for a short-term limited duration health insurance form from 75% to 70% and adds an effective date section. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the December 1, 2020, issue of the Utah State Bulletin, on page 89. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)		

Fiscal Information

6. Aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The change sets the minimum loss ratio for insurers that want to offer short-term limited duration health insurance and has no other requirements.
B) Local government:
There is no anticipated cost or savings to local governments. The change sets the minimum loss ratio for insurers that want to offer short-term limited duration health insurance and has no other requirements.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The change sets the minimum loss ratio for insurers that want to offer short-term limited duration health insurance and has no other requirements.
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. If an insurer elects to offer short-term limited duration health insurance, it will need to comply with the minimum loss ratio as stated in this rule. However, this does not constitute money the insurer would pay to the state or another entity; rather, it is money that is set aside by the insurer to ensure it has sufficient funds to cover losses.
E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
There is no anticipated cost or savings to any other persons. The change sets the minimum loss ratio for insurers that want to offer short-term limited duration health insurance and has no other requirements.
F) Compliance costs for affected persons:
There are no compliance costs for any affected persons. If an insurer elects to offer short-term limited duration health insurance, it will need to comply with the minimum loss ratio as stated in this rule. However, this does not constitute money the insurer would pay to the state or another entity; rather, it is money that is set aside by the insurer to ensure it has sufficient funds to cover losses.
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in

this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Acting Commissioner of the Insurance Department, Jonathan T. Pike, has reviewed and approved this fiscal analysis.			
7. A) Comments by the department head on the fiscal impact the rule may have on businesses:			
After conducting a thorough analysis, it was determined that this proposed CPR will not result in a fiscal impact to businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Jonathan T. Pike, Acting Commissioner			

Citation Information

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

Section 31A-2-201	Section 31A-22-605	Section 31A-22-620
-------------------	--------------------	--------------------

Public Notice Information

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

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

11. This rule change MAY become effective on:	03/10/2021
--	------------

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 11, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	01/11/2021
--	---	--------------	------------

R590. Insurance, Administration.

R590-85. Accident and Health Insurance and Medicare Supplement Rates.

R590-85-1. Purpose and Authority.

(1) The purpose of this rule is to implement Subsections 31A-22-602(2), 31A-22-605(4)(e), and 31A-22-620(3)(e) by establishing minimum loss ratios and implementing procedures for the filing of accident and health insurance and Medicare supplement premium rates, including the initial filing of rates, and any subsequent rate changes.

(2) This rule is promulgated pursuant to the authority vested in the commissioner by Subsections 31A-2-201(3)(a), 31A-2-201.1(2), 31A-22-605(4)(e), and 31A-22-620(3)(e).

R590-85-2. Applicability and Scope.

- (1) This rule shall apply to:
 - (a) an individual accident and health insurance policy except as excluded under Subsection R590-85-2(2); and
 - (b) a Medicare supplement policy.

(2) This rule does not apply to:

- (a) a policy subject to Title 31A, Chapters 30 and 45 that complies with Rules R590-167 and R590-277;
- (b) a long-term care policy subject to Rule R590-148; and
- (c) a limited long-term care policy subject to Rule R590-285.

R590-85-3. Definitions.

(1) "Average annual premium per policy" means the average computed by the insurer based on an anticipated distribution of business by all applicable criteria having a price difference, such as age, sex, amount, dependent status, rider frequency, etc., except assuming an annual mode for all policies, for example, the fractional premium loading may not affect the average annual premium or anticipated loss ratio calculation.

(2) "Conditionally renewable" (CR) means renewal can be declined by class, geographic area or for stated reasons other than deterioration of health.

(3) "Guaranteed renewable" (GR) means renewal cannot be declined by the insurance company for any reason, but the insurance company can revise rates on a class basis.

(4) "Non-cancelable" (NC) means renewal cannot be declined nor can the rates be revised by the insurance company.

(5) "Non-renewable" (NR) means renewal is not an option.

(6) "Optionally renewable" (OR) means renewal is at the option of the insurance company.

(7) "Qualified actuary" means a member in good standing of the American Academy of Actuaries.

R590-85-4. General Requirements.

(1) When Rate Filing is Required.

(a) Every filing for a policy, certificate, or endorsement affecting benefits shall be accompanied by a rate filing that complies with this rule.

(b) A rate filing is not required for an endorsement that has no rating effect.

(c) Any subsequent addition to or change in rates applicable to the policy, certificate, or endorsement shall also be filed prior to use.

(2) General Contents of All Rate Filings. Each rate submission shall include:

(a) rate sheets for current and proposed rates, if applicable, that are clearly identified;

(b) actuarial memorandum describing the basis on which rates were determined, which includes:

(i) description of the policy, benefits, renewability, general marketing methods, and issue age limits;

(ii) description of how rates were determined, including a general description and source of each assumption used;

(iii) estimated average annual premium per policy for Utah;

(iv) anticipated loss ratio of the present value of the expected benefits to the present value of the expected premiums over the entire period for which rates are computed to provide coverage. Interest shall be used in the calculation;

(v) minimum anticipated loss ratio presumed reasonable in Subsection R590-85-5(1); and

(vi) signed certification by a qualified actuary which states that to the best of the actuary's knowledge and judgment the rate filing is in compliance with the applicable laws and rules of Utah and the benefits are reasonable in relation to the premiums charged; and

(c) a statement that the rates have been filed with and approved by the home state. If approval is not required by the home state, then alternative information which includes a list of the states to which the rates were submitted, the date submitted, and any responses, must be included.

(3) Previously Filed Form. Filing a rate change for a previously filed rate shall include the following:

(a) a statement of the scope and reason for the change;

(b) a description of how revised rates were determined, including the general description and source of each assumption used;

(c) an estimated average annual premium per policy in Utah, before and after the proposed rate increase;

(d) a comparison of Utah and average nationwide premiums, for representative rating cells based on the Utah distribution of business;

(e) a comparison of revised premiums with current scale;

(f) a statement as to whether the filing applies to new business, in-force business, or both, and the reasons;

(g) a detailed history of national experience, which includes the data in Subsection R590-85-4(4) that shows on a yearly and durational basis:

(i) premiums received;

(ii) earned premiums;

(iii) benefits paid;

(iv) incurred benefits;

(v) increase in active life reserves;

(vi) increase in claim reserves;

(vii) incurred loss ratio;

(viii) cumulative loss ratio; and

(ix) any other available data the insurer may wish to provide;

(h) detailed history of Utah experience, which includes the data in Subsection R590-85-4(4) that shows on a yearly basis:

(i) earned premiums;

(ii) incurred benefits;

(iii) incurred loss ratio; and

(iv) cumulative loss ratio;

(i) anticipated nationwide future loss ratio, which includes:

(i) projected premiums;

(ii) projected claims;

(iii) projected loss ratio; and

(iv) assumptions and calculations. Interest shall be used in the calculation;

(j) anticipated Utah future loss ratio, which includes:

(i) projected premiums;

(ii) projected claims;

(iii) projected loss ratio; and

(iv) description of assumptions and calculations. Interest shall be used in the calculation;

(k) cumulative past and projected future loss ratio and description of the calculation;

(l) the number of policyholders in Utah; and

(m) the date and magnitude of all previous rate changes for Utah and nationwide.

(4) Experience Records

(a) An insurer shall maintain records of premiums collected, earned premiums, benefits paid, incurred benefits and reserves for each calendar year, for each policy form, and applicable endorsements. The records shall be maintained as required for the Accident and Health Policy Experience Exhibit.

(i) Separate data may be maintained for each endorsement to the extent appropriate.

(ii) Experience under policies that provide substantially similar coverage may be combined. The data shall be for all years of issue combined, for each calendar year of experience since the year the form was first issued.

(b) A rate revision must provide the information required in Subsection R590-85-4(4)(a) on both a national and state basis.

(5) Evaluating Experience Data. In determining the credibility and appropriateness of experience data, due consideration must be given to all relevant factors, such as:

(a) statistical credibility of premiums and benefits, for example low exposure or low loss frequency;

(b) experience and projected trends relative to the kind of coverage, for example: persistency, inflation in medical expenses, or economic cycles affecting disability income experience;

(c) concentration of experience at early policy durations where select morbidity and preliminary term reserves are applicable and where loss ratios are expected to be substantially lower than at later policy durations; and

(d) the mix of business by risk classification.

(6) Implementation of a filed rate increase must be initiated within 12 months from the filed date. A company forfeits the right to implement an increase if it fails to initiate implementation within 12 months of the filed date.

(7) A filing may be rejected or prohibited if the company fails to submit all required information.

R590-85-5. Reasonableness of Benefits in Relation to Premium.

(1) With respect to a new form under which the average annual premium per policy is expected to be at least \$200, the anticipated loss ratio shall be at least as great as shown in this subsection:

(a) Medical Expense Coverage. Except as provided in Subsections R590-85-5(1)(d) and R590-85-5(1)(e), the minimum loss ratio for:

- (i) a non-renewable form is 65%;
- (ii) an optionally renewable form is 60%;
- (iii) a conditionally renewable form is 55%;
- (iv) a guaranteed renewable form is 55%; and
- (v) a non-cancelable form is 50%.

(b) Income Replacement. The minimum loss ratio for:

- (i) a non-renewable form is 65%;
- (ii) an optionally renewable form is 60%;
- (iii) a conditionally renewable form is 55%;
- (iv) a guaranteed renewable form is 50%; and
- (v) a non-cancelable form is 45%.

(c) For a policy form, including endorsements, under which the expected average annual premium per policy is:

- (i) \$100 or more but less than \$200, subtract five percentage points; or
- (ii) less than \$100 subtract 10 percentage points.

(d) For a Medicare supplement policy, benefits shall be deemed reasonable in relation to premiums provided the anticipated loss ratio meets the requirements of Section R590-146-14.

(e) The minimum loss ratio for a short-term limited duration health insurance form is ~~75~~70%

(2) Rate Changes. With respect to the filing of a rate change for a previously filed form, the standards of this subsection shall be met.

(a) Subsections R590-85-5(2)(a)(i) and R590-85-5(2)(a)(ii) shall be at least as great as the standards in Subsection R590-85-5(1) and shall include interest in the calculation of benefits, premiums, and present values:

(i) the anticipated loss ratio over the entire period for which the changed rates are computed to provide coverage; and

(ii) the ratio of Subsections R590-85-5(2)(a)(ii)(A) and R590-85-5(2)(a)(ii)(B); where

(A) is the sum of the accumulated benefits, from the original effective date of the form to the effective date of the change, and the present value of future benefits; and

(B) is the sum of the accumulated premiums from the original effective date of the form to the effective date of the change and the present value of future premiums, the present values to be taken over the entire period for which the changed rates are computed to provide coverage, and the accumulated benefits and premiums to include an explicit estimate of the actual benefits and premiums from the last date an accounting was made to the effective date of the change.

(b) If an insurer wishes to charge a premium for policies issued on or after the effective date of the change, which is different from the premium charged for the policies issued prior to the change date, then with respect to policies issued prior to the effective date of the change, the requirements of Subsection R590-85-5(2)(a) must be satisfied, and with respect to policies issued on and after the effective date of the change, the standards are the same as in Subsection R590-85-5(1), except that the average annual premium shall be determined based on an actual rather than an anticipated distribution of business.

(c) A company must review its experience periodically and file rate changes, as appropriate, in a timely manner to avoid the necessity of later filing of exceptionally large rate increases. A rate filing requesting an increase may be prohibited if a company has failed to file rate changes in a timely manner.

R590-85-6. Enforcement Date.

The commissioner will begin enforcing the revised provisions of this rule on April 1, 2021.

R590-85-7. Severability.

If any provision of this rule, Rule R590-85, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule which can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: insurance law

Date of Enactment or Last Substantive Amendment: 2021

Notice of Continuation: April 4, 2017

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-22-605; 31A-22-620

NOTICE OF CHANGE IN PROPOSED RULE		
Utah Admin. Code	R590-286	Filing No. 53219
Ref (R no.):		

Agency Information

1. Department:	Insurance
Agency:	Administration

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

General Information

2. Rule or section catchline:		
R590-286. Minimum Standards for Short-Term Limited Duration Health Insurance		
3. Change in Proposed Rule:		
Changes FILING Name, Publication date of prior filing:	FILING Publication date of prior filing:	Minimum Standards for Short-Term Limited Duration Health Insurance, 12/01/2020
4. Reason for this change:		
Based on comments from the industry, this proposed rule is being changed to give more clarity regarding compliance with specific provisions of this rule for short-term limited duration health insurance sold in Utah, and to set an effective date.		
5. Summary of this change:		
The changes to this rule clarify the preexisting condition definition, limitations, and exclusions; more appropriately reflect a coverage period selected by an individual consumer; promote the use of telehealth services, as appropriate; require that the acknowledgement of the receipt of the disclosure appear on the application; remove the required signature line from the disclosure form; and extend the compliance date. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the December 1, 2020, issue of the Utah State Bulletin, on page 99. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)		

Fiscal Information

6. Aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes clarify the proposed rule and do not make any new requirements.
B) Local government:
There is no anticipated cost or savings to local governments. Local government is not affected by changes to this proposed rule.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. Small businesses are not affected by changes to this proposed rule.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses as a result of changes to this proposed rule. As with the original proposed rule, if an insurer elects to offer a short-term limited duration health insurance policy, there will be associated business costs to initiate this type of product. The Insurance Department is not able to quantify those implementation and ongoing costs because it cannot know each insurer's business costs.
E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
There is no anticipated cost or savings to any other persons. No other persons are affected by changes to this proposed rule.
F) Compliance costs for affected persons:
There are no compliance costs for any affected persons as a result of changes to this proposed rule. As with the original proposed rule, if an insurer elects to offer a short-term limited duration health insurance policy, there will be associated business costs to initiate this type of product. The Insurance Department is not able to quantify those implementation and ongoing costs because it cannot know each insurer's business costs.
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Acting Commissioner of the Insurance Department, Jonathan T. Pike, has reviewed and approved this fiscal analysis.			
7. A) Comments by the department head on the fiscal impact the rule may have on businesses:			
After conducting a thorough analysis, it was determined that this CPR will not result in a fiscal impact to businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Jonathan T. Pike, Acting Commissioner			

Citation Information

8. This rule change is authorized or mandated by state law, and implements or interprets the following state

and federal laws. State code or constitution citations (required):		
Subsection 31A-2-201(3)(a)	Section 31A-2-202	Subsection 31A-22-605(4)
Subsection 31A-22-605(6)	Subsection 31A-22-605.1(1)	Section 31A-45-103

Public Notice Information

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

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

11. This rule change MAY become effective on:	03/10/2021
--	------------

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 11, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	01/15/2021
--	---	--------------	------------

R590-286, Insurance, Administration.

R590-286. Minimum Standards for Short-Term Limited Duration Health Insurance.

R590-286-1. Authority.

This rule is promulgated by the commissioner pursuant to Sections 31A-2-202 and 31A-45-103, and Subsections 31A-2-201(3)(a), 31A-22-605(4), 31A-22-605(6), and 31A-22-605.1(1).

R590-286-2. Purpose and Scope.

(1) The purpose of this rule is to provide reasonable standardization and simplification of terms and coverages of a short-term limited duration health insurance policy or certificate to:

- (a) facilitate public understanding and comparison;
- (b) eliminate provisions that may be misleading or confusing in connection either with the purchase of such coverage or with the settlement of a claim;
- (c) comply with certain minimum requirements;
- (d) set forth requirements on insurance producers that offer short-term limited duration health insurance policies; and

NOTICES OF CHANGES IN PROPOSED RULES

- (e) provide for full disclosure and notice to consumers.
- (2)(a) Except as provided in Subsections R590-286-2(2)(b) and R590-286-2(3), this rule applies to a short-term limited duration health insurance policy or certificate.
 - (b) This rule shall not apply to:
 - (i) Medicare supplement policies subject to Section 31A-22-620;
 - (ii) long-term care insurance policies subject to Title 31A, Chapter 22, Part 14 and Rule R590-148;
 - (iii) limited long-term care insurance policies subject to Title 31A, Chapter 22, Part 20 and Rule R590-285; or
 - (iv) TRICARE formerly known as the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, supplement insurance policies.
 - (3) A short-term limited duration health insurance policy or certificate may not be offered:
 - (a) to an employer group as directed by:
 - (i) Part A of Title XXVII of the Public Health Services Act;
 - (ii) Part 7 of ERISA; or
 - (iii) Chapter 100 of the Internal Revenue Code; and
 - (b) as a blanket insurance policy.

R590-286-3. Definitions.

(1) The definitions in Sections 31A-1-301 and 31A-22-625, and Rules R590-126, R590-192, and R590-203, shall apply for the purpose of this rule.

R590-286-4. Prohibited Policy Provisions.

- (1) Preexisting conditions.
 - (a) A preexisting condition shall not be defined more restrictively than the existence of a symptom or a condition [for which] that would cause an ordinarily prudent person to seek medical advice, diagnosis, care, or treatment [was recommended by a physician or received from a physician-] within [4]24 months [prior to the first issuance-] preceding the effective date, or a condition for which medical advice or treatment was recommended by a health care provider within a 12-month period preceding the effective date of the policy or certificate of the insured person.
 - (b) A short-term limited duration health insurance policy for the entire term of the contract, including any renewals or re-issuance, may not exclude coverage for a loss due to a preexisting condition for a period greater than 12 months following the first issuance of the policy or certificate.
 - (2) Limitations or exclusions. Unless otherwise required by law, a short-term limited duration health insurance policy or certificate may not limit or exclude coverage or benefits by type of illness, accident, treatment, or medical condition, except as follows:
 - (a) abortion;
 - (b) acupuncture and acupressure services;
 - (c) administrative charges for completing insurance forms, duplication services, interest, finance charges, or other administrative charges, unless otherwise required by law;
 - (d) administrative exams and services;
 - (e) applied behavioral analysis therapy;
 - (f) aviation;
 - (g) axillary hyperhidrosis;
 - (h) benefits provided under:
 - (i) Medicare or other governmental program, except Medicaid;

- (ii) state or federal worker's compensation; or
- (iii) employer's liability or occupational disease law;
- (i) charges for appointments scheduled and not kept;
- (j) chiropractic care;
- (k) complementary and alternative medicine;
- (l) corrective lenses, and examination for the prescription or fitting thereof, but policies may not exclude required lens implants following cataract surgery or for keratoconus;
- (m) cosmetic surgery; reversal, revision, repair, complications, or treatment related to a non-covered cosmetic surgery, except that this exclusion does not apply to reconstructive surgery when the service is incidental to or follows surgery resulting from trauma, infection or other diseases of the involved part; or reconstructive surgery because of congenital disease or anomaly of a covered dependent child that has resulted in a functional defect;
- (n) custodial care;
- (o) dental care or treatment;
- (p) dietary products, except as required by Rule R590-194;
- (q) educational and nutritional training, except as required by Rule R590-200;
- (r) experimental or investigational services;
- (s) expenses before coverage begins or after coverage ends;
- (t) felony, riot, or insurrection, when it has been determined the covered person was a voluntary participant;
- (u) fitness training, exercise equipment, or membership fees to a spa or health club;
- (v) foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, chronic foot strain or symptomatic complaints of the feet, including orthotics. The exclusion of routine foot care does not apply to cutting or removal of corns, calluses, or nails when provided to a person who has a systemic disease, such as diabetes with peripheral neuropathy or circulatory insufficiency, of such severity that unskilled performance of the procedure would be hazardous;
- (w) gastric or intestinal bypass services including lap banding, gastric stapling, and other similar procedures to facilitate weight loss, the reversal, or revision of such procedures; or services required for the treatment of complications from such procedures;
- (x) gender reassignment, except as required by Section 1557 of the PPACA;
- (y) gene therapy;
- (z) genetic testing;
- (aa) hearing aids, and examination or the prescription or fitting thereof;
- (bb) ~~(4)~~ except as provided in Subsection R590-286-4(2)(cc), a loss directly related to the insured's voluntary participation in an activity where the insured:
 - (~~A~~)i) is found guilty of an illegal activity, including a plea of guilty, a no contest plea, and a plea in abeyance, in a criminal proceeding; or
 - (~~B~~)ii) is found liable for the activity in a civil proceeding;
 - (ii) a guilty finding includes a plea of guilty, a no contest plea, and a plea in abeyance];
 - (cc)(i) a loss directly related to the insured or dependent violating:
 - (A) Section 41-6a-502; or
 - (B) a law that prohibits operating a motor vehicle, in a state other than Utah, while exceeding the legal limit of concentration of alcohol, drugs, or a combination of both in the blood;

(ii) violations of Subsection R590-286-4(2)(cc)(i) shall be established:

(A) in a criminal proceeding in which the insured or dependent is found guilty, enters a no contest plea, or a plea in abeyance, or enters into a diversion agreement; or

(B) a request for an independent review where the findings support a decision to deny coverage based on the exclusions of Subsection R590-286-4(2)(cc)(i);

(iii) for purposes of Subsection R590-286-4(2)(cc):

(A) an independent review means a process that:

(I) is conducted by an independent entity designated by the insurer;

(II) renders an independent and impartial decision on a decision to deny coverage based on the exclusion in Subsection R590-286-4(2)(cc)(i); and

(III) is paid for by the insurer; ~~and~~

(B) the independent review entity may not have a material professional, familial, or financial conflict of interest with:

(I) the insurer;

(II) an officer, director, or management employee of the insurer;

(III) the enrollee;

(IV) the enrollee's health care provider;

(V) the health care provider's medical group or independent practice association; or

(VI) a health care facility where services were provided; and

~~(iv)~~ (c) this exclusion does not apply to an insured or dependent who is under 18 years of age;

(dd) infertility services;

(ee) mental health and substance use disorder services;

(ff) injury as a result of a motor vehicle, to the extent the covered person is required by law to have no-fault coverage, limited to the minimum coverage required by law, whether or not such coverage is in effect;

(gg) nuclear release;

(hh) preexisting conditions or diseases:

(i) to the extent allowed under Subsections 31A-22-605.1(5) and R590-286-4(1); and

(ii) except for coverage of congenital anomalies as required by Subsection 31A-22-610(2)(b);

(ii) pregnancy, except for complications of pregnancy;

(ij) refractive eye surgery;

~~(kk)~~ (kk) rehabilitation or habilitative therapy services, such as physical, speech, and occupational, except as required to correct an impairment caused by a covered accident or illness;

~~(ll)~~ (ll) respite care;

~~(mm)~~ (mm) rest cures;

~~(nn)~~ (nn) service in the armed forces or units auxiliary to it;

~~(oo)~~ (oo) services that are not medically necessary;

~~(pp)~~ (pp) services performed by the covered person's parent, spouse, sibling, or child, including a step or in-law relationship;

~~(qq)~~ (qq) services for which no charge is normally made in the absence of insurance;

~~(rr)~~ (rr) sexual dysfunction procedures, equipment, and drugs;

~~(ss)~~ (ss) shipping and handling;

~~(tt)~~ (tt) telephone or electronic consultations ~~except as required under Section 31A-22-649.5;~~

~~(uu)~~ (uu) territorial limitations outside the United States;

~~(vv)~~ (vv) terrorism, including acts of terrorism;

~~(ww)~~ (ww) transplants;

~~(xx)~~ (xx) transportation, except medically necessary ambulance services;

~~(yy)~~ (yy) war or act of war, whether declared or undeclared;

or

~~(zz)~~ (zz) others that in the opinion of the commissioner are not inequitable, misleading, deceptive, obscure, unjust, unfair, or unfairly discriminatory to the to the policyholder, beneficiary, or covered person under the policy.

R590-286-5. Required Provisions and General Requirements.

(1) Policy expiration.

(a) A policy and certificate shall include:

(i) an expiration provision that specifies the conditions for renewal or extension; and

(ii) the total number of months or days for the full term of contract, pursuant to Subsection R590-286-5(1)(c).

(b) The provision shall be appropriately captioned and appear on the first page of the policy and certificate.

(c) Considering any renewal or extension, a short-term limited duration health insurance policy or certificate is limited to 36 months.

(2) Rights of spouse. The following provisions apply to policies that provide coverage to a spouse of the insured:

(a) A policy or certificate may not provide for termination of coverage of the spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than for nonpayment of premium.

(b) A policy or certificate shall provide that in the event of the insured's death the spouse of the insured shall become the insured.

(3) Applications.

(a) Questions used to elicit health condition information may not be vague and must reference a reasonable time frame in relation to the health condition.

(b) A completed application shall be made part of the policy. A copy of the completed application shall be provided to the applicant prior to or upon delivery of the policy.

(c) Each application shall contain a prominent statement by type, stamp or other appropriate means in either contrasting color or boldface type at least equal to the size type used for the headings or captions of sections of the application and in close conjunction with the applicant's signature block on the application as follows, "Short-Term Limited Duration Health Insurance provides limited benefits. The (policy)(certificate), either by itself or bundled with other limited benefit products, is not meant to replace comprehensive health care insurance. It does not include benefits required by the PPACA. Review your (policy)(certificate) carefully."

(d) A statement regarding any preexisting waiting period as required by Subsection 31A-22-605.1(5)(b).

(e) An application form shall include a question designed to elicit information as to whether the insurance to be issued is intended to replace any other accident and health insurance presently in force. A supplementary application or other form to be signed by the applicant containing the question may be used.

(4) Endorsement acceptance.

(a) Except for an endorsement by which the insurer effectuates a request made in writing by the policyholder, an endorsement added to a policy after date of issue that reduces or

eliminates benefits or coverage in the policy shall require signed acceptance by the policyholder.

(b) After the date of policy issue, an endorsement that increases benefits or coverage with a concurrent increase in premium during the policy term, must be agreed to in writing signed by the policyholder, except if the increased benefits or coverage is required by law.

(5) Additional premium. Where a separate additional premium is charged for benefits provided in connection with an endorsement, the premium charge shall be set forth in the policy and certificate.

(6) Benefit payment standard. A policy that provides for the payment of benefits based on standards described as usual and customary, reasonable and customary, or words of similar import, shall include a definition of the terms and an explanation of the terms in its accompanying outline of coverage or certificate.

(7) Preexisting conditions. If a policy or certificate contains any limitations with respect to preexisting conditions, the limitations shall appear as a separate paragraph of the policy and certificate and be labeled as "Preexisting Condition Limitation."

(a) The limitation shall include a description of the existence and terms of any preexisting condition exclusion under the policy, including the maximum preexisting exclusion period; and

(b) state that the exclusion period ends no later than 12 months after the first issuance of the policy or certificate.

(8) Notice to Buyer.

Any short-term limited duration health insurance policy or certificate shall display prominently on the first page of the policy or certificate, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of section in the policy or certificate, the following:

"Notice to Buyer: This coverage is not required to comply with certain federal market requirements for comprehensive health insurance, principally those contained in the Affordable Care Act. Be sure to read your (policy)(certificate) carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits, such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services. Your (policy)(certificate) might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage."

(9) Termination of the policy shall be without prejudice to a continuous loss or deterioration of health that commenced while the policy or certificate was in force, limited to the duration of the benefit period or payment of the maximum benefits.

R590-286-6. Minimum Policy Standards.

(1) The duration of a short-term limited duration health insurance policy shall specify that the contract is less than 12 months after the first issuance of the policy or certificate.

(a) The maximum duration, considering any extensions, has an expiration date which is not more than 36 months after the first issuance of the policy or certificate.

(b) Subject to Subsection R590-286-6(1)(a), a short-term limited duration health insurance policy cannot be renewed.

(2) Short-term limited duration health insurance provides medical coverage that includes, at a minimum, the following benefits:

(a) hospital, surgical, and medical expense coverage, to an aggregate maximum of not less than;

(i) \$1,000,000; and

(ii) copayment or coinsurance not to exceed 50% of covered charges;

(b) hospital services, including:

(i) inpatient services; and

(ii) other miscellaneous services associated with admission to a hospital for diagnosis and treatment of a covered condition, including medically necessary services delivered in a hospital setting, including:

(A) professional services;

(B) anesthesia;

(C) facility fees;

(D) supplies;

(E) imaging;

(F) laboratory;

(G) pharmacy services and prescription drugs;

(H) treatments;

(I) therapy; and

(J) other services delivered on an inpatient basis;

(c) outpatient services, including medically necessary services ordered by the insured's attending health care practitioner and rendered on an ambulatory basis for diagnosis and treatment of a covered condition, including:

(i) office and clinic visits;

(ii) diagnostic imaging;

(iii) laboratory services;

(iv) radiation therapy;

(v) physical therapy;

(vi) speech therapy;

(vii) occupational therapy; and

(viii) hemodialysis;

(d) surgical services for diagnosis and treatment of a covered condition must include:

(i) inpatient and outpatient surgical services at a hospital, ambulatory surgical facility, surgical suite, or provider's office; and

(ii) medically necessary services delivered in a hospital, ambulatory surgical facility, surgical suite, or provider's office related to provision of a surgical service, including:

(A) professional services;

(B) anesthesiology;

(C) facility fees;

(D) supplies;

(E) laboratory; and

(F) pharmacy services and prescription drugs related to, or required as a result of, the surgical procedure; and

(e) medical services for diagnosis and treatment of a covered condition including:

(i) office visits;

(ii) benefits for inborn metabolic errors as required by Section 31A-22-623 and Rule R590-194;

(iii) benefits for diabetes as required by Section 31A-22-626 and Rule R590-220; and

(iv) telehealth services and telemedicine services as [required by Section 31A-22-649.5]appropriate.

R590-286-7. Outline of Coverage and Disclosure Requirements.

(1) An insurer shall deliver to an applicant the Short-Term Limited Duration Health Insurance Disclosure at application [~~Signatures on the disclosure shall be obtained prior to issuing the policy.~~].

(2)(a) Outline of Coverage. The items included in the outline of coverage must appear in the sequence prescribed:

TABLE

(INSERT COMPANY NAME)

SHORT-TERM LIMITED DURATION HEALTH INSURANCE COVERAGE

THIS (POLICY)(CERTIFICATE) PROVIDES LIMITED BENEFITS.

BENEFITS ARE SUPPLEMENTAL AND ARE NOT INTENDED TO COVER ALL MEDICAL EXPENSES

OUTLINE OF COVERAGE

Read Your (Policy)(Certificate) Carefully - This outline of coverage provides a very brief description of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth in detail the rights and obligations of both you and your insurance company. It is, therefore, important that you READ YOUR (POLICY)(CERTIFICATE) CAREFULLY!

Short-term limited duration health insurance coverage is designed to provide, to persons insured, limited or supplemental coverage.

A brief specific description of the benefits, including dollar amounts.

A description of any provisions that exclude, eliminate, restrict, reduce, limit, delay, or in any other manner operate to qualify payment of the benefits.

A description of provisions respecting renewability or continuation of coverage, including age restrictions or any reservations of right to change premiums.

(b) an insurer shall deliver an outline of coverage to an applicant prior to or upon the sale of a short-term limited duration health insurance policy as required by this rule; and

(c) a policy delivered to persons eligible for Medicare by reason of age shall contain the following language, which shall be printed on or attached to the first page of the outline of coverage:

"THIS IS NOT A MEDICARE SUPPLEMENT POLICY. If you are eligible for Medicare, review the Guide to Health Insurance for People With Medicare available from the company."

End of the Notices of Changes in Proposed Rules Section

(3) Every application for short-term limited duration health insurance shall contain a statement by the applicant attesting and acknowledging the following:

(a) the insured has received the Short-Term Limited Duration Health Insurance Disclosure;

(b) coverage does not meet minimum essential coverage;

(c) benefits do not comply with the Patient Protection and Affordable Care Act;

(d) exclusions or limitations, including preexisting exclusions or limitations, may apply;

(e) lifetime dollar limits may apply on health benefits; and

(f) annual dollar limits may apply on health benefits.

(4) An insurer shall, upon specific request from the commissioner, file for use a copy of any short-term limited duration health insurance advertisement intended for use in this state whether through written, radio, electronic, or television medium.

R590-286-8. Minimum Loss Ratios and Rating.

The provisions of Rule R590-85 apply to a short-term limited duration health insurance policy.

R590-286-9. Effective Date.

The commissioner will begin enforcing the provisions of this rule for new policies issued on or after ~~the effective date~~ April 1, 2021.

R590-286-10. Penalties.

A person found to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

R590-286-11. Severability.

If any provision of this rule, R590-286, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule which can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: insurance, health, short-term limited duration

Date of Enactment or Last Substantive Amendment: 2021

Authorizing, and Implemented or Interpreted Law: 31A-2-201(3)(a); 31A-2-202; 31A-22-605(4); 31A-22-605(6); 31A-22-605.1(1); 31A-45-103

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R68-4	Filing No. 50143

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Robert Hougaard	801-982-2305	rhougaard@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R68-4. Standardization, Marketing, and Phytosanitary Inspection of Fresh Fruits, Vegetables, and Other Plant and Plant Products

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 Subsection 4-2-103(1)(i) which allows the Department of Agriculture and Food (Department) to make rules necessary for the effective administration of agricultural laws in the state, as well as Subsection 4-2-103(1)(h) that allows the Department to establish operational standards for any establishment that manufactures, processes, produces, distributes, stores, sells, or offers for sale any agricultural product.

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

No written comments were received.

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

This rule should be continued because it is needed to set standards for fresh fruits, vegetables, and plant products sold in Utah. It provides standards for apricots, which are not set in federal law. It provides for inspection and enforcement of standards to ensure products sold to Utah consumers are safe.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Acting Commissioner	Date:	01/11/2021
--	---------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R68-18	Filing No. 50144

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Robert Hougaard	801-982-2305	rhougaard@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R68-18. Quarantine Pertaining to Karnal Bunt
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 Subsection 4-2-103(1)(k)(ii) that allows the Department of Agriculture and Food to establish and enforce quarantines.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule should be continued because it allows and provides guidelines for the quarantine of plants infected with karnal bunt, a serious fungal disease of wheat, durum wheat, and Triticale, to prevent spread in the state.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Acting Commissioner	Date:	01/11/2021
--	---------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R70-410	Filing No. 50175

Agency Information

1. Department:	Agriculture and Food	
Agency:	Regulatory Services	
Street address:	350 N Redwood Road	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R70-410. Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is promulgated under the authority of Section 4-4-102 which allows the Department of Agriculture and Food to make and enforce rules related to egg grades and standards.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.

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

This rule should be continued because it provides necessary standards for egg production and packaging in Utah that are designed to help businesses be successful while keeping the public safe and ensuring a healthy food supply.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Acting Commissioner	Date:	01/11/2021
--	---------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R156-67	Filing No. 50301
--------------------------------------	----------------	-------------------------

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:	
Larry Marx	801-530-6254	lmarx@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R156-67. Utah Medical 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 67, provides for the licensure and regulation of physicians and surgeons. 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 Physicians 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 67, with respect to physicians and surgeons.

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 February 2016, this rule has been amended several times. However, 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 67. 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:	08/27/2020
--	-----------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R156-69	Filing No. 52481
--------------------------------------	----------------	-------------------------

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:	
Larry Marx	801-530-6254	lmarx@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R156-69. Dentist and Dental Hygienist 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 69, provides for the licensure and regulation of dentists and dental hygienists. 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 Dentist and Dental Hygienist 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 69, with respect to dentists and dental hygienists.
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 January 2015, this rule has been amended two times, once in December 2015 and once in March 2020. The only written comment the Division has received with respect to this rule was a February 6, 2020, email from Dr. Kevin Croft in which he submitted comments about the "anesthesiology" definition contained in a February 2020 proposed rule amendment filing. The Division and Dentist and Dental Hygienist Licensing Board reviewed Dr. Croft's comments and proceeded with making the proposed rule amendments effective on March 10, 2020, with no further changes.
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 69. 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:	08/10/2020
--	-----------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R156-73	Filing No. 50314

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:
Allyson Pettley	801-530-6179	apettley@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R156-73. Chiropractic Physician 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 73, provides for the licensure and regulation of chiropractic physicians. 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 Chiropractic Physician 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 73, with respect to chiropractic physicians.
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 February 2016, two proposed rule amendment filings have been filed with the Office of Administrative Rules. The first filing was filed in December 2019 (OAR Filing No. 52439). This filing was amending unprofessional conduct definitions. The Division received multiple written comments both in support of and in opposition to the proposed amendments. Based on all comments received with respect to this proposed rule filing, the Division and Chiropractic Physician Licensing Board chose to let this rule filing lapse and would refile proposed rule amendments again at a later date. The second filing was filed in July 2020 (OAR Filing No. 52821). This filing was also amending unprofessional conduct definitions found in Section R156-73-501. Again, the Division received multiple written comments both in support of and in opposition to the proposed amendments in addition to some written comments that neither supported nor opposed the

proposed amendments. Based on all comments received and reviewed with respect to these proposed amendments, the Division and Chiropractic Physician Licensing Board, during an October 27, 2020, Board meeting, agreed to let this rule filing lapse and the Division and Board may refile proposed rule amendments again at a later date.

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 73. 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:	10/27/2020
--	-----------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R313-26	Filing No. 50731

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R313-26. Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities

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

Subsection 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. The subsection also allows the Board to make rules as necessary regarding the possession, use, transfer, or delivery of source and byproduct material and the disposal of byproduct material.

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

No comments were received from any interested persons either supporting or opposing the rule during or since the last five-year review.

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

Rule R313-26 contains the requirements for the issuance of permits to radioactive waste generators, collectors and processors for transferring radioactive waste to a land disposal facility located within the . Without this rule, the radiation control program would not be qualified to maintain primacy from the federal government. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	---------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R315-15	Filing No. 52544

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Waste Management
Room no.:	Second Floor
Building:	MASOB

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-15. Standards for the Management of Used Oil
A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-6-704 requires the Waste Management and Radiation Control Board (Board) to administer the Used Oil Management Act and comply with 40 CFR 279, Standards for the Management of Used Oil, to ensure the state's primacy to manage used oil. The Board is required to establish rules for the registration of facilities involved in the management of used oil, establish fees, establish the amounts of financial responsibility to be maintained by facilities involved in the management of used oil, establish rules for tracking, analysis and recordkeeping regarding used oil, authorize inspections and audits, establish standards for the management of used oil, establish rules for closure, remediation and response to releases of used oil, and establish a public education program to promote used oil recycling. 40 CFR 271.26 requires state programs to have standards for used oil management which are equivalent to 40 CFR 279 in order to be an authorized program.
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 the last five-year review of this rule, it has been amended three times. The Division of Waste Management and Radiation Control, Waste Management (Division) received comments from regulated entities that pointed out a conflict in the rules that required a certain type of facility to register in one subsection but specifically did not require the same type of facility to register in another subsection. The first amendment corrected this conflict and removed the requirement from the rules that facilities managing used oil must submit all financial mechanisms signed in duplicate and allow facilities to follow the requirements of each mechanism regarding the number of signatures needed.

The next amendment changed the payment period for recycling fee incentive payments from quarterly to semi-annual and to increase the amount of the recycling incentive payments to \$0.25 per gallon.

The next amendment clarified the types of documents that a DIYer collection center must submit to qualify for reimbursement.

No comments were received on any of the three amendments during the public review and comment processes.

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

Rule R315-15 contains the standards for the management of used oil. In Section 19-6-702, the legislature found that millions of gallons of used oil are generated each year in Utah and that used oil is valuable resource that can be recycled. The legislature also found that significant quantiles of used oil a wastefully disposed of or improperly used in manners that cause pollution and endanger public health. Considering the harmful consequences that can result from the improper disposal and use of used oil, and its value as a resource, the collection, recycling, and reuse of used oil is in the public interest. This rule meets the intent of the Legislature that there be a program for the collection, recycling and reuse of used oil. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	---------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R315-17	Filing No. 50739
--------------------------------------	----------------	-------------------------

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Waste Management
Room no.:	Second Floor
Building:	MASOB
Street address:	195 N 1950 W
City, state, zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144880
City, state, zip:	Salt Lake City, UT 84114-4880
Contact person(s):	

Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-17. End of Life Automotive Mercury Switch Removal Standards
A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
During the 2006 General Session of the Utah State Legislature passed H.B. 138 which created the Mercury Switch Removal Act. This act created Part 10 of Title 19, Chapter 6. Section 19-6-1003 requires the Waste Management and Radiation Control Board make rules governing the administration of the Act.
A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.
A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R315-17 contains the requirements that provide for the administration of the Mercury Switch Removal Act. The Mercury Switch Removal Act and this rule require the removal of mercury switches from vehicles that have reached the end of their useful life to prevent the release of this toxic material into the environment where it could have a detrimental effect on people's health. Due to the potential for negative impact on the environment and human health if this rule were discounted, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	---------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R315-101	Filing No. 50735

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-101. Cleanup Action and Risk-Based Closure Standards
A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.
Subsection 19-6-105(1)(d) allows the Board to make rules requiring owners or operators of a treatment, storage, or disposal facilities to take appropriate corrective action or other response measures for releases of hazardous waste or hazardous waste constituents.
40 CFR 271.12 requires state programs to have standards for closure and post-closure of hazardous waste facilities.
A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.
A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Rule R315-101 contains the requirements that allow the Division of Waste Management and Radiation Control, Waste Management to establish requirements for risk-based cleanup and closure standards at sites for which remediation or removal of hazardous constituents to background levels will not be achieved. The procedures in this rule also provide for continued management of sites for which minimal risk-based standards cannot be met. Without this rule, there would not be any requirements or standards for risk-based cleanup and closure which would result in detrimental impacts to human health and the environment. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	---------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R315-102	Filing No. 50733

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Name:
Tom Ball	801-536-0251	Tom Ball

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

General Information

2. Rule catchline:
R315-102. Penalty Policy
A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes

program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.

Subsection 19-6-113(2) states that any person who violates any order, plan, rule, or other requirement issued or adopted under this part is subject in a civil proceeding to a penalty.

40 CFR 271.16 requires state programs to have the ability to assess civil penalties to be authorized.

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

No comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-102 contains the requirements used by the Division and the Waste Management and Radiation Control Board to assess and collect civil penalties from those entities that violate the hazardous waste and used oil rules. This rule is required by state code and by federal regulation to maintain primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	---------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R315-103	Filing No. 50734

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		

Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

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

General Information

2. Rule catchline:

R315-103. Commercial Hazardous Waste Facility Siting Criteria

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

Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.

Subsection 19-6-105(3) requires the Board to establish criteria for siting commercial hazardous waste treatment, storage, or disposal facilities.

40 CFR 270.14(b)(11) contains siting criteria that must be followed by hazardous waste treatment, storage and disposal facilities.

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:

In 2016, this rule was renumbered to match the numbering contained in the federal regulations. No changes were made to the rule at that time. No comments were received.

No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-103 contains the requirements that allow the Division of Waste Management and Radiation Control, Waste Management to ensure that commercial hazardous waste treatment, storage and disposal facilities are siting properly. This rule ensures that these types of facilities do not have a negative impact on human health and the environment of the community around the facilities. Without this rule, there would not be any requirements siting of hazardous waste treatment, storage and disposal facilities which would result in detrimental impacts to human health and the environment. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	---------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R315-124	Filing No. 50738
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Waste Management
Room no.:	Second Floor
Building:	MASOB
Street address:	195 N 1950 W
City, state, zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144880
City, state, zip:	Salt Lake City, UT 84114-4880
Contact person(s):	
Name:	Phone:
Tom Ball	801-536-0251
Name:	Tom Ball

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

General Information

2. Rule catchline:

R315-124. Procedures for Decisionmaking

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

Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.

Subsection 19-6-105(1)(f) requires the Board to make rules governing public hearings and participation.

40 CFR 124 contains the steps the Environmental Protection Agency (EPA) will follow in receiving permit applications, preparing draft permits, issuing public notice, inviting public comment, and holding public hearings. Also contained in 40 CFR 124 are procedures for assembling an administrative record, responding to comments, issuing a final permit decision, and allowing for administrative appeal of the final permit decisions.

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:

In 2016, this rule was renumbered to match the numbering contained in the federal regulations. At this time, comments were received from two commentors.

One comment suggested that Section R315-124-1 was unclear and unnecessary and requested that, at a minimum, the intended meaning of the section be clarified.

One comment stated that the Director should not bar himself by rule from opposing intervention in any civil or administrative proceeding as required by Section R315-124-34.

One comment stated that it was inappropriate and unnecessary to require public comment for any proposed settlement of any enforcement action as required by Section R315-124-34. The commentor stated that because settlements over \$25,000 required approval by the Board and thus required public comment, only those settlements over \$25,000 should require public comment. The Division of Waste Management and Radiation Control, Waste Management (Division) response to these comments was that no changes were needed.

No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-124 contains the requirements and procedures that the Division will follow in receiving permit applications, preparing draft permits, assembling an administrative record, issuing public notice, inviting public comment, responding to comments, holding public hearings, issuing a final permit decision, and allowing for administrative appeal of the final permit decisions. These are all required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	---------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R315-260	Filing No. 52564
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Name:
Tom Ball	801-536-0251	Tom Ball
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-260. Hazardous Waste Management System

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

Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.

Section 19-6-105 allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.

40 CFR 271.4 requires state programs to be consistent with the Federal program. 40 CFR 271 contains all the required elements for a state hazardous waste program to be consistent with the Federal program.

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:

In 2016, this rule was renumbered to match the numbering contained in the federal regulations. At this time, comments were received from two commentors.

Both commentors pointed out that new definitions were being added to Section R315-260-12 for Rule R315-101 that were inconsistent with the current requirements in

Rule R315-101. The Division of Waste Management and Radiation Control, Waste Management (Division) responded by removing the definitions.

Several comments pointed out typographical errors and incorrect references or citations in various sections of Rule R315-260. The Division responded by correcting the errors.

Several comments asked for clarification of various sections of Rule R315-260. The Division responded with appropriate clarifications.

No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-260 provides definitions of terms, general standards, and overview information applicable to Rules R315-260 through R315-265 and R315-268. These are all required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	---------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R315-261	Filing No. 53251

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Waste Management
Room no.:	Second Floor
Building:	MASOB
Street address:	195 N 1950 W
City, state, zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144880
City, state, zip:	Salt Lake City, UT 84114-4880
Contact person(s):	

Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

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

General Information

2. Rule catchline:
R315-261. General Requirements -- Identification and Listing of Hazardous Waste

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

Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.

Section 19-6-105 allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.

40 CFR 271.4 requires state programs to be consistent with the Federal program. 40 CFR 271.9 requires state programs to control all the hazardous wastes controlled under the Federal program and requires state programs to adopt a list of hazardous wastes and set of characteristics for identifying hazardous wastes that is equivalent to those under the Federal program.

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:

In 2016, this rule was renumbered to match the numbering contained in the federal regulations. At this time comments were received from one commentor.

Several comments pointed out typographical errors and incorrect references or citations in various sections of Rule R315-261. The Division of Waste Management and Radiation Control, Waste Management (Division) responded by correcting the errors.

Several comments asked for clarification of various sections of Rule R315-261. The Division responded with appropriate clarifications.

No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-261 identifies those solid wastes which are subject to regulation as hazardous wastes under Rules R315-262 through R315-265, R315-268, R315-270, and R315-124 and which are subject to the notification requirements of these rules. This required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R315-262	Filing No. 52924
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

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

General Information

2. Rule catchline:
R315-262. Hazardous Waste Generator Requirements

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

Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and

hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.

Section 19-6-105 allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.

40 CFR 271.4 requires state programs to be consistent with the Federal program. 40 CFR 271.10 contains the requirements for generators of hazardous waste that the state program must be consistent with.

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:

In 2016, this rule was renumbered to match the numbering contained in the federal regulations. No comments were received.

No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-262 establishes standards for generators of hazardous waste. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R315-263	Filing No. 52566
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Waste Management
Room no.:	Second Floor

Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-263. Standards Applicable to Transporters of Hazardous Waste and Standards Applicable to Emergency Control of Spills for All Hazardous Waste Handlers

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

Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.

Section 19-6-105 allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.

40 CFR 271.4 requires state programs to be consistent with the Federal program. 40 CFR 271.11 contains the requirements for transporters of hazardous waste that the state program must be consistent with.

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:

In 2016, this rule was renumbered to match the numbering contained in the federal regulations. No comments were received.

No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-263 establishes standards which apply to persons transporting hazardous waste within Utah if the transportation requires a manifest under Rule R315-262. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	---------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R315-264	Filing No. 52925
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

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

General Information

2. Rule catchline:
R315-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

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

Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.

Section 19-6-105 allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.

40 CFR 271.4 requires state programs to be consistent with the Federal program. 40 CFR 271.12 contains the requirements for hazardous waste management facilities that the state program must be consistent with.

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:

In 2016, this rule was renumbered to match the numbering contained in the federal regulations. No comments were received.

No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-264 establishes the minimum standards that define the acceptable management of hazardous waste that apply to each owner and operator of facilities that treat, store, or dispose of hazardous waste. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	---------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R315-265	Filing No. 52926
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

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

General Information

2. Rule catchline:
R315-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

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

Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.

Section 19-6-105 allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.

40 CFR 271.4 requires state programs to be consistent with the Federal program.

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:

In 2016, this rule was renumbered to match the numbering contained in the federal regulations. No comments were received.

No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-265 establishes the minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R315-266	Filing No. 52927
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

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

General Information

2. Rule catchline:
R315-266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.

Section 19-6-105 allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.

40 CFR 271.4 requires state programs to be consistent with the Federal program. 40 CFR 271.12 contains the requirements for hazardous waste management facilities that the state program must be consistent with.

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:

In 2016, this rule was renumbered to match the numbering contained in the federal regulations. No comments were received.

No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-266 establishes the minimum standards for the management of specific hazardous wastes and specific types of hazardous waste management facilities. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R315-268	Filing No. 52928
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Environmental Quality
-----------------------	-----------------------

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agency:	Waste Management and Radiation Control, Waste Management	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-268. Land Disposal Restrictions
A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.
Section 19-6-105 allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.
40 CFR 271.4 requires state programs to be consistent with the Federal program.
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:
In 2016, this rule was renumbered to match the numbering contained in the federal regulations. No comments were received.
No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.
A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R315-268 identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	---------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R315-270	Filing No. 52929
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R315-270. Hazardous Waste Permit Program
A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to

assume primacy from the federal government in control over solid and hazardous waste.

Section 19-6-105 allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.

40 CFR 271.4 requires state programs to be consistent with the Federal program. 40 CFR 271.13 contains the requirements with respect to permits and permit applications for owners and operators of all hazardous waste management facilities that the state program must be consistent with. 40 CFR 271.14 contains provisions that state programs must have the legal authority to implement.

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:

In 2016, this rule was renumbered to match the numbering contained in the federal regulations. No comments were received.

No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-270 requires that any person who owns, constructs, modifies, or operates any facility for the purpose of treating, storing, or disposing of hazardous waste must first submit an application for, and receive the approval of the Director for, a hazardous waste permit for that facility. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	---------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R315-273	Filing No. 52930
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Room no.:	Second Floor	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state, zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

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

General Information

2. Rule catchline:
R315-273. Standards for Universal Waste Management

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

Subsection 19-6-104(1)(c) requires the Waste Management and Radiation Control Board (Board) to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste.

Section 19-6-105 allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.

40 CFR 271.4 requires state programs to be consistent with the Federal program.

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:

In 2016, this rule was renumbered to match the numbering contained in the federal regulations. No comments were received.

In 2018, the Division of Waste Management and Radiation Control, Waste Management (Division) received a comment regarding the use of propylene glycol as an engine antifreeze informing the Division that it is more widely used than was understood in 2016. Based on this

comment the Division added it along with ethylene glycol under the definition of antifreeze in this rule.

No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

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

Rule R315-273 provides an alternative set of management standards that generators of hazardous waste can use to manage certain types of hazardous waste in lieu managing in accordance with the hazardous waste management requirements found in Rules R315-260 through R315-266, R315-268 and R315-270. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Ty Howard, Director	Date:	01/14/2021
--	------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R331-26	Filing No. 50812

Agency Information

1. Department:	Financial Institutions	
Agency:	Administration	
Room no.:	201	
Street address:	324 State St	
City, state, zip:	Salt Lake City, UT 84111-2321	
Mailing address:	PO Box 146800	
City, state, zip:	Salt Lake City, UT 84114-6800	
Contact person(s):		
Name:	Phone:	Email:
Paul Allred	801-538-8761	pallred@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R331-26. Ownership of Real Estate Other Than Property Used for Institution Business or Held as an Investment by Depository Institutions Subject to the Jurisdiction of the Department of Financial Institutions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Sections 7-3-18, 7-8-13, and 7-9-5 authorize depositories to hold real estate for purposes other than conducting the depository institution's business. This rule sets forth uniform regulatory standards for the safe and sound management of other real estate and applies to all depository institutions chartered by the .
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 supporting or opposing written comments have been received by the agency concerning this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of this rule is to protect the safely and soundness of state-chartered depository institutions by prescribing requirements and restrictions for the prudent management of real estate held for purposes other than conducting the depository institution's business. This rule sets forth uniform regulatory standards for the safe and sound management of other real estate by depository institutions under the jurisdiction of the Department of Financial Institutions. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	G. Edward Leary, Comissioner	Date:	01/14/2021
--	---------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-201	Filing No. 51603

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116

Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-201. Definitions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Contained in this rule are definitions providing clarity to descriptions used in most of the boating rules. The following statutes require action from the Board of Parks and Recreation: Subsections 73-18-4(1)(a), 73-18-7(2)(b), 73-18-7(4), 73-18-7(17)(a), and 73-18-7(13)(b); Section 73-18-6; Subsections 73-18-7(17)(a), 73-18-7(17)(b), and 73-18-7(17)(c); Section 73-18-8; Subsections 73-18-9(5) and 73-18-4(2)(a)(B); Section 73-18-15; and Subsection 73-18-16(2).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-201.
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 mandated by statutes. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-202	Filing No. 51602

Agency Information

1. Department:	Natural Resources
-----------------------	-------------------

Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-202. Boating Advisory Council
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 73-18-3.5 states the Board of Parks and Recreation may appoint an advisory council representing various boating interests to seek recommendations on state boating policies.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-202.
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-203	Filing No. 51616

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-203. Waterway Marking System
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-4(1)(a) states that the Board of Parks and Recreation (Board) may promulgate rules and set fees. The Board shall promulgate rules creating a uniform waterway marking system.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-203.
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-204	Filing No. 51605

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029

Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-204. Regulating Waterway Markers
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-4(1)(b) states that the Board of Parks and Recreation shall promulgate rules regulating the placement of waterway markers and other permanent or anchored objects on the waters of this state.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-204.
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-205	Filing No. 51615

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029
Mailing address:	PO Box 146001
City, state, zip:	Salt Lake City, UT 84114-6001

Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-205. Zoned Waters
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-4(1)(c) states that the Board of Parks and Recreation may promulgate rules and set fees. It also states that the Board of Parks and Recreation shall zone certain waters of this state for the purpose of prohibiting the operation of vessels or motors for safety and health purposes only.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-205.
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 mandated by statute. Therefore, this rule should be continued.

General Information

2. Rule catchline:
R651-206. Carrying Passengers for Hire
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-4(2)(a) states that the Board of Parks and Recreation (Board) may promulgate rules and set fees. It also states that the Board shall set fees, licensing vessel operators, and registering outfitter companies and boat liveriers. In addition, Subsection 73-18-20(1) requires the enforcement of the maintenance inspection program for vessels carrying passengers for hire.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-206.
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 mandated by statutes. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-206	Filing No. 51609

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-207	Filing No. 51608

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029
Mailing address:	PO Box 146001
City, state, zip:	Salt Lake City, UT 84114-6001

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029
Mailing address:	PO Box 146001

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-207. Registration Fee
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-7(2)(b) states the registration requirements. The owner shall sign the application for registration and pay the fee set by the Board of Parks and Recreation.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-207.
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-208. Backing Plates
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-7(4) states that the Board of Parks and Recreation may designate procedures and requirements for the display of registration decals.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-208.
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 mandated by statute, and the Code of Federal Regulations: Title 46, Subtitle II, Part H, Chapter 123. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-208	Filing No. 51611

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-209	Filing No. 51613

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029
Mailing address:	PO Box 146001
City, state, zip:	Salt Lake City, UT 84114-6001

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029
Mailing address:	PO Box 146001
City, state, zip:	Salt Lake City, UT 84114-6001
Contact person(s):	

Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-209. Anchored and Beached Vessels
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-4(1)(e) states that the Board of Parks and Recreation may promulgate rules and set fees. It also states that the Board of Parks and Recreation shall regulate anchored, beached, moored, or abandoned vessels to minimize health, safety, and environmental concerns.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-209.
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-210	Filing No. 51617

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029
Mailing address:	PO Box 146001
City, state, zip:	Salt Lake City, UT 84114-6001

Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-210. Change of Address
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-7(13)(b) states that the Board of Parks and Recreation may provide rules defining the alteration of an existing registration card to show the owner's new address.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments received for Rule R651-210.
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-211	Filing No. 51614

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029
Mailing address:	PO Box 146001
City, state, zip:	Salt Lake City, UT 84114-6001
Contact person(s):	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-211. Assigned Numbers
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 73-18-6 and Subsection 73-18-7(17)(a) requires that all motorboats and sailboats be numbered and the Board of Parks and Recreation may designate the suffix to assigned numbers and display of registration decals.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Section R651-211.
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 mandated by statutes, and the Code of Federal Regulations: Title 46, Subtitle II, Part H, Chapter 123. Therefore, this rule should be continued.

General Information

2. Rule catchline:
R651-212. Display of Yearly Registration Decals and Month of Expiration Decals
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-7(17)(a) states that the Board of Parks and Recreation may designate the suffix to assigned numbers and by following the procedures and requirements, and make rules for the issuance and display of registration decals.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-212.
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-212	Filing No. 51627

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-213	Filing No. 51623

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029
Mailing address:	PO Box 146001
City, state, zip:	Salt Lake City, UT 84114-6001
Contact person(s):	

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029
Mailing address:	PO Box 146001
City, state, zip:	Salt Lake City, UT 84114-6001

Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-213. Dealer Numbers and Registrations
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-7(17)(b) states that the Board of Parks and Recreation may designate the suffix to assigned numbers and by following the procedures and requirements, make rules for the issuance and display of dealer numbers and registrations.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-213.
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 mandated by statute. Therefore, this rule should be continued.

General Information

2. Rule catchline:
R651-214. Temporary Registration
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-7(17)(c) states that the Board of Parks and Recreation may designate the suffix to assigned numbers and by following the procedures and requirements, make rules for the issuance and display of temporary registrations.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-214.
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R651-214	Filing No.	51625

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R651-215	Filing No.	51619

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029
Mailing address:	PO Box 146001
City, state, zip:	Salt Lake City, UT 84114-6001

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029
Mailing address:	PO Box 146001
City, state, zip:	Salt Lake City, UT 84114-6001

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-215. Personal Flotation Devices

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 73-18-8 lists safety equipment required to be on board vessels, and it allows the Board of Parks and Recreation to make rules for personal flotation devices to be worn on certain types of vessels, by age, and on certain waters.

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 Division of Parks and Recreation received numerous written comments in 2017 from the public opposing the repeal of Section R651-215-8, River Throw Bag in Lieu of a Type IV PFD. This section was repealed as a result of a conflict with the Code of Federal Regulations. The United States Coast Guard pointed out that the had no authority (exemption from preemption) to use throw bags in lieu of the carriage of a Type IV PFD. Thus, this is why the section was repealed. The rest of Rule R651-215 remained in effect.

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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R651-216	Filing No.	51622

Agency Information

1. Department:	Natural Resources
-----------------------	-------------------

Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029
Mailing address:	PO Box 146001
City, state, zip:	Salt Lake City, UT 84114-6001

Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-216. Navigation Lights - Note: Figures 1 through 7 mentioned below are on file with the Utah Division of Parks and Recreation

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

Subsection 73-18-8(6)(b) states that the Board of Parks and Recreation may adopt rules conforming with the requirements of this section which govern specifications for and the use of safety equipment. In addition, Subsection 73-18-8(2) states that the operator between sunset and sunrise shall display lighted navigation lights approved by the Division of Parks and Recreation.

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

No comments have been received for Rule R651-216.

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 mandated by statutes. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R651-217	Filing No.	51618

Agency Information

1. Department:	Natural Resources	
Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-217. Fire Extinguishers
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-8(6)(b) states that the Board of Parks and Recreation may adopt rules conforming with the requirements of this section which govern specifications for and the use of safety equipment. In addition, Subsection 73-18-8(4) states that each vessel shall have fire extinguishing equipment on board.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-217.
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 mandated by statutes. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-218	Filing No. 51620

Agency Information

1. Department:	Natural Resources	
Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-218. Carburetor and Back Flame Control
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-8(6)(b) states that the Board of Parks and Recreation may adopt rules conforming with the requirements of this section which govern specifications for and the use of safety equipment. In addition, Subsection 73-18-8(5) states that any inboard gasoline engine shall be equipped with a carburetor backfire flame control device.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-218.
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 mandated by statutes. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-219	Filing No. 51621

Agency Information

1. Department:	Natural Resources	
Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-219. Additional Safety Equipment
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-8(6) states that the Board of Parks and Recreation may adopt rules conforming with the requirements of this section which govern specifications for and the use of safety equipment.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-219.
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-220	Filing No. 51624

Agency Information

1. Department:	Natural Resources	
Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-220. Registration and Numbering Exemptions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-9(5) states a motorboat or sailboat belonging to a class of vessels which is exempt from registration by the Board of Parks and Recreation (Board), after the Board finds it will not materially aid in identification, is exempt from numbering in the United States Coast Guard numbering system.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-220.
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-221	Filing No. 51630

Agency Information

1. Department:	Natural Resources	
Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-221. Boat Liveries - Boat Rental Companies
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-4(2)(a)(B) states that the Board of Parks and Recreation (Board) may promulgate rules and set fees. The Board may set fees for boat liveries. Section 73-18-10.2 states the duties for owners of boat livery, outlining record keeping and safety equipment.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Section R651-221.
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 mandated by statutes. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-222	Filing No. 51632

Agency Information

1. Department:	Natural Resources	
Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-222. Muffling Requirements
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 73-18-11 states that the Board of Parks and Recreation shall adopt rules for the regulating of muffling devices on all vessels.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-222
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-224	Filing No. 51629

Agency Information

1. Department:	Natural Resources
-----------------------	-------------------

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-224. Towed Devices
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 73-18-15 states that the Board of Parks and Recreation is to adopt rules concerning water skiing and aquaplane riding and use of other devices towed behind a vessel.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-224.
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-226	Filing No. 51628

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116

Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-226. Regattas and Races
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 73-18-16(2) states that the Board of Parks and Recreation may adopt rules concerning the safety of vessels and persons, either as observers or participants.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-226.
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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R651-401	Filing No. 51637

Agency Information

1. Department:	Natural Resources
Agency:	Parks and Recreation
Room no.:	116
Street address:	1594 W North Temple
City, state, zip:	Salt Lake City, UT 84029

Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-401. Off-Highway Vehicle and Registration Stickers

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

Under Subsection 41-22-3(4), the Division of Motor Vehicles shall issue a registration sticker and a card for each registration of an off-highway vehicles. Section 41-22-5.1 authorizes the Board of Park and Recreation to create and establish a rule for the display of a registration sticker on an off-highway vehicle in accordance with Section 41-22-3.

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 Division of Parks and Recreation has not received any written comments, during the last five years that are either in support or oppose 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 is necessary in order to remain compliant with statute and provide consistency of registration sticker display on each specific type of off-highway vehicle. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R651-405	Filing No. 51638
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Natural Resources
-----------------------	-------------------

Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-405. Off Highway Implement of Husbandry Sticker Fee and Display

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 41-22-5.5(1)(a)(i) and (iii)(B) state any type of off-highway vehicle may be used for agricultural purposes if the owner applies with the Division of Motor Vehicles for an implement of husbandry sticker. The payment of an implement of husbandry sticker fee shall not exceed \$10. Included as part of this process is Subsection 41-22-5.5(1)(c) which states that the off-highway vehicle implement of husbandry sticker shall be displayed in a manner prescribed by the Board of Parks and Recreation (Board). These subsections direct the Board for a rule for the sticker fee and a rule that indicates where an implement of husbandry sticker shall be permanently placed upon the off-highway vehicle.

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 Division of Parks and Recreation has not received any written comments, during the last five years that are either in support or oppose 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 is necessary in order to remain compliant with statute and provide consistency of the implement of husbandry fee and sticker display on each specific type of off-highway vehicle used for agricultural purposes. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

certificate fees, and duplicate off-highway vehicle numbered sticker fees. Therefore, this rule should be continued.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R651-406	Filing No. 51633
--------------------------------------	-----------------	-------------------------

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

Agency Information

1. Department:	Natural Resources	
Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R651-611	Filing No. 51658
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Natural Resources	
Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R651-406. Off Highway Vehicle Registration Fees
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 41-22-8 authorizes the Board of Parks and Recreation to establish rules regarding fees associated with each specific off-highway vehicle machine type, a fee for a duplicate registration certificate, and a fee for a duplicate numbered sticker.
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 Division of Parks and Recreation has not received any written comments, during the last five years that are either in support or oppose 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 is necessary in order to remain compliant with statute and provide consistency with off-highway vehicle registration fees, duplicate off-highway vehicle registration

General Information

2. Rule catchline:
R651-611. Fee Schedule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 79-4-203(8) states that the Board of Parks and Recreation shall set fees and make appropriate rules governing the collection of charges. Subsection 79-4-203(8)(a) states that the division may make charges for special services and use of facilities, the income from which is available for park and recreation purposes.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments that specifically support or oppose the Division's fee schedule.

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

Without this rule, the Utah courts will not prosecute a violator for failure to pay park fees. Therefore, this rule should be continued.

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 mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R651-801	Filing No. 51688
--------------------------------------	----------	-------------------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R651-802	Filing No. 51677
--------------------------------------	----------	-------------------------

Agency Information

1. Department:	Natural Resources	
Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov

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

Agency Information

1. Department:	Natural Resources	
Agency:	Parks and Recreation	
Room no.:	116	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84029	
Mailing address:	PO Box 146001	
City, state, zip:	Salt Lake City, UT 84114-6001	
Contact person(s):		
Name:	Phone:	Email:
Tammy Wright	801-538-7359	tammywright@utah.gov

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

General Information

2. Rule catchline:
R651-801. Swimming Prohibited
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 73-18b-1 states that the Board of Parks and Recreation may make rules necessary to promote safety in swimming, scuba diving, and related activities on any waters where public boating is permitted.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-801.

General Information

2. Rule catchline:
R651-802. Scuba Diving
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 73-18b-1 states that the Board of Parks and Recreation may make rules necessary to promote safety in scuba diving where public boating is permitted.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received for Rule R651-802.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

This rule is mandated by statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jeff Rasmussen, Director	Date:	01/05/2021
--	--------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R652-8	Filing No. 51693

Agency Information

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

General Information

2. Rule catchline:
R652-8. Adjudicative Proceedings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule implements Subsection 63G-4-102(5), Sections 63G-4-202 and 63G-4-203 which authorizes the Division of Forestry, Fire and State Lands (Division) to designate adjudicative proceedings as informal and provides procedures for informal adjudicative proceedings. Leases, sales, and exchanges are treated as contracts for purchase or sale of interests in real property. Therefore, management and administrative actions concerning specific leases, sales or exchanges are not governed by the procedural requirements of this rule pursuant to Subsection 63G-4-102(2)(g).

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 authorizes the Division to designate adjudicative proceedings as informal and provides procedures for informal adjudicative proceedings and identifies the division director as the presiding officer. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Brian Cottam, Director	Date:	12/21/2020
--	------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R652-9	Filing No. 51687

Agency Information

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

General Information

2. Rule catchline:
R652-9. Consistency Review
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule establishes the procedure through which any party aggrieved by a Division of Forestry, Fire and State Lands (Division) action directly determining the rights, obligations, or legal interests of specific persons may petition the executive director of the Department of Natural Resources to review the action for consistency with statutes, rules, and Division policy pursuant to Subsection 65A-1-4(6).

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 establishes the procedure through which any party aggrieved by a Division action may petition the executive director of the Department of Natural Resources to review the action for consistency with statutes, rules, and Division policy and identifies the actions the executive director may take upon receipt of a petition. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Brian Cottam, Director	Date:	12/21/2020
--	------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R652-41	Filing No. 51696
--------------------------------------	----------------	-------------------------

Agency Information

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

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

General Information

2. Rule catchline:

R652-41. Rights of Entry

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

This rule implements Section 65A-7-1 which authorizes the Division of Forestry, Fire and State Lands (Division) to establish criteria by rule for the sale, exchange, lease, or other disposition or conveyance of sovereign lands including procedures for determining fair-market value of those lands.

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

No written comments were received.

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

This rule authorizes the Division to establish criteria by rule for the sale, exchange, lease, or other disposition or conveyance of sovereign lands including procedures for determining fair-market value of those lands. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Brian Cottam, Director	Date:	12/21/2020
--	------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R652-80	Filing No. 51697
--------------------------------------	----------------	-------------------------

Agency Information

1. Department:	Natural Resources	
Agency:	Forestry, Fire and State Lands	
Room no.:	352	
Building:	DNR	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 145703	
City, state, zip:	Salt Lake City, UT 84114-5703	
Contact person(s):		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Name:	Phone:	Email:
Brianne Emery	385-239-0791	brianneemery@utah.gov
Jamie Barnes	385-222-1536	jamiebarnes@utah.gov

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

General Information

2. Rule catchline:
R652-80. Land Exchanges
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule implements Section 65A-7-1 which authorizes the Division of Forestry, Fire and State Lands (Division) to specify application procedures and review criteria for the exchange of sovereign lands.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule gives the Division the authority to specify application procedures and review criteria for the exchange of sovereign lands. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Brian Cottam, Director	Date:	12/21/2020
--	------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R671-518	Filing No.	51840
--------------------------------------	-----------------	-------------------	--------------

Agency Information

1. Department:	Pardons (Board of)
Agency:	Administration
Street address:	448 E Winchester Street, Suite 300
City, state, zip:	Murray, UT 84107
Contact person(s):	

Name:	Phone:	Email:
Mike Haddon	801-261-6467	mikehaddon@utah.gov

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

General Information

2. Rule catchline:
R671-518. Conduct of Proceedings When a Criminal Charge Results in Conviction
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 77-27-5 outlines the Board of Pardons and Parole's (Board) authority over paroled individuals and conditions of parole. Subsection 77-27-9(5) allow the adoption of rules by the Board including rules related to the general conditions under which parole may be granted and revoked. Section 77-27-11 allows the Board to revoke the parole of any individual found to have violated any condition of the individual's parole.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
At this time, there are no written comments that have been received by the Board regarding this rule since its last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule provides clarity to the general public that a parolee that has a new criminal conviction may have parole revoked without conducting an evidentiary hearing. An evidentiary hearing by the Board is not necessary as the court will have already conducted its own proceedings that led to the new criminal conviction. No comments in opposition to this rule (R671-518) have been received by the Board. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carrie Cochran, Chair	Date:	01/11/2021
--	-----------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R698-8	Filing No.	51854
--------------------------------------	---------------	-------------------	--------------

Agency Information

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

General Information

2. Rule catchline:
R698-8. Local Public Safety and Firefighter Surviving Spouse Trust Fund
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized under Section 53-17-301, which requires the Commissioner of the Department of Public Safety to make rules to implement Title 53, Chapter 17, Public Safety Officer and Firefighter Line-of-duty Death Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments received during and since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required under Section 53-17-301 and is necessary to establish procedures for implementation of the Public Safety Officer and Firefighter Line-of-Duty Death Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jess L. Anderson, Commissioner	Date:	01/15/2021
--	--------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R708-18	Filing No. 51870

Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Street address:	4501 S 2700 W	
City, state, zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 144501	
City, state, zip:	Salt Lake City, UT 84114-4501	
Contact person(s):		
Name:	Phone:	Email:
Tara Zamora	801-964-4483	tarazamora@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R708-18. Regulatory and Administrative Fees
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The statutory authority cited in this rule to authorize rulemaking is inaccurate. Upon review of this rule, it appears that the statutory provisions under which the rule was originally enacted no longer apply. This rule duplicates language that is already listed in statute with respect to fees that the Driver License Division has authority to assess. Due to the fact that this rule is not authorized or necessary, we will submit a rule filing to repeal this rule.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Public Safety has not received any written comments regarding this rule during and since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is in the process of being repealed and needs to be in place until the repeal can be made effective. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Christopher Caras, Division Director	Date:	01/14/2021
--	--------------------------------------	--------------	------------

This rule is necessary in order to set forth the methods approved by the Department for providing a certificate of self-funded coverage under Section 41-12a-407 as proof of owner's or operator's security required under Section 41-12a-301. Therefore, this rule should be continued.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R708-19	Filing No. 51868

Agency Authorization Information

Agency head or designee, and title:	Christopher Caras, Division Director	Date:	01/06/2021
--	--------------------------------------	--------------	------------

Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Street address:	4501 S 2700 W	
City, state, zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 144501	
City, state, zip:	Salt Lake City, UT 84114-4501	
Contact person(s):		
Name:	Phone:	Email:
Tara Zamora	801 964-4483	tarazamora@utah.gov
Kim Gibb	801 556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R708-20	Filing No. 51872

Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Street address:	4501 S 2700 W	
City, state, zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 144501	
City, state, zip:	Salt Lake City, UT 84114-4501	
Contact person(s):		
Name:	Phone:	Email:
Tara Zamora	801 964-4483	tarazamora@utah.gov
Kim Gibb	801 556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R708-19. Automobile No-Fault Self-Insurance
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized under Section 41-12a-201, which states the Department of Public Safety (Department) may adopt rules as necessary for the administration of Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department has not received any written comments regarding this rule during and since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

General Information

2. Rule catchline:
R708-20. Motor Vehicle Accident Prevention Course Standards
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized under Section 31A-19a-211, which states the Department of Public Safety (Department) make rules to establish and clarify standards pertaining to the curriculum and teaching methods of a course under Section 31A-19a-211.
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 regarding this rule during and since the last five-year review of this rule.

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

This rule is necessary in order to establish and clarify standards pertaining to the curriculum and teaching methods of an accident prevention course for drivers age 55 or older that can be used for premium reduction for vehicle insurance as authorized under Subsection 31A-19a-211(1). Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Christopher Caras, Division Director	Date:	01/06/2021
--	--------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R708-38	Filing No. 51883
--------------------------------------	---------	-------------------------

Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Street address:	4501 S 2700 W	
City, state, zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 144501	
City, state, zip:	Salt Lake City, UT 84114-4501	
Contact person(s):		
Name:	Phone:	Email:
Tara Zamora	801-964-4483	tarazamora@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R708-38. Anatomical Gift
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized under Subsection 53-3-205(15)(a) which states a licensee shall authenticate the indication of intent to make an anatomical gift under Title 26, Chapter

28, Revised Uniform Anatomical Gift Act, in accordance with the Division of Driver License rule.

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

The Department of Public Safety has not received any written comments regarding this rule during and since the last five-year review of this rule.

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

This rule is necessary in order to define the process for authenticating an applicant's intent to make an anatomical gift (organ donation) when applying for a driver license or identification card excluding renewal by mail. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Christopher Caras, Division Director	Date:	01/13/2021
--	--------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R708-42	Filing No. 51892
--------------------------------------	---------	-------------------------

Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Street address:	4501 S 2700 W	
City, state, zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 144501	
City, state, zip:	Salt Lake City, UT 84114-4501	
Contact person(s):		
Name:	Phone:	Email:
Tara Zamora	801-964-4483	tarazamora@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R708-42. Driver Address Record

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

This rule is authorized under Subsection 53-3-109(8)(f), which states the Department of Public Safety (Department) may make rules to designate the procedures, requirements, and formats for disclosing personal identifying information under Subsection 53-3-109(1)(b). This section of the code has been renumbered; as a result, a nonsubstantive change will be submitted to correct the statutory references in the rule following the five-year review.

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 regarding this rule during and since the last five-year review of this rule.

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

This rule is necessary in order to define the procedures, requirements and format for requesting and disclosing a Driver Address Record in accordance with Subsection 53-3-109(1)(b) to an insurer, insurance support organization, or a self-insured entity, or its agents, employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22, Part 3, for use in connection with claims investigation activities, antifraud activities, rating, or underwriting for any person issued a license certificate under Title 53, Chapter 3. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Christopher Caras, Division Director	Date:	01/13/2021
--	--------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R708-43	Filing No. 51901
--------------------------------------	----------------	-------------------------

Agency Information

1. Department:	Public Safety
Agency:	Driver License
Street address:	4501 S 2700 W
City, state, zip:	Salt Lake City, UT 84129
Mailing address:	PO Box 144501
City, state, zip:	Salt Lake City, UT 84114-4501

Contact person(s):

Name:	Phone:	Email:
Tara Zamora	801 964-4483	tarazamora@utah.gov
Kim Gibb	801 556-8198	kgibb@utah.gov

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

General Information

2. Rule catchline:

R708-43. Verification of Personal Identifying Information by Depository Institutions

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

This rule is authorized under Subsection 53-3-109(8)(f), which states the Department of Public Safety (Department) may make rules to designate the procedures, requirements, and formats for disclosing personal identifying information under Subsection 53-3-109(1)(b). This section of the code has been renumbered; as a result, a nonsubstantive change will be submitted to correct the statutory references in the rule following the five-year review.

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 regarding this rule during and since the last five-year review of this rule.

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

This rule is necessary in order to define the procedures, requirements and format for verifying personal identifying information to a depository institution as defined in Section 7-1-103 in accordance with Subsection 53-3-109(1)(b)(iii). Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Christopher Caras, Division Director	Date:	01/13/2021
--	--------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R708-44	Filing No. 51902
--------------------------------------	----------------	-------------------------

Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Street address:	4501 S 2700 W	
City, state, zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 144501	
City, state, zip:	Salt Lake City, UT 84114-4501	
Contact person(s):		
Name:	Phone:	Email:
Tara Zamora	801-964-4483	tarazamora@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R708-44. Citation Monitoring Service
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized under Section 53-3-109, which states the Department of Public Safety (Department) may

make rules to designate the procedures, requirements, and formats necessary for the implementation of Subsection 53-3-109(3), the Citation Monitoring Service.

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 regarding this rule during and since the last five-year review of this rule.

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

This rule is necessary in order to designate the procedures, requirements, and formats necessary for the implementation of Subsection 53-3-109(3). This rule sets forth the methods approved by the Department for providing an authorized requester access to Division of Driver License records as authorized under Subsection 53-3-109(3). Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Christopher Caras, Division Director	Date:	01/06/2021
--	--------------------------------------	--------------	------------

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.

Administrative Services

Administration

No. 53213 (Amendment) R13-2: Management of Records and Access to Records
Published: 12/01/2020
Effective: 01/08/2021

Purchasing and General Services

No. 53121 (Amendment) R33-1: Utah Procurement Rules, General Procurement Provisions
Published: 12/15/2020
Effective: 01/22/2021

No. 53122 (Amendment) R33-2: Rules of Procedure for Procurement Policy Board
Published: 12/15/2020
Effective: 01/22/2021

No. 53123 (Amendment) R33-3: Procurement Organization
Published: 12/15/2020
Effective: 01/22/2021

No. 53124 (Amendment) R33-4: Supplemental Procurement Procedures
Published: 12/15/2020
Effective: 01/22/2021

No. 53125 (Amendment) R33-5: Other Standard Procurement Processes
Published: 12/15/2020
Effective: 01/22/2021

No. 53126 (Amendment) R33-6: Bidding
Published: 12/15/2020
Effective: 01/22/2021

No. 53127 (Amendment) R33-7: Request for Proposals
Published: 12/15/2020
Effective: 01/22/2021

No. 53128 (Amendment) R33-8: Exceptions to Standard Procurement Process
Published: 12/15/2020
Effective: 01/22/2021

No. 53129 (Amendment) R33-9: Cancellations, Rejections, and Debarment
Published: 12/15/2020
Effective: 01/22/2021

No. 53130 (Amendment) R33-10: Preferences
Published: 12/15/2020
Effective: 01/22/2021

No. 53131 (Amendment) R33-11: Form of Bonds
Published: 12/15/2020
Effective: 01/22/2021

No. 53132 (Amendment) R33-12: Terms and Conditions, Contracts, Change Orders and Costs
Published: 12/15/2020
Effective: 01/22/2021

No. 53133 (Amendment) R33-13: General Construction Provisions
Published: 12/15/2020
Effective: 01/22/2021

No. 53134 (Amendment) R33-15: Procurement of Design Professional Services
Published: 12/15/2020
Effective: 01/22/2021

No. 53135 (Amendment) R33-16: Protests
Published: 12/15/2020
Effective: 01/22/2021

NOTICES OF RULE EFFECTIVE DATES

No. 53136 (Amendment) R33-19: General Provisions
Related to Protest or Appeal
Published: 12/15/2020
Effective: 01/22/2021

No. 53138 (Amendment) R33-24: Unlawful Conduct and
Ethical Standards
Published: 12/15/2020
Effective: 01/22/2021

Agriculture and Food

Plant Industry

No. 53205 (Amendment) R68-26: Industrial Hemp Product
Registration and Labeling
Published: 12/01/2020
Effective: 01/08/2021

No. 53151 (New Rule) R68-34: Educational Event and
Educational Material Rules
Published: 12/01/2020
Effective: 01/08/2021

No. 53177 (New Rule) R68-35: Academic Medical
Cannabis Research
Published: 12/15/2020
Effective: 01/22/2021

Alcoholic Beverage Control

Administration

No. 53233 (New Rule) R82-9: Event Permits
Published: 12/15/2020
Effective: 01/26/2021

Commerce

Administration

No. 53220 (Amendment) R151-4: Department of
Commerce Administrative Procedures Act Rule
Published: 12/01/2020
Effective: 01/08/2021

Occupational and Professional Licensing

No. 53200 (Amendment) R156-31b: Nurse Practice Act
Rule
Published: 12/01/2020
Effective: 01/08/2021

Education

Administration

No. 53206 (Amendment) R277-100: Definitions for Utah
State Board of Education (Board) Rules.
Published: 12/01/2020
Effective: 01/08/2021

No. 53207 (New Rule) R277-311: Specialized
Endorsements
Published: 12/01/2020
Effective: 01/08/2021

No. 53037 (Amendment) R277-326: Early Learning
Professional Learning Grant Program
Published: 09/15/2020
Effective: 01/05/2021

No. 53038 (Amendment) R277-327: School Leadership
Development Grant
Published: 09/15/2020
Effective: 01/05/2021

No. 53208 (Amendment) R277-445: Classifying Small
Schools as Necessarily Existent
Published: 12/01/2020
Effective: 01/08/2021

No. 53209 (Repeal) R277-507: Driver Education
Endorsement
Published: 12/01/2020
Effective: 01/08/2021

No. 53210 (New Rule) R277-626: Special Needs
Opportunity Scholarship Program
Published: 12/01/2020
Effective: 01/08/2021

No. 53221 (Amendment) R277-726: Statewide Online
Education Program
Published: 12/01/2020
Effective: 01/08/2021

No. 53222 (Amendment) R277-920: School Improvement -
Implementation of the School Turnaround and Leadership
Development Act
Published: 12/01/2020
Effective: 01/08/2021

Environmental Quality

Waste Management and Radiation Control, Radiation

No. 53211 (Amendment) R313-36: Special Requirements
for Industrial Radiographic Operations
Published: 12/01/2020
Effective: 01/15/2021

No. 53212 (Amendment) R313-37: Physical Protection of
Category 1 or Category 2 Quantities of Radioactive Material
Published: 12/01/2020
Effective: 01/15/2021

Governor

Energy Development (Office of)

No. 53145 (Amendment) R362-4: High Cost Infrastructure
Development Tax Credit Act
Published: 11/15/2020
Effective: 01/11/2021

Health

Health Care Financing, Coverage and Reimbursement Policy
 No. 53214 (Amendment) R414-60: Medicaid Policy for
 Pharmacy Program
 Published: 12/01/2020
 Effective: 01/12/2021

Human Services

Aging and Adult Services
 No. 53152 (Amendment) R510-200: Liability
 Published: 12/01/2020
 Effective: 01/14/2021

No. 53036 (Amendment) R510-302: Adult Protective
 Services
 Published: 10/01/2020
 Effective: 01/04/2021

Insurance

Administration
 No. 53229 (Amendment) R590-160: Adjudicative
 Proceedings
 Published: 12/15/2020
 Effective: 01/22/2021

No. 53230 (Repeal) R590-231: Workers' Compensation
 Market of Last Resort
 Published: 12/15/2020
 Effective: 01/22/2021

No. 53218 (Amendment) R590-244: Individual and Agency
 Licensing Requirements
 Published: 12/01/2020
 Effective: 01/08/2021

Labor Commission

Industrial Accidents
 No. 53180 (Amendment) R612-100: Forms Used By
 Industrial Accidents Division
 Published: 11/15/2020
 Effective: 01/01/2021

No. 53176 (Amendment) R612-200: Reporting and
 Investigating Injuries
 Published: 11/15/2020
 Effective: 01/01/2021

No. 53174 (Amendment) R612-300: Workers'
 Compensation Rules - Medical Care
 Published: 11/15/2020
 Effective: 01/01/2021

No. 53166 (Amendment) R612-400: Premium Rates for the
 Uninsured Employers' Fund and the Employers' Reinsurance
 Fund
 Published: 11/15/2020
 Effective: 01/01/2021

Natural Resources

Parks and Recreation
 No. 53117 (Amendment) R651-601: Posted
 Published: 11/15/2020
 Effective: 01/05/2021

No. 53116 (Amendment) R651-606: Camping
 Published: 11/15/2020
 Effective: 01/05/2021

Water Rights

No. 53224 (New Rule) R655-18: Public Water Supplier 40
 Year Water Requirement Plan Standards
 Published: 12/15/2020
 Effective: 01/22/2021

Wildlife Resources

No. 53119 (Amendment) R657-58: Fishing Contests and
 Clinics
 Published: 11/15/2020
 Effective: 01/07/2021

No. 53120 (Amendment) R657-62: Deployed Military
 Published: 11/15/2020
 Effective: 01/07/2021

Public Safety

Fire Marshal
 No. 53085 (Repeal) R710-10: Rules Pursuant to Fire
 Service Training, Education, and Certification
 Published: 10/15/2020
 Effective: 01/11/2021

Criminal Investigations and Technical Services, Criminal
 Identification
 No. 53147 (New Rule) R722-930: Automatic Expungement
 Published: 11/15/2020
 Effective: 01/11/2021

Veterans' and Military Affairs

Administration
 No. 53203 (Amendment) R978-1: Grant Program
 Published: 12/01/2020
 Effective: 01/12/2021

End of the Notices of Rule Effective Dates Section

