

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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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 Government Operations, 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

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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 December 02, 2023, 12:00 a.m., and December 15, 2023, 11:59 p.m. are included in this, the January 01, 2024, 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 January 31, 2024. 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 April 30, 2024, 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 FILING: Repeal and Reenact		
Rule or Section Number:	R58-7	Filing ID: 56244

Agency Information

1. Department:	Agriculture and Food	
Agency:	Animal Industry	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state, and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	ambermbrown@utah.gov
Leann Hunting	385-977-2158	leannhunting@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R58-7. Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons
3. Purpose of the new rule or reason for the change:
This rule is being updated to include a late fee for livestock auctions that do not provide sufficient notice to the Department of Agriculture and Food (Department).
4. Summary of the new rule or change:
Subsection R58-7-4(3) clarifies that any person shall notify the Department within ten days of a livestock sale, or the Department will impose a late fee.
Currently, the Department fee schedule allows a \$25 late fee, and the Department will charge that fee within the requirements of this rule. In FY 2025 and FY 2026, the fee is anticipated to increase to \$100.
The rule was also revised to align with the Rulewriting Manual for Utah and reduce passive voice throughout. Updating this rule to align with the Rulewriting Manual for Utah required over 50% edits.

The Department found it was best to repeal and reenact this rule to ensure the accuracy of the changes.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The new late fee will have minimal impact on the state budget because this rule intends to encourage the notification of livestock sales greater than ten days before the sale.
The department intends that the Department will not need to impose the new fee regularly. The current late fee in the fee schedule is \$25, and the Department anticipates less than two occurrences in FY 2024.
In FY2025, the Department anticipates increasing the fee to \$100 for a total fiscal impact of \$200. The collected fee revenue will be used to cover the cost of an inspector who may be pulled away from their scheduled duties to accommodate a livestock auction with minimal notice. This cost is estimated at \$200 per year.
B) Local governments:
This rule change does not impact local governments because they do not administer the program or collect the fees from the livestock auctions.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule may affect a small business if they don't notify the Department at least ten days of a livestock sale. The late fee is \$25. The Department does not anticipate that small businesses will be charged a fee.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Non-small businesses would be impacted only if a late fee is imposed. The Department does not anticipate non-small businesses will be charged a fee.
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 could impact other persons who hold livestock sales without properly informing the Department.
The Department anticipates that two individuals will be charged a late fee per year for a total cost of \$50 in FY 2024 and \$200 in FY 2025 and FY 2026 when the late fee increases.

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

This rule change could impact persons who hold livestock sales without properly informing the Department.

The Department anticipates that two individuals will be charged a late fee per year for a total cost of \$50 in FY 2024 and \$200 in FY 2025 and FY 2026 when the late fee increases.

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	FY2024	FY2025	FY2026
State Government	\$200	\$200	\$200
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$50	\$200	\$200
Total Fiscal Cost	\$250	\$400	\$400
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$50	\$200	\$200
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$50	\$200	\$200
Net Fiscal Benefits	\$(200)	\$(200)	\$(200)

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Department of Agriculture and Food, Craig W. Buttars, has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 4-30-104	Section 4-2-103	
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Public Notice Information**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2024
--	------------

9. This rule change MAY become effective on:

02/07/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Craig W. Buttars, Commissioner	Date:	12/07/2023
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R58. Agriculture and Food, Animal Industry.

~~[R58 7. Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons.~~

~~R58 7 1. Authority.~~

~~(1) Promulgated under authority of Section 4-30-104 and Section 4-2-103.~~

~~(2) It is the intent of these rules to provide uniformity and fairness in the marketing of livestock within the state, whether sold through regularly established livestock markets or other types of sales.~~

~~R58 7 2. Definitions.~~

~~(1) "Commissioner" means the commissioner of the Utah Department of Agriculture and Food.~~

~~(2) "Department" means the Utah Department of Agriculture and Food.~~

~~(3) "Livestock" means cattle, domestic elk, swine, equines, sheep, goats, camelids, ratites, and bison.~~

~~(4) "Livestock dealer" means a person engaged in the business of purchasing livestock for immediate resale or interstate shipment for immediate resale.~~

~~(5) "Livestock market" means a public market place consisting of pens or other enclosures where each class of livestock or poultry are received on consignment and kept for subsequent sale, either through public auction or private sale.~~

~~(6) "Representative" means a dealer licensed in Utah under Section 4-7-107 who is a resident of this state, or who is a representative of, or who in any capacity conducts business with a livestock auction market licensed under Section 4-30-105, that does business with an in-state or out-of-state satellite video livestock auction market.~~

~~(7) "Satellite video livestock auction market" means a place or establishment or business conducted or operated for compensation or profit as a public market where livestock or other agricultural related products located in this state are sold or offered for sale at a facility within or outside the state through the use of an electronically televised or recorded media presentation, which is, or can be exhibited at a public auction.~~

R58-7-3. Livestock Markets.

~~(1) Standards for Approved and Non-approved Markets. The operator of a livestock market shall maintain the following standards to get, keep, or renew a livestock market license:~~

~~(a) follow procedures outlined in Title 4, Chapter 30, Livestock Markets, and any state and federal laws pertaining to livestock health and movement;~~

~~(b) keep records on any animals purchased sufficient to enable the department to satisfactorily trace those animals to their herd of origin and destination;~~

~~(i) livestock markets shall maintain the identity of ownership of each animal as set forth in Section 4-24-402, and this rule;~~

~~(ii) records shall be kept for at least two years;~~

~~(c) identify each animal as required in 9 CFR 71.18, 9 CFR 71.19, and 9 CFR 79. Tags are not to be removed in trading channels;~~

~~(d) permit authorized state or federal inspectors to review each phase of the livestock market operations including records of origin and destination of livestock handled by the livestock market;~~

~~(e) provide adequate space for pens, alleyways, chutes, and sales ring; cover sales ring with a leak proof roof;~~

~~(f) construct each pen, alleyway, chute, and sales ring to be safe, easily cleaned, and properly drained in any type of weather;~~

~~(g) maintain the facility in a clean and sanitary manner; and~~

~~(h) provide specially designated isolation pens to quarantine animals suspected of having a contagious disease.~~

~~(2) Livestock sold through livestock markets shall comply with Utah law and rules including Rule R58-3 Brucellosis Vaccination Requirements, Rule R58-21 Trichomoniasis, Rule R58-22 Equine Infectious Anemia, and Section R58-2-3 Reportable and Quarantinable Animal Diseases.~~

~~(a) Auction owners or veterinarians shall report any suspected cases of diseases from the Utah List of Reportable Conditions for Animals to the State Veterinarian.~~

~~(b) These animals shall not be released until approved for movement by the department or its authorized representative.~~

~~(c) The List of Reportable Conditions is available from the State Veterinarian's office or the department website.~~

~~(3) Additional Standards for Approved Markets:~~

~~(a) Approved livestock markets shall:~~

~~(i) provide the department with a schedule of sale days that have been previously approved by the commissioner, giving the beginning hour;~~

~~(ii) provide and maintain one or more chutes, in addition to the loading chute, at a convenient and usable place in a covered area, suitable for restraining, inspecting, examining, testing, tagging, branding, and other treatments and procedures ordinarily required in providing livestock sanitary or health service at markets in a safe manner;~~

~~(iii) provide personnel as required to assist department or federal inspectors;~~

~~(iv) provide specially designated isolation pens to quarantine animals suspected of contagious disease and animals~~

~~classified as reactors, exposed, suspects, "V" branded, or "S" branded;~~

~~(v) limit the sale of restricted animals to a slaughtering establishment where federal or state inspection is maintained or a qualified feedlot approved by the department; and~~

~~(vi) arrange with an accredited veterinarian to provide services to ensure compliance with state and federal laws for intrastate and interstate movement.~~

~~(b) Brucellosis testing and vaccination of female cattle not sold for slaughter.~~

~~(i) Unvaccinated female cattle from four to 12 months of age shall be vaccinated prior to leaving the auction.~~

~~(ii) Unvaccinated female cattle over 12 months of age not going to slaughter shall be tested for brucellosis and vaccinated if not pregnant prior to leaving the auction.~~

~~(iii) Unvaccinated pregnant cattle shall be tested for brucellosis prior to leaving the auction. Each buyer shall vaccinate the cattle within 30 days after calving.~~

~~(iv) Testing and vaccination results shall be reported to the department.~~

~~(4) Denial, Suspension, or Cancellation of Registration. The department may, after due notice and opportunity for a hearing to the livestock market involved, deny an application for registration, or suspend or cancel the registration when the department is satisfied that the market has:~~

~~(a) violated state law or rules governing the interstate or intrastate movement, shipment or transportation of livestock;~~

~~(b) made false or misleading statements in their application for licensing, or false or misleading statements as to the health or physical conditions of livestock regarding official test results or status of the herd of origin;~~

~~(c) knowingly sold animals that exhibit signs of a communicable disease for purposes other than slaughter;~~

~~(d) demonstrated their inability or unwillingness to carry out the record keeping requirements contained in this rule;~~

~~(e) failed to comply with any law or rule pertaining to livestock health or movement;~~

~~(f) failed to maintain market facilities in a safe, clean and sanitary manner; or~~

~~(g) operated as a livestock market without proper licensing.~~

R58-7-4. Temporary Livestock Sale License.

~~(1) A temporary livestock sales license shall be required for each sale where:~~

~~(a) livestock is offered for public bidding and sold on a yardage, commission, or percentage basis;~~

~~(b) sales are conducted by or for a person when livestock owned by the person are sold on their own premises pursuant to Sections R58-7-3 and R58-7-4;~~

~~(c) sales are conducted for liquidation of livestock by a farmer, dairyman, livestock breeder, or feeder;~~

~~(d) sales are conducted by non-profit breed or livestock associations or clubs;~~

~~(i) It is not the intent of this rule to require a bond from non profit breed or livestock associations or clubs, or from liquidation sales if they conduct sales themselves and do not assume any financial responsibility between the seller and the buyer;~~

~~(ii) if sales are conducted by outside or professional management, a license and either a bond, trust fund agreement, or letter of credit shall be required; and~~

~~(e) other sales as approved by the department.~~

~~(2) A temporary license shall not be required for:~~
~~(a) sales conducted by Future Farmers of America or 4H Club groups; or~~
~~(b) sales conducted in conjunction with state, county, or private fairs.~~
~~(3) The department shall be notified ten days before any sales that do not require a temporary license.~~
~~(4) A temporary livestock sales license shall be issued when the department finds:~~
~~(a) that an application approved by the department has been received, along with the payment of a licensing fee included in the fee schedule approved by the legislature pursuant to Section 63J-1-504; and~~
~~(b) that the applicant has filed with the department, where applicable, a bond as required by the department or in accordance with the Packers and Stockyards Act, 7 U.S.C. 181 et seq., except that a letter of credit or a trust fund agreement approved by the department, may replace the bonding requirements.~~

~~R58-7-5. Dealers.~~

~~(1) Dealer Licensing and Bonding. No person shall operate as a livestock dealer in the state without a license and bond pursuant to Title 4, Chapter 7, Livestock Dealers' Act.~~
~~(a) Upon receipt of a proper application and payment of the license fee included in the fee schedule approved by the legislature pursuant Section 63J-1-504, and meeting current bonding requirements, the department shall issue a license allowing the applicant to operate as a livestock dealer through December 31 of each year.~~
~~(b) The department, after due notice and opportunity for hearing to the dealer involved, may deny an application for license, suspend, or cancel the license when the department is satisfied that the applicant or dealer has:~~
~~(i) violated state law or rules governing the interstate or intrastate movement, shipment, or transportation of livestock;~~
~~(ii) made false or misleading statements in their application for licensing, or false or misleading statements as to the health or physical conditions of livestock regarding official test results or status of the herd of origin;~~
~~(iii) knowingly sold for dairy or breeding purposes cattle that were affected with a communicable disease;~~
~~(iv) demonstrated their inability or unwillingness to carry out the record keeping requirements contained in this rule;~~
~~(v) failed to comply with any law or rule pertaining to livestock health or movement; or~~
~~(vi) operated as a dealer without meeting proper licensing and bonding requirements.~~
~~(2) Record Keeping.~~
~~(a) Each livestock dealer shall keep adequate records to allow accurate trace back of livestock to the prior owner under Section 4-7-109.~~
~~(b) Dealers shall permit the department or its authorized representative to review each phase of the livestock dealer operations including records of origin and destination of livestock handled by the livestock dealer.~~
~~(c) Dealers shall retain records for two years.~~

~~R58-7-6. Responsibilities of a Bonded and Licensed Weighperson.~~

~~(1) Weighperson operator to be competent, licensed, and bonded.~~

~~(a) Stockyard owner, market agencies, and dealers shall employ only competent, licensed, and bonded persons of good character and known integrity to operate scales for weighing livestock to purchase or sell. Any person found to be operating scales incorrectly, carelessly, in violation of instructions, or in a manner as to favor or injure any party or agency through incorrect weighing or incorrect weight recording shall be removed from weighing duties.~~
~~(b) The primary responsibility of a weigher is to determine and accurately record the weight of a livestock draft without prejudice or favor to any person or agency and without regard for livestock ownership, price condition, fill, shrink, or other considerations. A weigher shall not permit the representations or attitudes of any persons or agencies to influence their judgment or action in performing their duties.~~
~~(c) Unused scale tickets, or those that are partially executed but without a printed weight value, shall not be left exposed or accessible to unauthorized personnel. Tickets shall be kept under lock when the weigher is not at their duty station.~~
~~(d) Accurate weighing and correct weight recording require that a weigher shall not permit the operations to be hurried to the extent that inaccurate weights or incorrect weight records may result.~~
~~(i) Each draft of livestock shall be weighed accurately to the nearest minimum weight value that can be indicated or recorded.~~
~~(ii) Manual operations connected with balancing, weighing, and recording shall be performed with the care necessary to prevent damage to the accurately machined and adjusted part of weigh beams, poses, and printing devices.~~
~~(e) Livestock owners, buyers, or others having legitimate interest in a livestock draft shall be permitted to observe the balancing, weighing, and recording procedures, and a weigher shall not deny them that right or withhold from them any information pertaining to the weight of that draft. They shall check the zero balance of the scale or reweigh a draft of livestock when requested by the parties.~~
~~(2) Balancing the empty scale.~~
~~(a) The empty scale shall be balanced each day before weighing begins, and maintained in correct balance while weighing operations continue.~~
~~(i) The zero balance shall be verified at intervals of not more than 15 drafts or 15 minutes, whichever is completed first.~~
~~(ii) The zero balance of the scale shall be verified when a weigher resumes weighing duties after an absence from the scale and also when a load exceeding half the scale capacity or 10,000 pounds, whichever is less, has been weighed and is followed by a load of less than 1,000 pounds, verification to occur before the weighing of the load of less than 1,000 pounds.~~
~~(b) The time at which the empty scale is balanced or its zero balance verified shall be recorded on scale tickets or other permanent records. Balance tickets shall be filed with other scale tickets issued on that date.~~
~~(c) Before balancing the empty scale, the weigher shall verify that the scale gates are closed and that no persons or animals are on the scale platform or in contact with the stock rack, gates, or platform.~~
~~(i) If the scale is balanced with persons on the scale platform, the zero balance shall be verified when there is a change in persons.~~
~~(ii) When the scale is properly balanced and ready for weighing, the weigher shall show by an appropriate signal.~~

~~(3) Weighing the load. Before weighing a draft of livestock, the weigher shall verify that the entire draft is on the scale platform with the gates closed and that no persons or animals off the scale are in contact with the platform, gates, or stock rack.~~

~~(4) Sale of livestock by weight. Livestock sold by weight through a satellite video auction market shall be sold based on the weight of the livestock on the day of delivery. Livestock sold by weight shall be weighed on scales that have been tested and inspected by the Division of Weights and Measures in the manner prescribed by law.~~

R58-7-7. Satellite Video Livestock Auction Market.

~~(1) Before entering into business as or with a satellite video livestock auction market, and annually, on or before January 1, each market or representative shall file an application for a license to transact business as or with a satellite video livestock auction market with the department on a form prescribed by the department. The application shall show:~~

~~(a) the nature of the business for which a license is desired;~~
~~(b) the name of the representative applying for the license;~~
~~(c) the name and address of the proposed satellite video auction or the name and address of the satellite video auction the representative proposes to transact business with; and~~

~~(d) other information the department may require as listed in Section 4-7-106.~~

~~(2) The application for a license or for a renewal for a license shall be accompanied by:~~

~~(a) a license fee set in accordance with Section 4-30-105, determined by the department pursuant to Subsection 4-2-103(2);~~

~~(b) evidence of proper security bonding as required in Subsection 4-30-105(3) for the satellite video auction and Section 4-7-107 for the representative;~~

~~(c) a schedule of fees and commissions that will be charged to owners, sellers, or their agents; and~~

~~(d) other information the department may require as listed in Section 4-7-106.~~

~~(3) Each satellite video auction shall be considered a temporary livestock sale unless licensed under this chapter as a satellite video auction market. Sales operated by a representative shall be required to apply as designated in Section R58-7-4.~~

~~(4) A copy of each contract between the representative and the satellite video auction market with which the representative proposes to transact business or a contract with the proposed satellite video auction market shall be supplied to the department.~~

~~(5) The contract shall include a provision authorizing the department to have access to the books, papers, accounts, financial records held by financial institutions, accountants or other sources; and other documents relating to the activities of the satellite video livestock market and requiring the satellite video auction market to make documents reasonably available upon the request of the department.~~

~~(a) If the contract between a representative and the satellite video auction market is terminated, rescinded, breached, or materially altered, the representative and the satellite video auction market shall immediately notify the department.~~

~~(b) Failure to notify will be deemed failure to keep and maintain suitable records and be a false entry or statement of fact in application filed with the department, pursuant to Section 4-7-201.~~

R58-7-8. Livestock Market Committee.

~~(1) Hearing on License Application; Notice of Hearing.~~

~~(a) Upon filing of an application as a satellite video auction livestock market, the chair of the department's Livestock Market Committee shall set a time and place for a hearing to review the application and determine whether a license will be issued.~~

~~(b) Upon filing of an application as a representative of a satellite video auction market, the chair of the department's Livestock Market Committee may elect to hold a hearing to review the application and determine whether a license will be issued.~~

~~(2) Guidelines delineated for decision on application shall be in accordance with Section 4-30-107 and shall apply to the livestock auction market and the satellite video livestock auction market.]~~

R58-7. Livestock Markets, Satellite Video Livestock Market, Livestock Sales, Dealers, and Livestock Market Weighpersons.

R58-7-1. Authority.

~~(1) Promulgated under the authority of Section 4-30-104 and Section 4-2-103.~~

~~(2) It is the intent of this rule to provide uniformity and fairness in the marketing of livestock within the state, whether sold through regularly established livestock markets or other types of sales.~~

R58-7-2. Definitions.

~~(1) "Commissioner" means the commissioner of the Utah Department of Agriculture and Food.~~

~~(2) "Department" means the Utah Department of Agriculture and Food.~~

~~(3) "Livestock" means cattle, swine, equines, sheep, Camelidae, ratites, bison, goats, and domesticated elk, as defined in Section 4-39-102.~~

~~(4) "Livestock dealer" means a person engaged in the business of purchasing livestock for immediate resale or interstate shipment for immediate resale.~~

~~(5) "Livestock market" means the same as defined in Subsection 4-30-102(2).~~

~~(6) "Livestock market licensee" means a person licensed under Section 4-30-105.~~

~~(7) "Representative" means a dealer licensed in Utah under Section 4-7-107 who:~~

~~(a) is a Utah resident; or~~

~~(b) is a representative of, or who in any capacity conducts business with, a livestock market licensed under Section 4-30-105 and does business with an in state or out of state satellite video livestock market.~~

~~(8) "Satellite video livestock market" means a business that conducts or operates, for compensation or profit, as a public market where livestock or other agricultural products are sold or offered for sale using an electronically televised or recorded media presentation that can be exhibited at a public auction.~~

R58-7-3. Livestock Markets.

~~(1) The operator of a livestock market shall maintain the following standards to get, keep, or renew a livestock market license:~~

~~(a) follow procedures outlined in Title 4, Chapter 30, Livestock Markets, and any state and federal laws pertaining to livestock health and movement;~~

~~(b) keep records on any animals purchased sufficient to enable the department to satisfactorily trace those animals to their herd of origin and destination;~~

~~(i) livestock markets shall maintain the identity of ownership of each animal as set forth in Section 424-402, and this rule; and~~

(ii) shall keep records for at least two years;
(c) identify each animal as required in 9 CFR 71.18, 9 CFR 71.19, and 9 CFR 79;
(d) ensure a person does not remove tags in trading channels;
(e) permit authorized state or federal inspectors to review each phase of the livestock market operations, including records of the origin and destination of livestock handled by the livestock market;
(f) provide adequate space for pens, alleyways, chutes, and sales ring; and cover sales ring with a leak-proof roof;
(g) construct each pen, alleyway, chute, and sales ring to be safe, easily cleaned, and properly drained in any weather;
(h) maintain the facility in a clean and sanitary manner; and
(i) provide specially designated isolation pens to quarantine animals suspected of having a contagious disease.
(2) Each livestock market licensee shall ensure that livestock sold through livestock markets complies with Utah law and rules, including Rule R58-3 Brucellosis Vaccination Requirements, Rule R58-21 Trichomoniasis, Rule R58-22 Equine Infectious Anemia, and Section R58-2-3 Reportable and Quarantinable Animal Diseases.
(3) Livestock market licensees or veterinarians shall:
(a) report any suspected cases of diseases from the Utah List of Reportable Conditions for Animals to the State Veterinarian; and
(b) not release animals suspected to be infected until the department or its authorized representative approves the movement.
(4) The List of Reportable Conditions is available from the State Veterinarian's office or the department website.
(5) A livestock market licensee shall:
(a) provide the department with a schedule of sale days that the commissioner has not previously approved, giving the beginning hour;
(b) provide and maintain one or more chutes, in addition to the loading chute, at a convenient and usable place in a covered area suitable for restraining, inspecting, examining, testing, tagging, branding, and other treatments and procedures ordinarily required to provide livestock sanitary, healthy, and safe service at markets;
(c) provide personnel as required to assist department or federal inspectors;
(d) provide specially designated isolation pens to quarantine animals suspected of contagious disease and animals classified as reactors, exposed, suspects, "V" branded, or "S" branded;
(e) limit the sale of restricted animals to a slaughtering establishment where the establishment maintains federal or state inspections or a qualified feedlot approved by the department; and
(f) arrange with an accredited veterinarian to provide services to ensure compliance with state and federal laws for intrastate and interstate movement.
(6) Each livestock market licensee shall adhere to brucellosis testing and vaccination standards for female cattle not sold for slaughter, including:
(a) vaccinating unvaccinated female cattle from four to 12 months of age before leaving the livestock market;
(b) testing unvaccinated female cattle over 12 months of age not going to slaughter for brucellosis and vaccinated if not pregnant before leaving the livestock market;
(c) testing unvaccinated pregnant cattle for brucellosis before leaving the livestock market;

(d) ensuring that each buyer vaccinates cattle within 30 days after calving; and
(e) ensuring that the testing and vaccination results are reported to the department.
(7) The department may, after due notice to the livestock market licensee involved and opportunity for a hearing, deny an application for a license or suspend or cancel a license when the department is satisfied that the licensee has:
(a) violated state law or rules governing the interstate or intrastate movement, shipment, or transportation of livestock;
(b) made false or misleading statements in their application for licensing, or false or misleading statements as to the health or physical conditions of livestock regarding official test results or status of the herd of origin;
(c) knowingly sold animals that exhibit signs of a communicable disease for purposes other than slaughter;
(d) demonstrated their inability or unwillingness to carry out the record keeping requirements contained in this rule;
(e) failed to comply with any law or rule pertaining to livestock health or movement;
(f) failed to maintain livestock market facilities in a safe, clean, and sanitary manner; or
(g) operated as a livestock market without proper licensing.

R58-7-4. Temporary Livestock Sale License.

(1) The department requires a temporary livestock sales license for each temporary livestock sale where:
(a) a livestock market licensee offers livestock for public bidding and sale on a yardage, commission, or percentage basis;
(b) a person conducts livestock sales for livestock owned by them, selling livestock on their premises pursuant to Sections R58-7-5 and R58-7-6;
(c) a farmer, dairyman, livestock breeder, or feeder conducts sales for the liquidation of livestock or
(d) a non-profit breed or livestock association or club conducts a sale.
(2)(a) This rule does not intend to require a bond from non-profit breed or livestock associations or clubs or from liquidation sales if they conduct sales themselves and do not assume any financial responsibility between the seller and the buyer.
(b) If outside or professional management conducts the sales, the department shall require a temporary livestock sales license and either a bond, trust fund agreement or letter of credit.
(c) Sales other than those described in Subsections R58-7-4(2)(a) and R58-7-4(2)(b) may be permissible if approved by the department.
(3) The department may not require a temporary livestock sales license for:
(a) sales conducted by Future Farmers of America or 4H Club groups; or
(b) sales conducted in conjunction with state, county, or private fairs.
(4) Any person conducting a sale that does not require a temporary livestock license shall notify the department ten days before the sale.
(5) The department may impose a late fee for notifications of livestock sales with less than ten days' notice.
(6) A temporary livestock sales license shall be issued when the department:

(a) receives and approves a livestock market license application, payment of the licensing fee included in the fee schedule approved by the Legislature pursuant to Section 63J-1-504; and

(b) where applicable, receives the bond required by the department or in accordance with the Packers and Stockyards Act, 7 U.S.C. Sec. 181 et seq.

(7) A letter of credit or a trust fund agreement approved by the department may replace the bonding requirements.

R58-7-5. Dealers.

(1)(a) Pursuant to Title 4, Chapter 7, Livestock Dealers' Act, a person may not operate as a livestock dealer in the state without a dealer's license and bond.

(b) If the applicant meets current bonding requirements, the department shall issue a dealer's license after receiving a complete application and payment of the license fee included in the fee schedule approved by the Legislature pursuant to Section 63J-1-504.

(2) The dealer's license shall allow the applicant to operate as a livestock dealer through December 31 of each year.

(3) The department may deny an application for a dealer's license, suspend, or cancel the dealer's license after due notice and opportunity for hearing to the dealer involved if the applicant or dealer has:

(a) violated state law or rules governing the interstate or intrastate movement, shipment, or transportation of livestock;

(b) made false or misleading statements in their application for licensing or false or misleading statements as to the health or physical conditions of livestock regarding official test results or status of the herd of origin;

(c) knowingly sold for dairy or breeding purposes cattle infected with a communicable disease;

(d) demonstrated their inability or unwillingness to carry out the record keeping requirements contained in this rule;

(e) failed to comply with any law or rule pertaining to livestock health or movement; or

(f) operated as a dealer without meeting proper licensing and bonding requirements.

(4) Each dealer shall keep two years of records to trace livestock back to the prior owner under Section 4-7-109.

(5) A dealer shall permit the department or its authorized representative to review each phase of the livestock dealer operations, including records of the origin and destination of livestock handled by the livestock dealer.

R58-7-6. Responsibilities of a Bonded and Licensed Weighperson.

(1)(a) A Stockyard owner, market agency, or dealer shall employ only competent, licensed, and bonded weighpersons of good character and known integrity to operate scales for weighing livestock to purchase or sell.

(b) The department shall remove any weighperson found to be operating scales incorrectly, carelessly, in violation of instructions, or in a manner as to favor or injure any group or agency through incorrect weighing or incorrect weight recording from weighing duties.

(2)(a) The primary responsibility of a weighperson is to determine and accurately record the weight of a livestock draft without prejudice or favor to any person or agency and without regard for livestock ownership, price condition, fill, shrink, or other considerations.

(b) A weighperson may not permit the representations or attitudes of any persons or agencies to influence their judgment or action in performing their duties.

(3)(a) A weighperson may not leave any unused or partially executed scale tickets without a printed weight value exposed or accessible to unauthorized personnel.

(b) Each weighperson shall keep tickets under lock when the weighperson is not at their duty station.

(4) Accurate weighing and correct weight recording require that a weighperson not permit the operations to be hurried to the extent that inaccurate weights or incorrect weight records may result.

(5) A weighperson shall:

(a) weigh each draft of livestock accurately by indicating or recording the nearest minimum weight value; and

(b) perform any manual operations connected with balancing, weighing, and recording with the care necessary to prevent damage to the accurately machined and adjusted part of weigh-beams, poses, and printing devices.

(6)(a) A weighperson shall permit livestock owners, buyers, or others having a legitimate interest in a livestock draft to observe the balancing, weighing, and recording procedures, and a weighperson may not deny them that right or withhold from them any information pertaining to the weight of that draft.

(b) Owners, buyers, or others shall check the scale's zero balance or reweigh a livestock draft when requested by the parties.

(7) A weighperson's responsibilities for balancing the empty scale shall include:

(a) balancing the empty scale each day before weighing begins and maintaining the scale in correct balance while weighing operations continue;

(b) verifying the zero balance at intervals of not more than 15 drafts or 15 minutes, whichever is first; and

(c) verifying the zero balance of the scale when:

(i) the weighperson resumes weighing duties after an absence from the scale; and

(ii) when the weighperson weighs a load exceeding half the scale capacity or 10,000 pounds, whichever is less, and the following load is fewer than 1,000 pounds;

(d) recording the time at which the weighperson balances the empty scale or verifies its zero balance and shall record it on scale tickets or other permanent records; and

(e) filing balance tickets with other scale tickets issued on that date.

(8) When a load exceeding half of the scale capacity has been weighed, followed by a load of fewer than 1,000 pounds, verification shall occur before weighing a load of fewer than 1,000 pounds.

(9)(a) Before balancing the empty scale, the weighperson shall close or verify that the scale gates are closed and that a person or animal is not on the scale platform or in contact with the stock rack, gates, or platform.

(b) If the weighperson balances the scale with persons on the scale platform, the weighperson shall verify the zero balance when there is a change in persons.

(c) When the scale is properly balanced and ready for weighing, the weighperson shall show an appropriate signal.

(10) Before weighing a draft of livestock, the weighperson shall verify that the entire draft is on the scale platform with the gates closed and that any person or animal off the scale is not in contact with the platform, gates, or stock rack.

(11)(a) Any person selling livestock sold by weight through a satellite video livestock market shall sell the livestock based on the weight of the livestock on the day of delivery.

(b) A weighperson shall weigh livestock sold by weight on scales that the Division of Weights and Measures has tested and inspected in the manner prescribed by law.

R58-7-7. Satellite Video Livestock Market.

(1)(a) A person may apply to the department annually, on or before January 1, for an online production sale license to transact business as or with a satellite video livestock market.

(b) The application described in Subsection R58-7-7(1)(a) shall include:

- (i) the nature of the business for which a license is desired;
- (ii) the name of the person applying for the license;
- (iii) the name and address of the proposed satellite video livestock market or the name and address of the satellite video livestock market the person proposes to transact business with; and
- (iv) other information the department may require as listed in Section 4-7-106.

(2) The application for an online product sale license or a renewal of a license shall include:

- (a) a license fee set in accordance with Section 4-30-105, determined by the department pursuant to Subsection 4-2-103(2);
- (b) evidence of proper security bonding as required in Subsection 4-30-105(3) for the satellite video and Section 4-7-107;
- (c) a schedule of fees and commissions that the satellite video livestock market will charge owners, sellers, or their agents; and
- (d) other information the department may require as listed in Section 4-7-106.

(3)(a) The department will consider each satellite video livestock market a temporary livestock sale unless licensed under this rule as a satellite video livestock market.

(b) The department requires sales operated by a representative to apply as designated in Section R58-7-4.

(4) Any representative shall supply a copy of each contract between the representative and the satellite video livestock market with which the representative proposes to transact business with to the department.

(5)(a) The contract described in Subsection R58-7-7(4) shall include a provision authorizing the department to have access to the books, papers, accounts, and financial records held by financial institutions, accountants, or other sources.

(b) Other documents relating to the activities of the satellite video livestock market and requiring the satellite video livestock market shall be reasonably available to the department.

(c) If a representative and the satellite video livestock market terminate, rescind, breach, or materially alter the contract described in Subsection R58-7-7(4), the representative and the satellite video livestock market shall immediately notify the department.

(d) The department shall consider it a failure to notify and a failure to keep and maintain suitable records and be a false entry or statement of fact in the application filed with the department, pursuant to Section 4-7-201.

R58-7-8. Livestock Market Committee.

(1) The chair of the department's Livestock Market Committee may hold a hearing to review each application to operate a satellite video livestock market and determine whether the department will issue a license.

(2) The livestock market committee shall approve an application in accordance with Section 4-30-107 and shall apply their decision to the livestock market and the satellite video livestock market.

KEY: livestock

Date of Last Change: ~~September 27, 2022~~ 2024

Notice of Continuation: December 26, 2019

Authorizing, and Implemented or Interpreted Law: 4-2-2103; 4-30-104

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R58-11	Filing ID: 56256
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Agency Information

1. Department:	Agriculture and Food	
Agency:	Animal Industry	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	ambermbrown@utah.gov
Leann Hunting	385-977-2158	leannhunting@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R58-11. Slaughter of Livestock and Poultry

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

Specific poultry producers are federally exempt from obtaining a farm custom slaughter license.

The proposed changes remove that requirement in this rule to align with Subsections 4-32-109(11) and (12).

4. Summary of the new rule or change:

The proposed changes in Section R58-11-8 remove the licensing requirement for federally exempt poultry producers to obtain a farm custom slaughter license.

The changes also update this rule to be consistent with the Rulewriting Manual for Utah standards. The definitions have been alphabetized, subsections have been updated to the correct order, and most of the language has been updated to be in active voice rather than passive.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

The changes do not impact the state budget because they do not impact the administration of the program.

B) Local governments:

The proposed changes do not change the administration of the program.

Local governments will not be impacted by the changes.

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

Small businesses register for the custom slaughter exemption with the Department of Agriculture and Food (Department), but they do not apply for a license.

The requirement and language for the license are being removed from this rule since it was not part of the administration of the program.

The changes will not impact small businesses.

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

The changes would not affect a non-small business because they don't apply for a custom slaughter exemption.

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

Other persons may continue to register their custom slaughter facility with the Department and not apply for a license.

The language that mentions the license is being removed from this rule to provide clarity to the requirements.

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

Unnecessary language is being removed from this rule because the Department does not require a license for the custom slaughter exemption, and compliance costs will not be affected by this change.

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Department of Agriculture and Food, Craig W Buttars, has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 4-32-109(1)		
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Public Notice Information

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

A) Comments will be accepted until:	01/31/2023
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9. This rule change MAY become effective on:	02/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Craig Buttars, Commissioner	Date:	12/14/2023
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R58. Agriculture and Food, Animal Industry.**R58-11. Slaughter of Livestock and Poultry.****R58-11-1. Authority.**

Promulgated under authority of Section 4-32-109.

R58-11-2. Definitions.

(1) "Adulterated" means ~~[any meat or poultry product as described]~~ the same as defined in Subsection 4-32-105(1).

(2) "Bill of Sale for Hides" means a hide release or other formal means of transferring the title of a hide.

(3) "Business" means an individual or organization receiving remuneration for a service.

(4) "Commerce" means the exchange transportation of poultry products between states and U.S. territories, including Guam, the Virgin Islands of the United States, American Samoa, and the District of Columbia.

([4]5) "Commissioner" means the Commissioner of Agriculture or their designee.

([5]6) "Custom Slaughter-Release Permit" means a permit that serves as a Brand Inspection Certificate and [-]allows an animal owner to have their animal farm custom slaughtered.

([6]7) "Department" means the Utah Department of Agriculture and Food.

([7]8) "Detain or Embargo" means the holding of a food or food product for legal verification of adulteration, misbranding, or proof of ownership.

~~[-] (8) "Emergency Slaughter" for the purpose of this rule, does not include slaughter of non-ambulatory injured cattle. For the purposes of this chapter, non-ambulatory disabled cattle that cannot rise from a recumbent position or cannot walk, including, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column or metabolic conditions, are not allowed to be slaughtered for food.~~

(9) "Farm Custom Slaughtering" means the slaughtering, skinning, and preparing of livestock and poultry by humane means for ~~[the purpose of]~~ human consumption that is done at a place other

than a licensed slaughtering house by a person who is not the animal owner~~[- of the animal]~~.

(10) "Food" means a product intended for human consumption.

(11) "Immediate Family" means persons and their sons and daughters living together in a single dwelling unit~~[-and their sons and daughters]~~.

(12) "License" means a license issued by the Utah Department of Agriculture and Food to allow farm custom slaughtering.

(13) "Licensee" means a person ~~[who possesses-]~~with a valid ~~[f]Farm [e]Custom [s]Slaughtering [h]License~~.

(14) "Misbranded" means ~~[any meat or poultry product as described]~~the same as defined in Subsection 4-32-105-(27).

(15) "Official establishment" means an establishment at which inspection of the slaughter of animals, or the preparation of meat or poultry products is maintained under the authority of Chapter 4-32, Utah Meat and Poultry Products Inspection and Licensing Act.

(1[5]6) "Owner" means a person holding legal title to ~~[the]~~an animal.

~~[-] (17) "Commerce" means the exchange transportation of poultry product between states, U.S. territories, including Guam, Virgin Islands of the United States, American Samoa, and the District of Columbia.~~

R58-11-3. Sanitation Standards.

~~[-] Sanitation standards shall include:~~

~~[-] (1) Sanitary operating conditions:]~~

(1) Any person operating in an official establishment shall clean and sanitize [F]food-contact surfaces and non-food-contact surfaces [shall be cleaned and sanitized]as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of products.

(a) Cleaning compounds, sanitizing agents, processing aids, and other chemicals used shall be safe and effective under the conditions of use.

(b) ~~[These]~~Any chemicals ~~[shall be-]~~used~~[-, handled, and stored-]~~ shall be used in a manner that will not adulterate products or create insanitary conditions.

(c) Documentation substantiating the safety of a chemical's use in a food processing environment shall be made available to inspection program employees for review.

(d) Product shall be protected from adulteration during processing, handling, storage, loading, ~~[and]~~unloading, and ~~[during]~~transportation.

~~[-] (2) Grounds and pest control:]~~

(2) ~~[Grounds shall be maintained]~~Any person operating in an official establishment shall maintain grounds to prevent conditions that could lead to insanitary conditions or adulteration of product.

(a) A pest management program shall be in place to prevent the harborage and breeding of pests on the grounds and within buildings.

(b) The pest control program shall ~~[be capable of preventing]~~prevent product adulteration.

(c)(i) ~~[Every]~~The grounds shall be maintained to [effort shall be made to-]prevent the entry of rodents, insects, or animals into areas where there is product~~[- is handled, processed, or stored]~~.

(ii) Each opening leading to the outside or ~~[to-]~~an area holding an inedible product shall have an effective closure that completely fills the opening.

(d) Each area inside and outside shall be maintained to prevent harborage of rodents and insects.

(c) Any pest control substance used shall be safe and effective under the conditions of use and ~~shall~~ may not be applied or stored in a manner that would result in the adulteration of product or the creation of insanitary conditions.

(3) Any person operating in an official establishment shall ensure that ~~E~~ each sewage and waste disposal system shall properly remove sewage and waste material such as feces, feathers, trash, garbage, and paper.

(a) Sewage shall be disposed of into a sewage system separate from other drainage lines or ~~disposed of~~ through other means sufficient to prevent backup of sewage into areas where a product is processed, handled, or stored.

(b) If the sewage disposal system is a private system requiring approval by a state or local health authority, a letter of approval from that authority to the inspector shall be provided upon request.

(4) An official establishment shall supply ~~of~~ running water that complies with the National Primary Drinking Water ~~Regulations~~, 40 CFR 141, at a suitable temperature and under pressure as needed, ~~shall be provided~~ in any area where required for processing products; for cleaning rooms and equipment, utensils, and packaging materials; and for employee sanitary facilities.

(a) If a municipal water supply is used, the supplier shall provide a water report, issued under the authority of the state or local health agency, certifying or attesting to the potability of the water supply, and make the ~~report~~ information available to the inspector, upon request.

(b) ~~If~~ An official establishment using a private well ~~is used, the potability of the water supply~~ shall ~~be~~ document~~ed~~ at least semi-annually, the potability of the water supply and ~~documentation shall be made~~ make the documentation available to the inspector~~;~~ upon request.

(5) Each official establishment shall be ~~Maintenance of facilities~~ maintained during slaughtering and processing ~~shall be accomplished~~ in a manner to ensure the production of wholesome, unadulterated products.

(6)(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, conveniently located, and maintained in a sanitary condition and in good repair to ensure the cleanliness of any person handling any product.

(b) Dressing rooms, lavatories, and toilets shall be separate from the rooms and compartments ~~in which~~ where products are processed, stored, or handled.

(7) Any person operating in an official establishment shall handle and maintain ~~I~~ inedible material ~~shall be handled and maintained in a manner that~~ to prevent~~s~~ the diversion of inedible animal products into human food channels and prevent~~s~~ the adulteration of human food.

R58-11-4. Farm Custom Slaughtering License.

(1) Anyone ~~person~~ who desires to do farm custom slaughtering shall apply ~~to the department~~ for a Farm Custom Slaughtering License.

(2)(a) An application for a Farm Custom Slaughtering ~~L~~icense shall be on a form provided by the department.

(b) The application shall show:

(a) the name, address, and telephone number of the owner of the facility;

(b) the name, address, and telephone number of the operator if it is different than the owner; and

(c) a brief description of the vehicle to be used~~, along with~~ and the license number.

(3)(a) Farm Custom Slaughtering ~~I~~licenses will be valid for the calendar year.

(b) Each licensee will be required to re-apply for a license each calendar year.

(c) Any ~~C~~change of ownership or ~~change of~~ vehicle license will require a person to file a new application ~~to be filed~~ with the department.

(4) The department will not recognize a Farm Custom Slaughtering ~~I~~licensure ~~will not be recognized~~ as complete until the applicant has demonstrated the ability to slaughter and has completed and signed the license application form.

(5) An applicant shall pay the applicable fee, as set forth in the fee schedule approved by the ~~I~~Legislature, ~~shall be paid prior to~~ before license issuance.

R58-11-5. Equipment and Sanitation Requirements~~[Farm Custom Slaughter]~~.

~~The following equipment and sanitation requirements shall apply to farm custom slaughtering:~~

(1) ~~The unit or~~ Any vehicle or unit used for farm custom slaughtering shall be ~~constructed so as to permit maintenance~~ maintained consistent with the sanitation standards~~[listed]~~ in Section R58-11-3.

(2)(a) Any vehicle or unit shall incorporate a tripod or rail that can lift ~~capable of lifting~~ a carcass to a height that enables the carcass to clear the ground for bleeding and evisceration~~shall be incorporated into the unit or vehicle~~.

(b) Any hook, gamble, or rack used to hoist and eviscerate animals shall be of easily cleanable metal construction.

(3)(a) Knives, scabbards, saws, and other equipment ~~[~~shall be made of rust resistant metal or other impervious, easily cleanable material.

(b) A clean, dust proof container shall be used to transport and store each instrument and utensil used in slaughtering animals.

(4)(a) A water tank shall be an integral part of the unit or vehicle.

(b) The water tank~~I~~ shall be of approved construction with a minimum capacity of 40 gallons.~~Each~~

(c) A licensee shall maintain each water system ~~shall be maintained~~ according to sanitary standards~~;~~ and use only potable water~~shall be used~~.

(5) A licensee shall fill a sanitation tank large enough to allow complete immersion of each tool used for slaughtering~~shall be filled~~ during slaughter operations with potable water and maintained at a temperature of at least 180 degrees Fahrenheit.

(a)(i) In lieu of 180 degrees Fahrenheit water, a licensee may use chemical sterilization ~~may be used~~ with an approved chemical agent after thoroughly cleaning the equipment~~has been thoroughly cleaned~~.

(ii) Chloramine, hypochlorite, ~~and~~ quaternary ammonium ~~compounds~~ or other approved chemical compounds may be used for this purpose, and a concentration shall be maintained ~~at a~~ sufficient ~~level~~ to disinfect each utensil.

(b) Hot water, cleaning agents, and disinfectant shall be available if chemicals are used in lieu of 180 degrees Fahrenheit water.

(6) Cleaning agents and paper towels shall be available so any person can clean their hands and equipment ~~may be cleaned~~ as needed.

(7) Any apron, frock, or other outer clothing worn by a person who handles meat shall be clean and of material that is easily cleanable.

(8) ~~[Any inedible product and offal will be denatured, pursuant to 9 CFR 325.13, any licensee may denature inedible product and offal with either an approved denaturing agent or by use of using pounce material as a natural denaturing agent.]~~

(9) When a licensee transports uninspected meat to an establishment for processing, they shall:

(a) do so in a manner whereby the product will not be adulterated, ~~[or]~~ misbranded, or mislabeled;

(b) transport the meat in such a way that it is properly protected; and

(c) deliver carcasses ~~[in a way that they shall]~~ to be placed under refrigeration at ~~[a temperature at]~~ or below 40 degrees Fahrenheit within one hour ~~[of the time]~~ of slaughter.

~~[(10) Sanitation.]~~

~~[(a) Unit or Vehicle.]~~

~~[(i)]~~10) A licensee shall thoroughly clean ~~[E]~~ each unit or vehicle ~~after each daily use~~ ~~[shall be thoroughly cleaned after each daily use]~~.

~~[(ii)]~~11) A licensee shall clean and sanitize any ~~[F]~~ food-contact and non-food-contact surfaces of utensils and equipment ~~[shall be cleaned and sanitized]~~ as necessary to prevent the creation of insanitary conditions and the adulteration of carcasses and parts.

~~[(iii)]~~12) A licensee shall protect ~~[C]~~ carcasses ~~[shall be protected]~~ from adulteration during processing, handling, storage, loading, unloading, and ~~[during]~~ transportation to processing establishments.

~~[(b) Equipment.]~~

~~[(i)]~~13) A licensee shall clean and sanitize ~~[K]~~ knives, scabbards, saws, and other food-contact surfaces ~~[shall be cleaned and sanitized prior to]~~ before slaughter and as needed to prevent adulteration.

~~[(ii)]~~14) A licensee shall clean and sanitize ~~[E]~~ equipment ~~[shall be cleaned and sanitized]~~ after each slaughter and immediately before each slaughter.

~~[(c) Inedible.]~~

~~[(i)]~~15) A licensee shall place and properly denature ~~[I]~~ inedible ~~[shall be placed]~~ in designated containers. ~~[-and be properly denatured, and]~~ The inedible containers shall be:

(i) ~~[clearly]~~ marked "Inedible Not For Human Consumption" in letters not less than 4 inches in height~~[-]; and~~

(ii) ~~[Containers for inedible shall be]~~ kept clean and properly separated from edible carcasses to prevent adulteration.

~~[(d) Personal Cleanliness.]~~

~~[(i)]~~16) A licensee shall take ~~[A]~~ adequate care ~~[shall be taken]~~ to prevent contamination of the carcasses from fecal material, ingesta, milk, perspiration, hair, cosmetics, medication, and similar substances.

~~[(ii)]~~17) Outer clothing ~~[worn by]~~ a ~~[permittee]~~ licensee wears while handling exposed carcasses shall be clean.

~~[(iii)]~~18) ~~[No]~~ A licensee with a communicable disease, ~~[or]~~ who is a disease carrier, or who ~~[is]~~ infected with boils, infected wounds, sores, or an acute respiratory infection ~~[shall]~~ may not participate in livestock slaughtering.

~~[(iv)]~~19) A licensee shall use the ~~[H]~~ hand wash facilities ~~[shall be used]~~ as needed to maintain good personal hygiene.

R58-11-6. Slaughtering Procedures of Livestock.

~~License holders shall ensure the following procedures are followed:~~

~~[(1) Slaughter Area]~~

~~[(a)]~~1) Slaughtering may not take place under adverse conditions such as blowing dirt, dust, or ~~[in]~~ mud.

~~[(b)]~~2) If a licensee uses a slaughter area ~~[is used]~~ for repeated kills, the licensee shall maintain the area ~~[should be maintained]~~ to prevent blood from collecting, running off on~~[-]~~ to adjacent property, or contaminating a water source.

~~[(c)]~~3) A licensee shall remove and dispose of any ~~[H]~~ hides, viscera, blood, pounce material, and tissue ~~[shall be removed and disposed]~~ at a rendering facility, landfill, composting, or ~~[by]~~ burial as allowed by law.

~~[(2)]~~4) ~~[Humane Slaughter.]~~ A licensee shall make ~~[E]~~ each animal ~~[shall be rendered]~~ insensible to pain by a single blow, ~~[or]~~ ~~[gun]~~ shot, ~~[or]~~ electrical shock, or other means that is instantaneous and effective before the animal is ~~[being]~~ shackled, hoisted, thrown, cast, or cut.

~~[(3)]~~5)(a) ~~[Hoisting and Bleeding.]~~ A licensee shall hoist and bleed ~~[E]~~ each animal ~~[shall be hoisted and bled]~~ as soon after stunning as possible to utilize post-stunning heart action and to obtain complete bleeding.

~~[(b)]~~ A licensee shall move ~~[C]~~ carcasses ~~[shall be moved]~~ away from the bleeding area for skinning and butchering.

~~[(4)]~~6) ~~[Skinning.]~~ A licensee shall:

(a) handle the ~~[C]~~ carcass and head skin ~~[shall be handled]~~ without contaminating the neck tissue ~~[contamination. This may be done]~~ by leaving the ears on the hide and tying the head skin~~[-];~~

(b) remove the ~~[F]~~ feet ~~[shall be removed]~~ before the carcass is otherwise cut~~[-];~~

(c) ~~[E]~~ except for skinning and starting skinning procedures, cut the skin ~~[should be cut]~~ from the inside outward to prevent carcass contamination with cut hair~~[-]; and~~

(d) carefully roll or reflect away the ~~[H]~~ hair side of the hide ~~[should be carefully rolled or reflected away]~~ from the carcass during skinning~~[-W]~~ when the carcass is moved from the skinning bed, caution should be taken to prevent exposed parts from ~~[coming in contact with]~~ contacting adulterating surfaces.

~~[(5)]~~7)(a) ~~[Evisceration.]~~ Before evisceration, a licensee shall tie the rectum, ~~[shall be tied to include]~~ including the bladder neck, ~~[and]~~ to prevent urine and fecal leakage.

(b) A licensee shall take ~~[C]~~ care ~~[should also be taken]~~ while opening abdominal cavities to prevent carcass or viscera contamination.

~~[(6)]~~8)(a) ~~[Carcass washing.]~~ A licensee shall trim ~~[H]~~ hair, dirt, and other accidental contamination ~~[should be trimmed prior to]~~ before washing.

(b) Washing should proceed from the carcass top downward to ~~[move away]~~ remove any possible contaminants from clean areas.

(9) Emergency slaughter does not include the slaughter of non-ambulatory injured cattle. For this rule, the department does not allow non-ambulatory disabled cattle that cannot rise from a recumbent position or cannot walk, including, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions to be slaughtered for food.

R58-11-7. Identification and Records.

~~[(1) Livestock Identification.]~~ Pursuant to Section 4-24-304, it shall be unlawful for any licensee ~~[holder]~~ to slaughter livestock ~~[which]~~ that does not have a Brand Inspection Certificate or Farm Custom Slaughter Tag filled out at the time of slaughter.

(a) Animal owners shall have a Brand Inspection Certificate for livestock intended to be farm custom slaughtered, issued by a department Brand Inspector ~~[prior to]~~ before slaughter, and shall pay the legal brand inspection fee and beef promotion fee. This is accomplished by the animal owner contacting a department

Brand Inspector and obtaining a Brand Inspection Certificate, and a Custom Slaughter-Release Permit.

(b)(i) Animal owners shall obtain ~~[f]Farm~~ ~~[e]Custom~~ ~~[s]slaughter~~ identification tags from a department Brand Inspector for a fee of \$1 each.

(ii) The department requires ~~[F]these tags~~ ~~[will be required]~~ on beef, pork, and sheep.

~~[(2) Records.]~~

~~[(a)2](a)~~ The Custom Slaughter-Release Permit or Farm Custom Slaughter Tag shall include ~~[the following information:]~~

~~[(i) A]an~~ affidavit with a signed statement that ~~[shall]reads~~: "I hereby certify ownership of this animal to be slaughtered by ('insert name'). I fully understand that having my animal farm custom slaughtered means my animal will not receive meat inspection and is for my use, the use of my immediate family, non-paying guests, or full-time employees. The carcass will be stamped "NOT FOR SALE" and will not be sold."~~[-This statement shall be signed by the owner or designee;]~~

~~[(ii)b]~~ In addition to this affidavit, the owner or designee will record the following information~~[-will be recorded]:~~

~~[(A)i]~~ date;

~~[(B)ii]~~ owner's name, address, and telephone number;

~~[(C)iii]~~ animal description, including brands and marks;

~~[(D)iv]~~ Farm Custom Slaughter Tag number;

~~[(E)v]~~ location of slaughter;

~~[(F)vi]~~ name of licensee;

~~[(G)vii]~~ licensee permit number; and

~~[(H)viii]~~ carcass destination.

~~[(b)3]~~ ~~[Prior to]~~Before slaughter, the licensee shall prepare the Farm Custom Slaughter Tag with complete and accurate information.

~~[(i)a]~~ One tag shall stay in the license holder's file for at least one year.

~~[(ii)b]~~ One tag plus a copy of the Farm Custom Slaughter-Release Permit shall be sent ~~[in]~~to the department by the 10th of each month for the preceding month's slaughter by the licensee.

~~[(iii)4]~~ After slaughter, any licensee shall stamp the carcasses ~~[must be stamped]~~ "NOT FOR SALE" on each quarter with letters at least 3/8" in height; ~~[further, and affix]~~ a Farm Custom Slaughter "NOT FOR SALE" tag ~~[shall be affixed]~~ to each quarter of beef and each half of pork and sheep.

~~[(e)5]~~ ~~[Hide Purchase.]~~A ~~[L]~~licensee receiving hides for slaughtering services shall obtain a copy of the Custom Slaughter-Release Permit to record the transfer of ownership, pursuant to Section 4-24-18.

R58-11-8. Poultry Slaughter.

(1)(a) Personal Use Exemption.

(b) A person who raises poultry may slaughter or process the poultry under a personal use exemption if:

(i) local ordinances do not prohibit slaughtering or processing poultry~~[-is not prohibited by local ordinance];~~

(ii) the person or the person's immediate family, regular employees of the person, or non-paying guests exclusively consume the poultry product derived from the slaughtered poultry~~[-is consumed exclusively by the person or the person's immediate family, regular employees of the person, or non-paying guests];~~

(iii) only the owner or an employee performs the slaughtering or processing ~~[the slaughtering and processing]~~ of the poultry~~[-is performed only by the owner or an employee];~~

(iv) the poultry is healthy when slaughtered;

(v) the exempt poultry is not sold or donated for use as human food; and

(vi) the immediate container bears the statement, "NOT FOR SALE".

(2)(a) Farm Custom Slaughter and Processing.

~~(b)~~ Per Subsections 4-32-105(10) and 4-32-105(11)(a), ~~[A]~~a person may slaughter or process poultry belonging to another person if:

~~[(i) the person holds a valid farm custom slaughter license issued by the department;]~~

~~[(ii)i]~~ local ordinances do not prohibit slaughtering or processing poultry~~[-is not prohibited by local ordinance];~~

~~[(ii)i]~~ the ~~[licensee]~~person does not engage in the business of buying or selling poultry products capable ~~[for]~~of use as human food;

~~[(iii)iii]~~ the poultry is healthy when slaughtered;

~~[(iv)iv]~~ the person conducts the slaughtering or processing~~[-is conducted]~~ in accordance with sanitation standards that produce poultry product that is sound, clean, and fit for human food;

~~[(v)v]~~ the person using a unit or vehicle ~~[used]~~for farm custom slaughtering ~~[shall be so constructed as]~~constructs the unit or vehicle to permit maintenance according to sanitation standards; and

~~[(vi)vi]~~ the immediate container bears the following information:

(A) the owner's name and address;

(B) the licensee's name and address~~[-];~~ and~~[-];~~

(C) the statement, "NOT FOR SALE".

(3)(a) Producer or Grower 1,000 Bird Limit Exemption.

~~[(a)(b)]~~(b) A poultry producer or grower may slaughter no more than 1,000 birds of their ~~[own]~~raising in a calendar year for distribution as human food if:

(i) the poultry producer or grower does not engage in buying or selling poultry products other than products produced from poultry raised on their own farm, including rented or leased property;

(ii) the producer or grower slaughter~~[ing]~~s ~~[and]~~or process~~[ing]~~s ~~[are conducted]~~under the sanitation standards capable of producing poultry products that are sound, clean, fit for human food, and not adulterated;

(iii) the producer or grower keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year;

(iv) the poultry products do not move in commerce; and

(v) as required by the U.S. Public Health Service, Food and Drug Administration, Food Code 2013, ~~[adopted]~~incorporated by the department in Section R70-530-3, the immediate container bears the following information:

(A) name of product; and

(B) name and place of business of the processor; and

(vi) the immediate container bears the statement "Exempt R58-11-8(3)."

(b) The department shall maintain a registry of persons who slaughter or process fewer than 1,000 poultry during the calendar year.

(4)(a) Producer or Grower 20,000 Bird Limit Exemption.

~~[(a)(b)]~~(b) A poultry producer or grower may slaughter no more than 20,000 healthy birds of their ~~[own]~~raising in a calendar year for distribution as human food if:

(i) the poultry producer or grower does not engage in buying or selling poultry products other than that produced from poultry raised on their own farm, including rented or leased property;

(ii) the poultry producer or grower slaughter[ing]s or process[ing]es ~~[is conducted]~~ in a fixed establishment and in accordance with sanitation standards that produce poultry product that is sound, clean, and fit for human food;

(iii) the producer or grower keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year;

(iv) the poultry product does not move in commerce, as ~~[the term is]~~ defined in 9 CFR 381.1; and

(v) the immediate container bears the following information:

(A) name of product;

(B) name and address of the processor;

and

(C) the statement "Exempt R58-11-8(4)."

(b) The department shall maintain a registry of persons who slaughter or process fewer than 20,000 poultry during the calendar year.

(5)(a) Producer or Grower or Other Person Exemption.

~~(a)~~(b) The term "Producer or Grower or Other Person" in this section means a single entity, ~~[which]~~that may be:

(i) ~~[A]~~a poultry grower who slaughters and processes poultry ~~[that they]~~raised for sale directly to household consumers, restaurants, hotels, and boarding houses to be used in~~[those]~~ homes and dining rooms ~~[for the preparation of]~~to prepare meals served or sold directly to customers~~[-]; or~~

(ii) ~~[A]~~a person who purchases live poultry from a grower and then slaughters these poultry and processes ~~[such]~~poultry for sale direct~~[ly]~~ to household consumers, restaurants, hotels, and boarding houses to be served in those homes or dining rooms ~~[for the preparation of]~~to prepare meals sold directly to customers.

~~(b)~~c A business may slaughter and process poultry under this exemption if;

~~[(i) the person holds a valid poultry exemption license issued by the department;]~~

~~[(ii)]i local ordinances do not prohibit slaughtering or processing poultry[is not prohibited by local ordinance];~~

~~[(iii)]ii the producer or grower or other person slaughters for processing and sale direct[ly] to household consumers, restaurants, hotels, and boarding houses for use in dining rooms or [in]the preparation of meals sold directly to customers;~~

~~[(iv)]iii the producer or grower or other person slaughters no more than 20,000 birds in a calendar year that the producer or grower or other person raised or purchased;~~

~~[(v)]iv the producer or grower or other person does not engage in the business of buying or selling poultry or poultry products prepared under any other exemptions in the same calendar year they claim the Producer or Grower or Other Person Exemption;~~

~~[(vi)]v the poultry products do not move in commerce[-];~~

~~(vi)~~ ~~[D]~~distribution is directly to household consumers, restaurants, hotels, and boarding houses for use in their dining rooms or in the preparation of meals sold directly to consumers within the jurisdiction where it is prepared;

(vii) the business slaughter[ing]s or process[ing]es ~~[is conducted]~~ in a fixed establishment and in accordance with sanitation standards that produce poultry products that are sound, clean, and fit for human food;

(viii) the producer keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year; and

(ix) the immediate containers bear the following information:

(A) name of product;

(B) ingredients statement if applicable;

(C) net weights statement;

(D) name and address of the processor;

(E) safe food handling statement;

(F) date of the package or Lot number~~[-]; and[-]~~

(G) the statement "Exempt R58-11-8(5)".

~~(e)~~d A business preparing poultry products under the Producer or Grower or Other Person Exemption may not slaughter, or process poultry owned by another person.

~~(f)~~e A business preparing poultry products under the Producer or Grower or Other Person Exemption may not sell poultry products to a retail store or other producer or grower.

(6)(a) Small Enterprise Exemption.

~~(a)~~(b) A business that qualifies for the Small Enterprise Exemption may be:

(i) a producer or grower who raises, slaughters, and dresses poultry for use as human food whose processing of dressed exempt poultry is limited to cutting up;

(ii) a business that purchases live poultry that it slaughters and ~~[whose processing of]~~limits the processing of the slaughtered poultry ~~[is limited]~~to the cutting up; or

(iii) a business that purchases dressed poultry~~[-]~~ that it distributes as carcasses and ~~[whose]~~limits processing ~~[is limited]~~to the cutting up of inspected or exempted poultry products~~[-]~~ for distribution for use as human food.

~~(b)~~c ~~[a]~~A business may slaughter, dress, and cut up poultry for distribution as human food if:

~~[(i) the person holds a valid poultry exemption license issued by the department;]~~

~~[(i)]i local ordinances do not prohibit slaughtering or processing poultry[is not prohibited by local ordinance];~~

~~[(ii)]i the business limits the processing of federal or state inspected, or exempt poultry products [is limited]to the cutting up of carcasses or the business slaughters and dresses or cuts up no more than 20,000 birds in a calendar year;~~

~~[(iii)]v the business slaughter[ing]s [and]or process[ing]es[is conducted] in a fixed establishment and in accordance with sanitation standards that produce poultry product that is sound, clean, and fit for human food;~~

(iv) the facility ~~[used to slaughter or process poultry is]~~is not used to slaughter or process another person's poultry; and

~~(v)]i the immediate containers bear the following information:~~

(A) name of product;

(B) ingredients statement if applicable;

(C) net weights statement;

(D) name and address of processor;

(E) safe food handling statement;

(F) date of package or Lot number, and;

(G) the statement "Exempt R58-11-8(6)."

~~(e)~~d A business may not cut up and distribute poultry products produced under the Small Enterprise Exemption to a business operating under the following exemptions:

(i) Producer or Grower or PGOP Exemption;

(ii) Retail Dealer; or

(iii) Retail Store.

R58-11-9. Producer and Grower Sharing a Fixed Facility.

(1) Each producer or grower shall comply with the laws and regulations governing establishments as set forth in Title 4, Chapter 32, Utah Meat and Poultry and Poultry Products Inspection

and Licensing Act, this rule, the United States Department of Agriculture Poultry Exemptions, and federal regulations that apply.
[~~—(2) The poultry producer or grower shall hold a valid Custom Exempt Meat Establishment License (2202) issued by the department. The individual who holds the 2202 license shall be present when slaughter and processing operations are being performed.~~]

([3]2)(a) Each producer or grower shall notify [T]the department [~~shall be notified~~] five business days [~~prior to~~] before slaughtering and processing.

(b) The individual shall provide the department with the following information pertaining to the slaughtering and processing of birds:

- ([a]i) the date;
- ([b]ii) the time; and
- ([e]iii) the location.

([4]3) The producer or grower shall:

- (a) conduct a pre-operational inspection on any food-contact surfaces;
 - (b) document the findings of the pre-operational inspection and corrective actions pursuant to 9 CFR 416.12(a) and 416.15 [~~prior to~~] before the commencement of operations;
 - (c) maintain records for at least one year and have them available for inspection by department officials;
 - (d) fully label the product in accordance with this rule before leaving the facility;
 - (e) maintain the product temperature at 40 degrees F or less during transport; and
 - (f) keep a written recall plan pursuant to 9 CFR 418 and have it available for inspection by department officials.
- ([5]4) Producers or growers [~~shall~~] may not process on the same day as any other producer or grower.

R58-11-10. Enforcement Procedures.

[~~—(1) Livestock and Poultry Slaughtering License.~~]

([a]1) [~~It shall be~~] It is unlawful for any person to slaughter or assist in slaughtering livestock and poultry as a business outside of a licensed slaughterhouse unless they hold a valid Farm Custom Slaughtering License issued by the department.

([b]2) Only persons who comply with Title 4, Chapter 32, Utah Meat and Poultry Products Inspection and Licensing Act and associated rules, and Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, shall be entitled to receive and retain a license.

([e]3) A license may be renewed annually and shall expire on the 31st of December of each year.

([2]4) A license may be suspended when [~~ever~~]:

- (a) the department has reason to believe that an eminent public health hazard exists;
- (b) insanitary conditions are such that carcasses would be [~~rendered~~] made adulterated and or contaminated;
- (c) the license holder has interfered with the department in the performance of its duties; or
- (d) the licensee violates Title 4, Chapter 32, the Utah Meat and Poultry Products Inspection and Licensing Act or Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act or associated rules.

([3]5)(a) The department may, pursuant to 9 CFR 500, suspend or terminate any exemption with respect to any person when [~~ever~~] the department finds that the action will aid in effectuating the purposes of the Act.

(b) Failure to comply with the conditions of the exemption, including failure to process poultry and poultry products under

sanitation standards, may result in termination of an exemption, in addition to other penalties consistent with 9 CFR 318.13.

([4]6) [~~Warning letter. In instances w~~] When a violation may have occurred, the department may send a warning letter [~~may be sent~~] to the licensee that specifies the violations and affords the holder a reasonable opportunity to correct them.

([5]7) [~~Hearings.~~] When [~~ever~~] a licensee has been [~~given notice~~] notified by the department that suspected violations [~~may~~] have occurred or when the department suspends a license [~~is suspended~~], the [~~y~~] licensee may have an opportunity for a hearing to state their views before the department.

([6]8)(a) [~~Reinstatement of Suspended Permit.~~] Any person whose license has been suspended may [~~make application~~] apply for reinstatement [~~of the license~~].

(b) The department may [~~then~~] re-evaluate the applicant and conditions.

(c) The department may reinstate the license if [~~if~~] the applicant has demonstrated to the department that they will comply with the rules [~~, the license may be reinstated~~].

([7]9) [~~Detainment or Embargo.~~] The department or detain or embargo [~~A~~] any meat found in a food establishment that does not have the proper identification or any uninspected meat slaughtered by a licensee that does not meet the requirements of this rule [~~these rules~~] may [~~be~~] detained or embargoed.

([8]10) [~~Condemnation.~~] The department may denature or destroy [~~M~~] meat [~~that is~~] determined to be unfit for human consumption [~~may be denatured or destroyed~~].

KEY: food inspections, slaughter, livestock, poultry

Date of Last Change: [January 12, 2022]2024

Notice of Continuation: December 19, 2019

Authorizing, and Implemented or Interpreted Law: 4-32-109

NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R277-126	Filing ID: 56254

Agency Information

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

General Information**2. Rule or section catchline:**

R277-126. Utah Fits All Scholarship

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

This rule is being created due to passage of H.B. 215 during the 2023 General Session, which required the Utah State Board of Education (USBE) to make rules to help implement the Utah Fits All Scholarship program.

4. Summary of the new rule or change:

This new rule is necessary to create an appeals process for administrative decisions of the contract program manager, specifically the appeals procedure for parents who apply for or are recipients of this scholarship.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

This rule change is not expected to have fiscal impact on state government revenues or expenditures.

This rule does not add any measurable costs for the USBE or other agencies outside of the fiscal impacts for H.B. 215 (2023), already identified in the fiscal note to H.B. 215.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

This rule applies to individual parents and appeals to the Utah Fits All program which has a program manager but does not affect local governments.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This rule only impacts USBE, the program manager, and individual parents.

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

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

small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

The program manager of the Utah Fits All program will not have any measurable costs added through the appeals process as outlined in this rule.

Any fiscal impacts were already captured in the fiscal note to H.B. 215.

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

There are no compliance costs for affected persons.

There are no measurable costs for USBE, parents, or the program manager outside the fiscal note to H.B. 215.

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53F-6-404(7)

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/31/2024

9. This rule change MAY become effective on:	02/07/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/15/2023
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R277. Education, Administration.

R277-126. Utah Fits All Scholarship.

R277-126-1. 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) 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; and

(c) Subsection 53F-6-404(7), which directs the Board to establish an appeals process for parents under the Utah Fits All Scholarship program.

(2) The purpose of this rule is to establish an appeals process as required by Subsection 53F-6-404(7).

R277-126-2. Definitions.

(1) "Program manager" means the contract organization chosen by the Board in accordance with Subsection 53F-6-404(1).

(2) "Utah Fits All Scholarship" means the program established by the Legislature in Title 53F, Chapter 6, Part 4, Utah Fits All Scholarship Program.

R277-126-3. Appeals Process.

(1) A parent may appeal an administrative decision of the program manager consistent with Subsection 53F-6-404(7) by filing a request as provided in this section.

(2) The program manager shall:

(a) notify a parent of the right to file a request under this section; and

(b) provide a form for a parent to file a request under this section.

(3) A parent shall file a written request with the program manager within ten days of the administrative decision at issue.

(4) The program manager shall forward the request to the Superintendent along with any information or evidence that may be required to consider the review within five business days of receiving a request under Subsection (3).

(5) The Superintendent shall review the request to determine if the program manager followed the law and the program manager's policies and procedures in making its administrative decision.

(6) The Superintendent shall either:

(a) uphold the program manager's decision; or

(b) grant the parent's request and provide direction to the program manager for any action to be taken.

(7) The Superintendent shall provide notice in writing to the parent and the program manager of the decision under Subsection (6) within 30 days of the date the parent submits a request to the program manager under Subsection (3).

(8) The Superintendent shall provide a quarterly report to the Board via email with information regarding appeals.

KEY: utah fits all, appeal

Date of Last Change: 2024

Authorizing, and Implemented, or Interpreted Law: Article X, Section 3; 53E-3-401(4); 53F-6-404(7)

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R277-925	Filing ID:
		56255

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state and zip:	Salt Lake City, UT 84111

Mailing address: PO Box 144200		
City, state and zip: Salt Lake City, UT 84114-4200		
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-925. Effective Teachers in High Poverty Schools Incentive Program
3. Purpose of the new rule or reason for the change:
This rule is being updated due to the passage of S.B. 222 in the 2023 General Session.
4. Summary of the new rule or change:
The amendment specifically updates the definition for "Benchmark assessment" and makes a couple of changes to help clarify the requirements pertaining to administration of the Effective Teachers in High Poverty Schools Incentive Program.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
This rule does not add any measurable costs for the Utah State Board of Education (USBE) outside the fiscal impacts captured in the fiscal note to S.B. 222 (2023).
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
This does not create any measurable costs for Local Education Agencies (LEAs) outside the fiscal impacts captured in the fiscal note to S.B. 222 (2023).
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule change only affects USBE and educators.

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

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

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

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

Educators are not affected outside the impacts already captured in the fiscal note to S.B. 222 (2023).

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

There are no compliance costs for affected persons.

USBE and educators are not affected outside the impacts already captured in the fiscal note to S.B. 222 (2023)

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-2-513
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Public Notice Information

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

A) Comments will be accepted until:	01/31/2024
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9. This rule change MAY become effective on:	02/07/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/15/2023
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R277. Education, Administration.

R277-925. Effective Teachers in High Poverty Schools Incentive Program.

R277-925-1. 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) 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; and

(c) Subsection 53F-2-513(2)(b), which requires the Board to make rules for the administration of the Effective Teachers in High Poverty Schools Incentive Program.

(2) The purpose of this rule is to:

(a) provide standards and procedures for the administration of the Effective Teachers in High Poverty Schools Incentive Program; and

(b) establish a method for determining teacher eligibility for salary bonuses awarded in the 2022-2023 school year for teachers in grade 4 as required in Subsection 53F-2-513(2)(b)(iv).

R277-925-2. Definitions.

(1) "Benchmark assessment" means the same as that term is defined in Section 53E-4-307 ~~assessment described~~ in Section 53F-2-513.

(2) "Eligible teacher" means:

(a) the same as that term is defined in Section 53F-2-513; and

(b) a teacher who is a regular or special education classroom teacher.

(3) "High poverty school" means the same as that term is defined in Section 53F-2-513.

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

(5) "Median growth percentile" or "MGP" means the same as that term is defined in Section 53F-2-513.

(6) "Program" means the Effective Teachers in High Poverty Schools Incentive Program.

(7) "Standards assessment" means the assessment described in Section 53E-4-303.

(8) "State-assessed subject" means English language arts, mathematics, or science.

R277-925-3. Administration of the Program.

(1) On or before December 1, the Superintendent shall:

(a) identify high poverty schools and eligible teachers in accordance with Subsection (2);

(b) distribute a list of eligible teachers to LEAs; and

(c) inform LEAs of program requirements and the timeline for applying on behalf of an eligible teacher.

(2) The Superintendent shall identify:

(a) high poverty schools based on the proportion of students who:

(i) qualify for free or reduced lunch in the current school year, based on:

(A) the most recent end of school year enrollment headcounts for existing schools; or

(B) the October 1 enrollment headcounts for new schools; and

(ii) are classified as children affected by intergenerational poverty, as determined by the Utah Department of Workforce Services, for the most recent year data is available; and

(b) eligible teachers by determining:

(i) whether the teacher's MGP was greater than or equal to

70:

(A) for at least one state-assessed subject taught by the teacher;

(B) as measured by student performance on a standards assessment restricted to those students who were taught by the teacher for a full academic year;

(C) two years before the current school year; and

(D) excluding subjects or teachers with less than ten tested students; or

(ii) for a teacher in kindergarten or grade 1, 2, or 3, whether at least 85% of the teacher's students assess as typical or better on an end of year benchmark assessment.

(3) An eligible teacher who is part-time in a regular or special education classroom assignment in the current year shall receive a partial salary bonus based on the number of hours worked in the classroom assignment.

(4) To receive matching funds for the program, on or before January 15, an LEA shall:

(a) apply on behalf of an eligible teacher; and

(b) provide assurances that the LEA will pay half of the:

(i) teacher salary bonus; and

(ii) employer-paid benefits described in Section 53F-2-513.

(5)(a) Subject to legislative appropriations, on or before June 1, the Superintendent shall:

(i) ensure that a teacher who was determined eligible under Subsections (1) and (2) taught at a high poverty school for the full school year; and

(ii) distribute to an LEA that meets the criteria described in Subsection (4) half of the:

(A) teacher salary bonus; and

(B) employer-paid benefits described in Section 53F-2-513.

(b) Consistent with Section 53F-2-513, the Superintendent may distribute the funds on a pro rata basis if the number of eligible applicants exceeds the amount of available funds.

(6)(a) An LEA or an eligible teacher may appeal eligibility to the Superintendent on the basis that the teacher:

(i) is teaching at a high poverty school;

(ii) is an eligible teacher; or

(iii) has less than ten tested students, but can demonstrate extenuating circumstances that merit an exception.

(b) An LEA or eligible teacher shall provide documentation to the Superintendent to assist the Superintendent in deciding on the appeal.

(7) For purposes of determining whether a teacher who teaches grade 4 is

eligible for a salary bonus in the 2022-2023 school year, a teacher is eligible if at least 85% of the teacher's students' progress is assessed as typical or better based on the beginning of year to end of year benchmark assessment [~~described in Section 53F-2-503~~] for 2020-2021 school year.

(8) An LEA that intends to apply on behalf of an eligible teacher who teaches grade 4 for a salary bonus for the 2022-2023 school year, shall provide the Superintendent grade 4 benchmark assessment data necessary to determine whether the LEA's grade 4 teachers meet the criteria described in Subsection (7).

KEY: teachers, poverty schools, incentives, student growth

Date of Last Change: ~~2024~~~~December 22, 2022~~

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-513

NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal

Rule or Section Number: R414-310

Filing ID: 56259

Agency Information

1. Department:	Health and Human Services	
Agency:	Integrated Healthcare	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R414-310. Medicaid Primary Care Network Demonstration Waiver

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

The Department of Health and Human Services (Department) needs to repeal this rule as the Primary Care Network (PCN) no longer exists.

4. Summary of the new rule or change:

This rule governs PCN implementation. PCN, however, no longer exists, so the rule is repealed in its entirety.

Fiscal Information

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

A) State budget:

The Department will see neither costs nor revenue as this repeal simply removes a rule that no longer implements a non-existent program.

B) Local governments:

Local governments will see neither costs nor revenue as they neither fund nor provide services under Medicaid.

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

Small businesses will see neither costs nor revenue as this repeal simply removes a rule that no longer implements a non-existent program.

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

Non-small businesses will see neither costs nor revenue as this repeal simply removes a rule that no longer implements a non-existent program.

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

Other persons will see neither costs nor revenue as this repeal simply removes a rule that no longer implements a non-existent program.

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

There are no compliance costs as this repeal simply removes a rule that no longer implements a non-existent program.

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

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this fiscal analysis.

Businesses will see neither costs nor revenue as this repeal simply removes a rule that no longer implements a non-existent program.

Citation Information

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

Section 26B-1-213	Section 26B-3-108	
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Public Notice Information

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

A) Comments will be accepted until: 01/31/2024

9. This rule change MAY become effective on: 02/07/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/13/2023
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R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

~~**[R414-310. Medicaid Primary Care Network Demonstration Waiver.**~~

~~**R414-310-1. Authority and Purpose.**~~

~~(1) This rule is authorized by Sections 26-1-5 and 26-18-3. The Primary Care Network Demonstration is authorized by a waiver of federal Medicaid requirements approved by the Centers for~~

Medicare and Medicaid Services and allowed under Section 1115(a) of the Social Security Act.

~~(2) The purpose of this rule is to establish eligibility requirements for enrollment under the Medicaid Primary Care Network Demonstration Waiver.~~

R414-310-2. Definitions.

The definitions in Rules R414-1 and R414-301 apply to this rule. In addition, the following definitions apply throughout this rule:

(1) "Avenue H" means Utah's Health Insurance Marketplace for Utah employers and their employees where the employees can find information about available employer-sponsored health insurance plans, select a plan and enroll online.

(2) "Best estimate" means the eligibility agency's determination of a household's income for the upcoming certification period based on past and current circumstances and anticipated future changes.

(3) "Children's Health Insurance Program" or (CHIP) means the program for medical benefits under Title 26, Chapter 40, Utah Children's Health Insurance Act.

(4) "Copayment and coinsurance" means a portion of the cost for a medical service for which the enrollee is responsible to pay for services received under the Primary Care Network.

(5) "Creditable Health Coverage" means any health insurance coverage as defined in 45 CFR 146.113.

(6) "Employer-sponsored health plan" means a health insurance plan offered by an employer either directly or through Avenue H.

(7) "Enrollee" means an individual who has applied for and has been found eligible for the Primary Care Network program.

(8) "Open enrollment" means a period during which the eligibility agency accepts applications for the Primary Care Network program.

(9) "Primary Care Network" or (PCN) means the program for benefits under the Medicaid Primary Care Network Demonstration Waiver.

(10) "Review month" means the last month of the review period for an enrollee during which the eligibility agency shall redetermine eligibility for a new review period if the enrollee completes the review process timely.

(11) "Student health insurance plan" means a health insurance plan that is offered to students directly through a university or other educational facility.

(12) "Utah's Premium Partnership for Health Insurance" or (UPP) means the program described in Rule R414-320.

R414-310-3. Applicant and Enrollee Rights and Responsibilities.

(1) The provisions of Section R414-301-4 apply to applicants and enrollees of the PCN program except that reportable changes for PCN applicants and enrollees are defined in Subsection R414-310-3(2).

(2) An applicant or enrollee must report certain changes to the eligibility agency within ten calendar days of the day the change becomes known. The eligibility agency shall notify the applicant at the time of application of the changes that the enrollee must report. Reportable changes include:

(a) An enrollee in PCN begins to receive coverage or to have access to coverage under a group health plan or other health insurance coverage;

(b) An enrollee in PCN begins to receive coverage under, or begins to have access to student health insurance, Medicare, or the Veteran's Administration Health Care System;

(c) Changes in household income;

(d) Changes in household composition;

(e) Changes in tax filing status;

(f) Changes in the number of dependents claimed as tax dependents;

(g) An enrollee or the household moves out of state;

(h) Change of address of an enrollee or the household; or

(i) An enrollee enters a public institution or an institution for mental diseases.

(3) An applicant or enrollee has a right to request an agency conference or a fair hearing as described in Sections R414-301-6 and R414-301-7.

(4) An enrollee in PCN is responsible for paying any required copayments or coinsurance amounts to providers for medical services that the enrollee receives that are covered under PCN.

R414-310-4. General Eligibility Requirements.

(1) The provisions of Sections R414-302-3, R414-302-4, R414-302-7, and R414-302-8 concerning United States (U.S.) citizenship, alien status, state residency, use of social security numbers, and applying for other benefits, apply to applicants and enrollees of PCN.

(2) An individual who is not a U.S. citizen or national, or who does not meet the alien status requirements of Section R414-302-3 is not eligible for any services or benefits under PCN.

(3) An individual must be at least 19 and not yet 65 years of age to enroll in PCN.

(a) The month in which an individual turns 19 years of age is the first month that the person may enroll in PCN.

(b) An individual must apply for the PCN program before he turns 65 years of age.

(c) Enrollment shall end effective the end of the month in which an individual turns 65 years of age.

(4) The eligibility agency only accepts applications during open enrollment periods. The eligibility agency limits the number it enrolls according to the funds available for the program and may stop enrollment at any time.

(a) The open enrollment period may be limited to:

(i) individuals with children under the age of 19 in the home;

(ii) individuals without children under the age of 19 in the home.

(b) The eligibility agency may not accept applications or maintain waiting lists during a period that enrollment of new individuals is stopped.

(5) The provisions of Subsection R414-302-6(1) and (4) apply to applicants and enrollees of PCN who are residents of institutions.

(6) An applicant or enrollee is not required to provide Duty of Support information to enroll in PCN. An adult whose eligibility for Medicaid has been denied or terminated for failure to cooperate with Duty of Support requirements may not enroll in the PCN program.

R414-310-5. Verification and Information Exchange.

(1) The provisions of Section R414-308-4 regarding verification of eligibility factors apply to applicants and enrollees of PCN.

~~(2) The Department shall safeguard information about applicants and enrollees to comply with the provisions of Section R414.301-5.~~

~~(3) The Department shall enter into agreements with other government agencies as outlined in Section R414.301-3.~~

R414.310-6. Creditable Health Coverage.

~~(1) The Department adopts and incorporates by reference 42 CFR 433.138(b) and 435.610, October 1, 2015 ed., and Section 1915(b) of the Compilation of the Social Security Laws, in effect January 1, 2016.~~

~~(2) An applicant who is covered under a group health plan or other creditable health insurance coverage as defined in 29 CFR 2590.701-4, July 1, 2013 ed., is not eligible for enrollment in PCN. This includes coverage under student health insurance and the Veteran's Administration Health Care System.~~

~~(a) An individual who is enrolled in the Utah Health Insurance Pool or who can receive health coverage through Indian Health Services may enroll in PCN.~~

~~(b) An individual who could enroll in Medicare is not eligible for enrollment in PCN, even if the individual must wait for a Medicare open enrollment period to apply.~~

~~(c) An individual who is eligible to enroll in the VA Health Care System, but who has not yet enrolled, may be eligible for PCN as long as the individual applies for and takes all necessary steps to enroll. Eligibility for PCN ends once the individual's coverage in the VA Health Care System begins.~~

~~(d) Individuals who are full-time students and who can enroll in student health insurance coverage are not eligible to enroll in PCN.~~

~~(3) An individual is not eligible for PCN if the individual becomes eligible for Refugee Medical without a spenddown as defined in Section R414.303-10. An individual who is eligible for Refugee Medical with a spenddown may choose to enroll in either Refugee Medical or PCN.~~

~~(4) An individual who has access to but has not yet enrolled in employer-sponsored health insurance coverage through an employer or a spouse's employer is not eligible for PCN if the individual's cost for the least expensive health insurance plan offered by the employer directly, or for the employer's default plan offered through Avenue H, does not exceed 15% of the countable MAGI-based income for the individual's household.~~

~~(a) The cost of coverage includes a deductible if the employer-sponsored plan has a deductible.~~

~~(b) The eligibility agency will include in the cost of coverage for the spouse, the cost to enroll the employee, if the employee must be enrolled to enroll the spouse.~~

~~(c) The eligibility agency considers the individual to have access to coverage if the individual has had at least one opportunity to enroll.~~

~~(5) An individual who voluntarily terminates health insurance coverage is ineligible to enroll in PCN for 180 days from the date the coverage ended. The eligibility agency may not apply a 180-day ineligibility period in the following situations:~~

~~(a) Voluntary termination of COBRA.~~

~~(b) Voluntary termination of coverage through the Federally Facilitated Marketplace due to the loss of Advanced Premium Tax Credits (APTC).~~

~~(6) To be eligible to enroll in PCN, the 180-day ineligibility period must end by the earlier of the following dates or the eligibility agency shall deny the application:~~

~~(a) the last day of the open enrollment period during which the individual applies for PCN; or~~

~~(b) the last day of the month that follows the month in which the individual applies for PCN, if the open enrollment period does not expire before that following month ends.~~

~~(c) Enrollment in PCN may not begin before the 180-day ineligibility period ends.~~

R414.310-7. Household Composition and Income Provisions.

~~(1) The eligibility agency determines household composition and countable household income according to the provisions in R414.304-5.~~

~~(2) For an individual to be eligible to enroll in PCN, countable MAGI-based income for the individual must be equal to or less than 95% of the federal poverty guideline for the applicable household size.~~

R414.310-8. Budgeting.

~~(1) The Department shall apply the MAGI-based budgeting methodology defined at 42 CFR 435.603(e), (d), (e), (g) and (h), October 1, 2013 ed., which it adopts and incorporates by reference.~~

~~(2) The eligibility agency determines an individual's eligibility prospectively at application and at each review for continuing eligibility.~~

~~(a) The eligibility agency determines prospective eligibility by using the best estimate of the household's average monthly income that the agency expects the household to receive or to become available to the household during the upcoming review period.~~

~~(b) The eligibility agency shall include in the best estimate, reasonably predictable income expected to be received during the review period, such as seasonal income, contract income, income received at irregular intervals, or income received less often than monthly. The income will be prorated over the review period to determine an average monthly income.~~

~~(3) Methods of determining the best estimate are income averaging, income anticipating, and income annualizing. The eligibility agency may use a combination of methods to obtain the best estimate. The best estimate may be a monthly amount that the agency expects the household to receive each month of the review period, or an annual amount that is prorated over the review period. The eligibility agency may use different methods for different types of income that the same household receives.~~

~~(4) The eligibility agency determines farm and self-employment income by using the individual's most recent tax return forms or other verification the individual can provide. If tax returns are not available, or are not reflective of the individual's current farm or self-employment income, the eligibility agency may request income information from the most recent time period during which the individual had farm or self-employment income. The eligibility agency shall deduct the same expenses from gross income that the Internal Revenue Service allows as self-employment expenses to determine net self-employment income, if those expenses are expected to occur in the future.~~

~~(5) The eligibility agency may request additional information and verification about how a household is meeting expenses if the average household income appears to be insufficient to meet the household's living expenses.~~

R414.310-9. Assets.

~~An asset test is not required for PCN eligibility.~~

R414 310-10. Application and Signature.

~~(1) The provisions of Section R414 308 3 apply to PCN applicants, except for paragraph (9), (10) and the three months of retroactive coverage.~~

~~(2) A Medicaid or CHIP recipient may make a request during the open enrollment period for the agency to determine the individual's eligibility for PCN without completing a new application.~~

~~(3) The eligibility agency shall reinstate a medical case without requiring a new application if the agency closes the case in error.~~

~~(4) An applicant may withdraw an application for PCN any time before the eligibility agency completes an eligibility decision on the application.~~

R414 310-11. Eligibility Decisions and Reviews.

~~(1) The Department adopts and incorporates by reference 42 CFR 435.911 and 435.912, October 1, 2013 ed., regarding eligibility determinations.~~

~~(2) At application and review, the eligibility agency shall determine whether the individual is eligible for Medicaid, Refugee Medical or CHIP.~~

~~(a) An individual who qualifies for Medicaid or Refugee Medical without paying a spenddown or for Medicaid Work Incentive (MWI) without paying an MWI premium may not enroll in PCN.~~

~~(b) An applicant who is eligible for Medicaid, Refugee Medical or CHIP during the application month, or a Medicaid, Refugee Medical or CHIP recipient who requests PCN enrollment during an open enrollment period, may enroll in PCN in accordance with Subsection R414 310-12(1).~~

~~(3) An individual open on Medicaid, Refugee Medical or UPP may request to enroll in PCN.~~

~~(a) A new application form is not required.~~

~~(b) The rules in Section R414 310-12 govern the effective date of enrollment.~~

~~(c) If the individual is moving from UPP, the eligibility agency shall waive the open enrollment requirement if there is no break in coverage.~~

~~(d) If the individual is moving from Medicaid or Refugee Medical, the eligibility agency shall waive the open enrollment period if the individual was previously on PCN, became eligible for Medicaid or Refugee Medical, and requests to reenroll in PCN without a break in coverage.~~

~~(e) If the individual is moving from Medicaid or Refugee Medical and was not previously on PCN, or there has been a break in coverage of one or more months, the individual must reapply during an open enrollment period.~~

~~(f) All other eligibility requirements must be met.~~

~~(4) The eligibility agency shall complete an eligibility determination for each application unless:~~

~~(a) the applicant voluntarily withdraws the application and the eligibility agency sends a notice to the applicant to confirm the withdrawal;~~

~~(b) the applicant dies;~~

~~(c) the applicant cannot be located; or~~

~~(d) the applicant does not respond to requests for information within the 30-day application period or by the verification due date, if the verification date is later.~~

~~(5) The eligibility agency shall complete a periodic review of an enrollee's eligibility for medical assistance in accordance with the requirements of 42 CFR 435.916.~~

~~(a) The agency may request a recipient to contact the agency to complete the eligibility review.~~

~~(b) The agency shall provide the recipient a written request for verification needed to complete the review.~~

~~(c) The agency shall provide proper notice of an adverse decision.~~

~~(d) If the agency cannot provide proper notice of an adverse decision, the agency extends eligibility to the following month to allow for proper notice.~~

~~(6) If a recipient fails to respond to a request to complete the review or fails to provide all requested verification to complete the review, the eligibility agency shall end eligibility effective the end of the month for which the agency sends proper notice to the recipient.~~

~~(a) If the recipient contacts the agency to complete the review or returns all requested verification within three calendar months of the closure date, the eligibility agency shall treat such contact or receipt of verification as a new application. The agency may not require a new application form.~~

~~(b) The application processing period applies to this request to reapply.~~

~~(c) Eligibility can begin in the month the client contacts the agency to complete the review if all verification is received within the application processing period.~~

~~(d) If the recipient fails to return the verification timely, but before the end of the three calendar months, eligibility becomes effective the first day of the month in which all verification is provided and the individual is found eligible.~~

~~(e) The eligibility agency may not continue eligibility while it makes a new eligibility determination.~~

~~(f) The eligibility agency shall waive the open enrollment requirement during these three calendar months.~~

~~(g) If the enrollee does not respond to the request to complete the review for PCN during the three calendar months immediately following the review closure date, the enrollee must reapply for PCN and meet all eligibility criteria.~~

~~(7) If the individual files a new application or makes a request to reenroll within the calendar month that follows the effective closure date when the closure is for a reason other than incomplete review, the eligibility agency shall waive the open enrollment period and process the request as a new application.~~

~~(8) The enrollee must reapply if the case closes for one or more calendar months for any reason other than an incomplete review.~~

~~(9) The eligibility agency shall comply with the requirements of 42 CFR 435.1200(e), regarding transfer of the electronic file for the purpose of determining eligibility for other insurance affordability programs.~~

R414 310-12. Effective Date of Enrollment and Enrollment Period.

~~(1) Subject to the limitations in Sections R414 306 4 and R414 310-6, the effective date of PCN enrollment is the first day of the application month with the following exceptions:~~

~~(a) An applicant may be eligible for PCN if the applicant applies during an open enrollment period and will turn 19 before the end of the month in which open enrollment ends.~~

~~(i) Enrollment in PCN may not begin before an individual turns 19 years of age.~~

~~(ii) If an applicant qualifies for Medicaid or CHIP in the application month, enrollment in PCN begins the month after eligibility for Medicaid or CHIP ends.~~

~~(b) If the individual is moving from UPP, the effective date of enrollment is the first day after the health insurance coverage ends.~~

~~(c) If the individual is moving from Medicaid, or is eligible for Medicaid in the application month or the month following the application month, the effective date of enrollment is the first day of the month after Medicaid coverage ends. To enroll in PCN, Medicaid eligibility must end by the end of the month following the application month.~~

~~(2) The effective date of reenrollment for PCN after the eligibility agency completes the periodic review is the first day after either the review month or due process month. Subsection R414-310-11(5) defines the effective date of reenrollment when the enrollee completes the review process in the three calendar months after the case is closed for incomplete review.~~

~~(3) The eligibility agency shall end eligibility for any of the following reasons:~~

~~(a) the individual turns 65 years of age;~~

~~(b) the individual enrolls in a health coverage plan as defined in Subsection 414-310-6(2);~~

~~(c) the individual gains access to an employer sponsored health plan that meets the requirements of Subsection R414-310-6(2);~~

~~(d) a change in income or household composition results in the individual exceeding the income limit;~~

~~(e) the individual dies;~~

~~(f) the individual moves out of state or cannot be located;~~

~~or~~

~~(g) the individual enters a public institution or an Institution for Mental Disease.~~

~~(4) An enrollee who gains access to or enrolls in an employer sponsored health plan may switch to the UPP program if the enrollee meets UPP eligibility requirements.~~

R414-310-13. Change Reporting and Benefit Changes.

~~(1) Unless otherwise stated, the provisions in Section R414-308-7 apply to the PCN program.~~

~~(2) Reportable changes are defined in Subsection R414-310-3(2).~~

~~(3) For a decrease in income, the following provisions apply:~~

~~(a) If a change is already anticipated in a best estimate of income, the eligibility agency may only re-determine eligibility if the enrollee requests a redetermination of benefits.~~

~~(b) If a change is not anticipated, the agency shall re-determine eligibility.~~

~~(c) If a change makes the enrollee eligible for Medicaid, the effective date of the change is the first day of the month of report, if the change is verified timely.~~

~~(d) If a change is not verified timely, the change is effective on the first day of the month the change is verified.~~

~~(4) If an enrollee requests enrollment for a spouse, the application date for the spouse is the date of the request, and the following provisions apply:~~

~~(a) The eligibility agency does not require a new application;~~

~~(b) Eligibility is determined in accordance with Section R414-310-11;~~

~~(c) The effective date of enrollment is determined in accordance with Section R414-310-12; and~~

~~(d) The applicant must meet all other eligibility requirements.~~

R414-310-14. Notice and Termination.

~~(1) The Department adopts and incorporates by reference 42 CFR 431.206, 431.210, 431.211, 431.213, 431.214, and 435.919, October 1, 2013 ed.~~

~~(2) The eligibility agency shall notify an applicant or enrollee in writing of the eligibility decision made on the application or the review.~~

~~(3) The eligibility agency shall end an individual's enrollment upon enrollee request or upon discovery that the individual is no longer eligible.~~

R414-310-15. Improper Medical Coverage.

~~(1) Improper medical coverage occurs when:~~

~~(a) an individual receives medical assistance for which the individual is not eligible, including benefits that the individual receives pending a fair hearing or during an undue hardship waiver if the enrollee fails to act as required by the eligibility agency;~~

~~(b) an individual receives a benefit or service that is not part of the benefit package for which the individual is eligible;~~

~~(c) an individual pays too much or too little for medical assistance benefits; or~~

~~(d) the Department pays too much or too little for medical assistance benefits on behalf of an eligible individual.~~

~~(2) An individual who receives benefits under PCN for which the individual is not eligible must repay the Department for the cost of the benefits that the individual receives.~~

~~(3) An alien and the alien's sponsor are jointly liable for benefits that an individual receives for which the individual is not eligible.~~

~~(4) An overpayment of benefits includes all amounts paid by the Department for medical services or other benefits on behalf of an enrollee, or for the benefit of the enrollee during a period in which the enrollee is not eligible to receive the benefits.~~

KEY: ~~Medicaid, primary care, demonstration~~

Date of Last Change: ~~March 28, 2017~~

Notice of Continuation: ~~March 11, 2022~~

Authorizing, and Implemented or Interpreted Law: ~~26-18-1; 26-1-5; 26-18-3]~~

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R414-504	Filing ID: 56260
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Agency Information

1. Department:	Health and Human Services
Agency:	Integrated Healthcare
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 143102
City, state and zip:	Salt Lake City, UT 84114-3102

Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R414-504. Nursing Facility Payments
3. Purpose of the new rule or reason for the change:
The purpose of this change is to include provisions, under a moratorium exception, for major renovation in nursing care facilities.
4. Summary of the new rule or change:
This amendment includes an additional definition for major renovation and specifies payment methodology and procedures under a moratorium exception.
It also restructures and renumbers the definitions in Section R414-504-2 to be in alphabetical order.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no impact to the state budget as these changes are covered under previous allocations by the Legislature.
B) Local governments:
There is no impact on local governments as they neither fund nor administer nursing facilities under the Medicaid program.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as these changes are covered under previous allocations by the Legislature.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no impact on non-small businesses as these changes are covered under previous allocations by the Legislature.
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 impact to other persons or entities as these changes are covered under previous allocations by the Legislature.

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

There are no compliance costs to a single person or entity as these changes are covered under previous allocations by the Legislature.

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Businesses will see neither costs nor revenue as these changes are covered under previous allocations by the Legislature.

Citation Information

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

Section 26B-1-213	Title 26B, Chapter 3	
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Public Notice Information

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

A) Comments will be accepted until:	01/31/2024
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9. This rule change MAY become effective on:	02/07/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/13/2023
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R414. Health and Human Services, ~~Health Care Financing, Coverage and Reimbursement Policy~~ Integrated Healthcare.

R414-504. Nursing Facility Payments.

R414-504-2. Definitions.

The definitions in Sections R414-1-2 and R414-501-2 apply to this rule. In addition:

(1) "Bed addition" means, as used in the fair rental value calculation, a capitalized project that adds additional beds to the facility. This must be new and complete construction. An increase in total licensed beds and new construction costs support a claim of additional beds.

(2) "Bed replacement" means, as used in the fair rental value calculation, a capitalized project that furnishes a bed in the place of another, previously existing bed. Room remodeling is not a replacement of beds. This must be new and complete construction.

([4]3) "Behaviorally complex resident" means a long-term care resident with a severe, medically based behavior disorder, including traumatic brain injury, dementia, Alzheimer's, Huntington's Chorea, which causes diminished capacity for judgment, retention of information or decision-making skills, or a resident, who meets the Medicaid criteria for nursing facility level of care and who has a medically based mental health disorder or diagnosis and has a high level resource use in the nursing facility not currently recognized in the case mix.

([2]4) "Case mix index" means a score assigned to each facility based on the average of the Medicaid patients' case mix scores for that facility.

([3]5) "Case mix score" means the acuity or frailty of a resident based on medical needs resulting in a weight used to calculate rates.

(6) "Exception qualifying major renovation" means for purposes of a moratorium exception, a project in a facility that undergoes major renovations that involve significant structural changes of the physical facility and requires review and approval under Rule 432-4. The renovation includes a cost greater than or equal to \$5,000 for total licensed beds and excludes flooring and paint.

([4]7) "Facility case mix rate" means the rate the Department issues to a facility for a specified period. This rate utilizes the case mix index for a provider, labor wage index application, and other case mix-related costs.

(8) "Fair rental value (FRV) data report" means a report that provides the Department with information related to capital improvements to be included in the FRV calculation.

([5]9) "FCP" means the facility cost profile report filed by the provider on an annual basis.

(10) "Major renovation" means, as used in the fair rental value calculation, a capitalized project with a cost equal to or greater than \$500 for a licensed bed. A renovation extends the life, increases the productivity, or significantly improves the safety, such as by asbestos removal, of a facility as opposed to repairs and maintenance that either restore the facility to, or maintain it at its normal or expected service life. Vehicle costs are not a major renovation capital expenditure.

([6]11) "Minimum data set" (MDS) means a set of screening, clinical, and functional status elements, including common definitions and coding categories, that form the foundation of the comprehensive assessment for residents of long-term care facilities certified to participate in Medicaid.

([7]12) "Nursing costs" means the current costs from the annual FCP report reported on lines 070-012 Nursing Admin Salaries and Wages, 070-013 Nursing Admin Tax and Benefits, 070-040 Nursing Direct Care Salaries and Wages, 070-041 Nursing Direct Care Tax and Benefits, and 070-050 Purchased Nursing Services.

([8]13) "Nursing facility" or "facility" means a Medicaid-participating nursing facility, skilled nursing facility, or a combination thereof, as defined in 42 USC 1396r (a), 42 CFR 440.150, 42 CFR 442.12, and Section 26B-2-201.

([9]14) "Patient day" means the care of one patient during a day of service, excluding the day of discharge.

(1[0]5) "Patient-driven payment model" (PDPM) means the Medicare prospective payment system for classifying skilled nursing facility patients in a covered Medicare Part A stay.

(1[4]6) "Property costs" means the fair rental value (FRV) established by this rule.

~~(12) "Fair rental value (FRV) data report" means a report that provides the Department with information related to capital improvements to be included in the FRV calculation.~~

~~(13) "Bed addition" means, as used in the fair rental value calculation, a capitalized project that adds additional beds to the facility. This must be new and complete construction. An increase in total licensed beds and new construction costs support a claim of additional beds.~~

~~(14) "Bed replacement" means, as used in the fair rental value calculation, a capitalized project that furnishes a bed in the place of another, previously existing bed. Room remodeling is not a replacement of beds. This must be new and complete construction.~~

~~(15) "Major renovation" means, as used in the fair rental value calculation, a capitalized project with a cost equal to or greater than \$500 for a licensed bed. A renovation extends the life, increases the productivity, or significantly improves the safety, such as by asbestos removal, of a facility as opposed to repairs and maintenance that either restore the facility to, or maintain it at its normal or expected service life. Vehicle costs are not a major renovation capital expenditure.]~~

R414-504-6. Moratorium Exception for Major Renovation as Allowable.

~~(1) In accordance with Subsection 26B-3-311(7), a facility that requests to include beds as part of an exception qualifying major renovation, must submit to the Division of Integrated Healthcare an application within six months of approval of completing the renovation.~~

~~(2) The requirement of \$5,000 for each bed excludes interest payments, and calculates costs related only to the exception qualifying major renovation as prescribed under Subsection 26B-3-311(7).~~

KEY: Medicaid

Date of Last Change: 2024[July 1, 2023]

Notice of Continuation: October 12, 2022

Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-3

NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal

Rule or Section Number:	R429-3	Filing ID: 56263
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Agency Information

1. Department:	Health and Human Services	
Agency:	Patient Safety Program	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Srimoyee Bose	385-332-1720	sbose@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

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

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

Following the recodification and consolidation of the Department of Health and Human Services (Department) statute in the 2023 General Session, the Department identified this rule as no longer necessary, and is proceeding with a repeal.

4. Summary of the new rule or change:

This filing repeals Rule R429-3 Adverse Events from the Administration of Sedation or Anesthesia; Recording and Reporting.

Fiscal Information

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

A) State budget:

This repeal will not fiscally impact the state budget.

This filing is to update this rule with current and existing processes.

B) Local governments:

This repeal will not fiscally impact local governments.

This filing is to update this rule with current and existing processes.

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

This repeal will not impact small businesses.

This filing is to update this rule with current and existing processes.

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

This repeal will not impact non-small businesses.

This filing is to update this rule with current and existing processes.

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 repeal will not fiscally impact the persons other than small businesses, non-small businesses, state, or local government entities.

This filing is to update this rule with current and existing processes.

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

There are no compliance costs associated with this repeal.

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 26B-1-202

Public Notice Information

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

A) Comments will be accepted until: 01/31/2024

9. This rule change MAY become effective on: 02/07/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/13/2023
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R429. Health, Patient Safety Program.

~~[R429 3. Adverse Events from the Administration of Sedation or Anesthesia; Recording and Reporting.~~

~~R429 3 1. Purpose and Authority.~~

~~(1) The purpose of this rule is to establish reporting requirements to the Utah Department of Health Anesthesia Adverse Events Database that include the format of the reports and what constitutes a reportable adverse event.~~

~~(2) This rule is authorized by Title 26, Chapter 1, Part 40, Reports of anesthesia adverse events — Whistle blower protections.~~

~~R429 3 2. Definitions.~~

~~(1) "Adverse event" means a reportable event that occurs:~~
~~(a) due to the administration of sedation or anesthesia;~~
~~(b) in an outpatient, non-emergency room setting;~~
~~(c) resulting in harm, escalation of care, or rescuing of the patient; and~~
~~(d) while under the direct care of the provider at the facility or within 24 hours of discharge.~~

~~(2) "Department" means the Utah Department of Health.~~

~~(3) "Escalation of care or rescue of a patient" means efforts made to rescue a patient from levels of sedation deeper than intended in order to prevent harm or death to a patient. This may include the use of:~~

~~(a) a rescue or reversal agent;~~
~~(b) aborting a procedure secondary to complications of sedation or anesthesia;~~
~~(c) unplanned assisted airway management;~~
~~(d) 911 call for Emergency Medical Services;~~
~~(e) transfer to a higher level of care; or~~
~~(f) any other intervention.~~
~~(4) "Harm scale" means a systematic method of designating a patient's level of harm that includes:~~
~~(a) unsafe conditions;~~
~~(b) near miss;~~
~~(c) no harm;~~
~~(d) additional monitoring or treatment to prevent harm;~~
~~(e) temporary harm requiring intervention;~~
~~(f) temporary harm requiring hospitalization;~~
~~(g) permanent patient harm;~~

- ~~_____ (h) intervention to sustain life; or~~
- ~~_____ (i) patient death.~~
- ~~_____ (5) "Healthcare Provider" means any healthcare provider who uses sedation or anesthesia and is located in any outpatient location, including office settings, urgent care facilities, dental offices, and podiatry offices.~~
- ~~_____ (6) "Levels of sedation" means physiologic states that are induced through the administration of medication by any route as established with standards associated with differing level of sedation set out in 42 CFR Subsection 482.51(b)(5). These interpretive guidelines are the expected standards of practice, unless otherwise specified by the individual practitioner's scope of practice as defined in Title 58, Chapter 67-502(5) Utah Medical Practice Act.~~
- ~~_____ (7) "Near miss" means stopping or aborting a procedure for the safety of the patient.~~
- ~~_____ (8) "Unprofessional Conduct" is defined in statute for each Utah Department of Professional licensure category in Sections 58-5a-502, 58-31b-502.5, 58-67-502.5, 58-68-502.5, and 58-69-502.5.~~

R429-3-3. Event Reporting.

- ~~_____ (1) Once an adverse event has been determined by a licensed healthcare provider, and the provider or providers who administered the sedation or anesthesia involved in the event have been notified, the adverse event shall be reported to the Department within 72 hours.~~
- ~~_____ (2) An individual reporting an event to the Anesthesia Adverse Event Database must register with the state.~~
- ~~_____ (3) The reporting individual shall submit the following data and information at the time of the report:~~
 - ~~_____ (a) the person who reports the event;~~
 - ~~_____ (b) the healthcare provider and facility type that conducted the procedure;~~
 - ~~_____ (c) the healthcare provider and facility type that administered the anesthesia;~~
 - ~~_____ (d) a description of the event;~~
 - ~~_____ (e) a description of the sedation used;~~
 - ~~_____ (f) the level of harm experienced;~~
 - ~~_____ (g) the patient's demographics, including birthdate, gender, weight, race, and ethnicity if available;~~
 - ~~_____ (h) the surgical classification of the procedure, using American Society of Anesthesiologist physical status classification system;~~
 - ~~_____ (i) a description of rescue activities;~~
 - ~~_____ (j) a description of monitoring that took place;~~
 - ~~_____ (k) a description of escalation of care;~~
 - ~~_____ (l) a description of emergency equipment and supplies available at the time of the event; and~~
 - ~~_____ (m) any additional or concluding remarks.~~

R429-3-4. Confidentiality.

- ~~_____ (1) Information received and stored by the Department under this rule may only be disclosed with Department approval under specific, enumerated conditions provided by Section 26-3-7. The Department is authorized to exercise its discretion to disclose information under the conditions of Section 26-3-8.~~
- ~~_____ (2) The Department may not release information collected under this rule to any person pursuant to Subsections 26-3-7(1) and 26-3-7(8).~~
- ~~_____ (3) Information provided by a facility to the Department under this rule is privileged, as provided by Title 26, Chapter 25, Confidential Information Release, and is not subject to discovery,~~

use, or receipt in evidence in any legal proceeding of any kind or character.

R429-3-5. Extensions and Waivers.

- ~~_____ (1) The Department may grant an extension of any reporting time requirement of this rule, if the facility demonstrates that:~~
 - ~~_____ (a) the delay is due to factors beyond its control;~~
 - ~~_____ (b) the delay will not adversely affect the purposes of this rule; or~~
 - ~~_____ (c) any other reason acceptable to the Department.~~
- ~~_____ (2) A facility requesting a waiver shall submit its request to the Department representative prior to the deadline for the required action.~~
- ~~_____ (3) The Department may grant a waiver of any other provision of this rule if the facility demonstrates that the waiver will not adversely affect the Department's root cause analysis and the purposes of this rule.~~

R429-3-6. Annual Aggregate Reports.

- ~~_____ (1) The Department's Anesthesia Adverse Event Database program manager shall report the following information to the legislature annually:~~
 - ~~_____ (a) a number of deaths and adverse events;~~
 - ~~_____ (b) a distribution of provider types involved in events by license category and specialty;~~
 - ~~_____ (c) the types of facility where events occurred;~~
 - ~~_____ (d) the number of non-provider reports;~~
 - ~~_____ (e) the procedures being performed when events occurred;~~
- ~~_____ and~~
- ~~_____ (f) an analysis of the impact of these reporting requirements in reducing adverse events.~~

R429-3-7. Penalties.

~~_____ Any association, or corporation, or the officers of any of them, that violates any provision of this rule may be assessed a judicial civil or administrative money penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.~~

KEY: ~~anesthesia adverse events, patient safety, sedation-related events~~

Date of Last Change: ~~August 18, 2021~~

Authorizing, and Implemented or Interpreted Law: ~~26-1-40; 26-3-7]~~

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:

R457-1

Filing ID:
56203

Agency Information

1. Department:	Cultural and Community Engagement
Agency:	Pete Suazo Utah Athletic Commission
Building:	Highland Office
Street address:	3760 S Highland Drive

City, state and zip:	Millcreek, UT 84106	
Contact persons:		
	Phone:	Email:
Kristin Mead	218-393-2995	kristinmead@utah.gov
Sophia Riggs	801-874-7205	sophiariggs@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R457-1. Pete Suazo Utah Athletic Commission Act Rule

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

Event Officials, such as referees, timekeepers and judges, have not received a compensation increase for several years, and their compensation is out of pace with comparable market rates in other states.

The rule amendments will increase the compensation fees paid to referees, timekeepers and judges. *Note: The compensation fees for Event Officials are paid by Event Promoters, and not paid by the Commission. The amendments update the compensation fees, and increase costs to Event Promoters (small businesses).

In the summer of 2023, the national Association of Boxing Commissions (ABC) approved unified model rules for the sport of bare knuckle fighting. The amendments incorporate the ABC model rules adding some customized Utah rules for the sport.

Other licensing fees for contestants and for drug tests were increased by \$10 to account or adjust for inflation and the associated operation costs of the Commission.

Pregnancy test requirements are eliminated by the amendments, so the costs of such tests are also eliminated.

Other typos and formatting errors needed correction.

4. Summary of the new rule or change:

The amendments:

- 1) correct errors;
- 2) update and increase compensation for commission officials;
- 3) increase drug testing fees from \$10 to \$20 each;
- 4) eliminate pregnancy tests for female athletes; and
- 5) incorporate Unified rules for Bare Knuckle Fighting.

Fiscal Information

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

A) State budget:

The state budget for the Pete Suazo Utah Athletic Commission (PSUAC) program is \$271,200 for FY24.

The fiscal impact of the amendments will increase revenue to the Commission/State by approximately \$2,340 per year going forward. This increased revenue will come from the \$10 increase to the fees charged by the Commission for drug tests (increase from \$10 to \$20).

Drug test costs are paid to the Commission by Event Promoters. On average, 9 athletes are tested at each event. \$10 cost increase x 9 athletes x 26 events = \$2,340. Thus, there will be an additional \$2,340 revenue to the Commission/State, generated each year from the increased drug test fee.

B) Local governments:

There is no new aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.

Consequently, there is no fiscal impact from these amendments to affect local governments expenditures or revenues.

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

The amendments will have a fiscal impact on the Event Promoters, who are small businesses. The total cost increases over one year are estimated as shown below.

Increased costs for Event Officials

The Event Promoters for fights or bouts incur and pay the costs for the compensation fees of Event Officials: timekeepers, judges and referees. The cost breakdown is listed below, with the pre and post amendment cost effect shown. The Commission conducts approximately 26 events per year.

Timekeeper compensation fee increase from \$100 to \$125 per event. \$25 cost increase x 26 events = \$650

Referee compensation fee increase from \$250 to \$325 per event. \$75 cost increase x 26 events = \$1,950

Judges compensation fee increase from \$150 to \$250, with 3 average of judges per event. \$100 cost increase x 3 judges x 26 events = \$7,800

*Note: Event promoters pay the compensation fees to Event Officials.

Increased costs for Drug Tests:

Cost per drug test increase from \$10 to \$20. On average, 9 athletes are tested at each event.

\$10 cost increase x 9 athletes x 26 events = \$2,340

*Note: Drug test costs are paid to the Commission by Event Promoters, so \$2,340 will be additional revenue paid to the State.

Elimination of costs for Pregnancy Tests, Cost Savings:

Tests cost \$1.25 each, approximately 60 tests conducted per year. $\$1.25 \times 60 = \75 cost savings.

Total Cost Increase for Small Business per event:

\$ 25 = 1 Timekeeper cost increase
 \$ 75 = 1 Referee cost increase
 \$300 = 3 Judges cost increase
 \$ 90 = 9 Drug test cost increase

 \$490 Total

Annual Total of Fiscal Impact for Small Businesses (Event Promoters)

\$ 650 -- Timekeeper cost increase
 \$1,950 -- Referee cost increase
 \$7,800 -- Judges cost increase
 \$2,340 -- Drug test cost increase
 (\$ 75) -- Pregnancy cost decrease/elimination

 \$10,815 Total

For events with more than 11 bouts or fights, the number of judges increases from 3 to 4, and the number of referees increases from 1 to 2. Most events have less than 11 bouts or fights.

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

Almost all events are held by small business Event Promoters. Any non-small business or Event Promoter holding an event would incur the same cost increases and savings as shown in the analysis above for Small Businesses.

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

There is no estimated fiscal impact to other persons. The persons affected by costs increases from the amendments have been identified above in box 5C Small Businesses.

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

The compliance costs or fiscal impact for affected persons, per event, is show above in box 5C Small Businesses

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	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$10,815	\$10,815	\$10,815
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$10,815	\$10,815	\$10,815
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$2,340	\$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	\$2,340	\$2,340	\$2,340

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of Community and Cultural Engagement, Jill Love, has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Sections 9-23-101
 through 9-23-301

Incorporations by Reference Information**7. Incorporations by Reference:****A) This rule adds, updates, or removes the following title of materials incorporated by references:**

Official Title of Materials Incorporated (from title page)	Bare Knuckle Fighting Unified Rules
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Publisher	Association of Boxing Commission and Combative Sports
Issue Date	July 3, 2023
Issue or Version	August 2, 2023 (adopted)

B) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Pete Suazo Utah Athletic Commission Fee Schedule
Publisher	Pete Suazo Utah Athletic Commission
Issue Date	August 18, 2023

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/31/2023

9. This rule change MAY become effective on:	02/10/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Jill Love, Executive Director	Date:	11/22/2023
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R457. Cultural and Community Engagement, Pete Suazo Utah Athletic Commission.

R457-1. Pete Suazo Utah Athletic Commission Act Rule.

R457-1-101. Title.

This rule is known as the "Pete Suazo Utah Athletic Commission Act Rule."

R457-1-102. Definitions.

In addition to the definitions in Title 9, Chapter 23 Pete Suazo Utah Athletic Commission Act, the Commission adopts following definitions ~~[are adopted]~~ to this rule:

(1) For purposes of Section 9-23-304, "amateur boxing" means a live boxing contest conducted in accordance with the standards and regulations of USA Boxing, Inc., and in which the contestants participate for a non-cash purse.

(2) "Applicant" means an Organization Which Promotes Amateur Boxing in the State as defined in this section.

(3) "Boxing" means the sport of attack and defense using the fist, covered by an approved boxing glove.

(4) "Designated Commission member" means a member of the Commission designated as supervisor for a contest and responsible for the conduct of a contest, as assisted by other Commission members, Commission personnel, and others, as necessary and requested by the designated Commission member.

(5) "Drug" means a controlled substance, as defined in Title 58, Chapter 37, Utah Controlled Substances Act, or alcohol.

(6) "Elimination Tournament" means a contest involving unarmed combat in which contestants compete in a series of matches until not more than one contestant remains in any weight category.

(7) "Grant" means the Commission's distribution of monies as authorized under Subsection 9-23-304(3).

(8) "Organization Which Promotes Amateur Boxing in the State" means an amateur boxing club located within the state, registered with USA Boxing Incorporated.

(9) "State Fiscal Year" means the annual financial reporting period of the state, beginning July 1 and ending June 30.

(10) "Unprofessional conduct" is as defined in Subsection 9-23-101(25), and is defined further to include the following:

(a) as a promoter, failing to promptly inform the Commission of all matters relating to the contest;

(b) as a promoter, substituting a contestant in the 24 hours immediately preceding the scheduled contest without approval of the Commission;

(c) violating the rules for conduct of contests;

(d) testing positive for drugs or alcohol in a random body fluid screen before or after participation in any contest;

(e) testing positive for HIV, Hepatitis B or C;

(f) failing or refusing to comply with a valid order of the Commission or a representative of the Commission; and

(g) entering into a secret contract that contradicts the terms of the contracts filed with the Commission;

(h) providing false or misleading information to the Commission or a representative of the Commission;

(i) behaving at any time or place in a manner ~~[which is]~~ deemed by the Commission to reflect discredit to unarmed combat;

(j) engaging in any activity or practice that is detrimental to the best interests of unarmed combat;

(k) knowing that an unarmed contestant suffered a serious injury before a contest or exhibition and failing or refusing to inform the Commission about that serious injury; and

(l) conviction of a felony or misdemeanor, except for minor traffic violations.

(11) A "training facility" is a location ~~[where ongoing]~~ ~~[which holds]~~ scheduled training of unarmed combat contestants ~~[is held]~~.

R457-1-201. Authority - Purpose.

The Commission adopts this rule under the authority of Sections 9-23-308 and 9-23-318, to enable the Commission to administer Title 9, Chapter 23 Pete Suazo Utah Athletic Commission Act, Title R457 ~~[is adopted]~~ to enable the Commission to implement Section 9-23-304 to facilitate the distribution of General Fund monies to Organizations Which Promote Amateur Boxing in the state.

R457-1-202. Scope and Organization.

(1) Pursuant to Title 9, Chapter 23 Pete Suazo Utah Athletic Commission Act, general provisions codified in Sections R457-1-101 through R457-1-512 apply to all contests or exhibitions of "unarmed combat," as that term is defined in Subsection 9-23-101(23).

(2) Sections R457-1-601 through R457-1-623 shall apply only to contests of boxing, as defined in Subsection R457-1-102(1).

(3) Sections R457-1-701 through R457-1-702 shall apply only to elimination tournaments, as defined in Subsection R457-1-102(4).

(4) Section R457-1-801 shall apply only to martial arts contests and exhibitions. Section R457-1-901 shall apply only to White-Collar Contests.

(5) The Sections R457-1-1001 through R457-1-1004 shall apply only to grants for amateur boxing.

R457-1-203. Adoption of the "Unarmed Combat" Rules.

(1) The Commission ~~[adopts and]~~ incorporated[s] by reference the following unified rules for unarmed combat set forth by the Association of Boxing Commission and Combative Sports:

- (a) Unified Rules of Boxing, approved August 3, 2016;
- (b) Unified Rules of Mixed Martial Arts, approved August 1, 2019;
- (c) Unified Rules of Professional Kickboxing, approved July 26, 2017;
- (d) Mixed Martial Arts Judging Criteria, approved August 2, 2016; and
- (e) Unified Rules Mixed Martial Arts Fouls, approved 2017.

(2) The Commission ~~[adopts and]~~ incorporated[s] by reference the following rules, as ~~[they may be]~~ amended, for unarmed combat:

- (a) PSUAC Unified Rules for Muay Thai, approved 2017;
- (b) International Kickboxing Federation Rules for Muay Thai, 2023;~~and~~
- (c) International Federation of Muay ~~[t]~~Thai Associations Rules for Muay Thai, revised April 10, 2023~~[-]; and~~
- (d) Association of Boxing Commissions (ABC) Bare Knuckle Fighting Unified Rules, adopted August 2, 2023.

(3) In advance of an event, the promoter shall identify to the Director the set of rules to which the entire event will adhere.

R457-1-301. Qualifications for Licensure.

(1) In accordance with Section 9-23-301, a license is required for a person to act as or represent that they are a:

- (a) promoter;
- (b) timekeeper;
- (c) manager;
- (d) contestant;
- (e) second;
- (f) matchmaker;
- (g) referee; or
- (h) judge.

(2) A licensed amateur contestant may not:

- (a) compete against a professional unarmed combat contestant;
- (b) receive a purse, or a percentage of ticket sales; or
- (c) other remuneration, other than for reimbursement for reasonable travel expenses and per diem, consistent with IRS guidelines.

(3) A licensed manager or contestant ~~[is prohibited from being]~~ may not act as a referee or judge for any event or contestant affiliated with a gym or training facility they have been involved with during the past 12 months.

(4) A promoter ~~[shall]~~ may not hold a license as a referee, judge, second or contestant.

R457-1-302. Licensing - Procedure.

(1) In accordance with the authority granted in Section 9-23-308, the expiration date for licenses issued by the Commission shall be one year from the date of issuance.

(2) A contestant may designate a manager as outlined in Section R457-1-504.

R457-1-401. Designation of Adjudicative Proceedings.

(1) ~~The Commission designates any of the following as an informal adjudicative proceeding~~~~[An adjudicative proceeding before the Commission of any of the following proceeding is designated as an informal adjudicative proceeding]:~~

- (a) any action to revoke, suspend, restrict, place on probation or enter a reprimand as to a license;
- (b) approval or denial of applications for:
 - (i) initial licensure;
 - (ii) reinstatement of a license; and
 - (iii) renewal of a license~~[-];~~
- (c) any proceeding conducted after the issuance of a cease and desist order;
- (d) the withholding of a purse by the Commission under Section 63N-10-313; ~~or~~
- (e) protests against the results of a contest.

(2) An individual may seek an adjudicated hearing before the Commission for the matters listed in Subsection (1) by submitting a written request to the Director within 30 days from the date of the action or result.

(3) Subject to the exception under Subsection 63G-4-202(3) or unless otherwise stipulated to, the Commission designates any other adjudicative proceeding before the Commission not specifically listed in under Subsection (1), ~~[is designated]~~ as an informal adjudicative proceeding.

(4) The Commission may designate any adjudicative proceeding as a formal adjudicated proceeding at the outset.

(5) The Commission may convert any informal adjudicative proceeding to a formal adjudicative proceeding, and any formal adjudicative proceeding to an informal adjudicative proceeding, in accordance with Section 63G-4-202.

R457-1-402. Adjudicative Proceedings in General.

(1) The procedure for an adjudicative proceeding is under Section 63G-4-203 for an informal adjudicative proceeding and Section 63G-4-204 for a formal adjudicative proceeding; and this rule.

(2) Unless the Commission determines otherwise, the Commission shall ~~[be designated]~~ act as the sole presiding officer in any adjudicative proceeding, and where applicable, serve as the fact finder in any adjudicative proceeding.

(3) A majority vote of the Commission shall constitute its decision. ~~[Orders of the Commission shall be signed by the Director]~~ The Director may sign the order or, in the Director's absence, the Chair of the Commission in accordance with Section 63G-4-208 for formal proceedings and Subsection 63G-4-203(1) for informal proceedings.

R457-1-403. Additional Procedures for Immediate License Suspension.

(1) Under Section 9-23-303, the designated Commission member, or in the absence of a designated Commission member the Director may issue an order immediately suspending the license of a licensee upon a finding that the licensee presents an immediate and significant danger to the licensee, other licensees, or the public.

(2) The suspension shall be at such time and for such period as the Commission believes is necessary to protect the health, safety, and welfare of the licensee, other licensees, or the public.

(3) A licensee whose license has been immediately suspended may, within 30 days after the decision of the designated Commission member, challenge the suspension by submitting a written request for a hearing to the Director. The Commission shall schedule the hearing as soon as is reasonably practical but before 30 days from the receipt of the written request, unless the Commission and the party requesting the hearing agree to conduct the hearing at a later date.

R457-1-404. Evidentiary Hearings in Informal Adjudicative Proceedings.

(1) A request for an evidentiary hearing in an informal adjudicative proceeding shall be submitted in writing no later than 20 days following the issuance of the Commission's notice of agency action if the proceeding was initiated by the Commission, or together with the request for agency action, if the proceeding was not initiated by the Commission, in accordance with the requirements set forth in the Utah Administrative Procedures Act, Title 63G, Chapter 4.

(2) Unless otherwise agreed upon by the parties, no evidentiary hearing shall be ~~held in~~ an informal adjudicative proceeding unless the Commission served timely notice of the hearing ~~has been served~~ upon the parties as required by Subsection 63G-4-203(1)(d). Timely notice means service of a Notice of Hearing upon all parties no later than ten days before any scheduled evidentiary hearing.

(3) Parties ~~shall be permitted to~~ may testify, present evidence, and comment on the issues at an evidentiary hearing in an informal adjudicative proceeding.

R457-1-405. Reconsideration and Judicial Review.

Agency review is not available as to any order or decision entered by the Commission. However, any person aggrieved by an adverse determination by the Commission may either seek reconsideration of the order pursuant to Section 63G-4-302 or seek judicial review of the order pursuant to Sections 63G-4-401 through 63G-4-404.

R457-1-501. Promoter's Responsibilities in Arranging a Contest.

(1) Before a licensed promoter may hold a contest or single contest as part of a single promotion, the promoter shall file with the Commission an application for a permit to hold the contest not less than 15 days before the date of the proposed contest, or not less than seven days for televised contests.

(2) The application shall include the date, time, and place of the contest as well as information concerning the on-site emergency facilities, personnel, and transportation.

(3) The permit application must ~~be accompanied by~~ include a contest registration fee determined by the Department under Section 63J-1-504.

(4) ~~Before~~ To grant a permit to hold a contest ~~is granted~~, the promoter shall post a surety bond with the Commission in the amount of \$20,000~~[-]~~, or total sum of the contestant purses, official's fees and estimated Commission fees, whichever is greater. Promoters who have held less than five unarmed combat events in the state shall deposit an additional \$20,000 minimum Cashier's Check or Bank Draft with the Commission no later than seven days before the event or the ~~event may be canceled by the Commission~~ Commission may cancel the event.

(5) Before the scheduled time of the contest, the promoter shall have available for inspection the completed physical facilities ~~which will be~~ used directly or indirectly for the contest. The designated Commission member shall inspect the facilities in the presence of the promoter or the promoter's authorized representative~~[-and]~~. The promoter may correct all deficiencies cited upon inspection ~~shall be corrected~~ before the contest.

(6) A promoter shall verify ~~be responsible for verifying~~ the identity, record, and suspensions of each contestant. A promoter ~~shall be held~~ remains responsible for the accuracy of the names and records of each of the participating contestants in all publicity or promotional material.

(7) A promoter ~~shall be held~~ shall ensure that a contestant is not disproportionately outclassed in a contest ~~[-responsible for a contest in which one of the contestants is disproportionately outclassed]~~.

(8) Before a contest begins, the promoter shall give the designated Commission member the funds necessary for payment of contestants, referees, judges, timekeeper, and the attending physicians. The designated Commission member shall pay each contestant, referee, and judge in the presence of one witness.

(9) A promoter ~~may be not under~~ shall remain free of the influence of alcohol or controlled substances:

(a) during the contest;

(b) until after the Commission pays all contestants ~~are paid~~; and

(c) until after the promoter pays all applicable fees ~~are paid~~ to the Commission, officials, and ringside physician.

(10) The promoter shall be responsible for payment of any Commission fees deducted from a contestant's purse, if the fees are not collected directly from the contestant at the conclusion of the bout or if the contestant fails to compete in the event.

(11) (a) At the time of an unarmed combat contest weigh-in, the promoter of a contest shall provide primary insurance coverage for each uninsured contestant and secondary insurance for each insured contestant in the amount of \$~~40~~ 20,000 for each licensed contestant, to provide medical, surgical and hospital care for licensed contestants who are injured while engaged in a contest or exhibition~~[-]~~.

([a]b) The term of the insurance coverage ~~must~~ shall not require the contestant to pay a deductible for the medical, surgical or hospital care for injuries the contestant sustains while engaged in a contest of exhibition~~[-]~~;

([b]c) If a licensed contestant pays for the medical, surgical or hospital care for injuries sustained during a contest or exhibition, then the insurance proceeds ~~must be paid to~~ shall reimburse the contestant or the contestant's beneficiaries as reimbursement for the payment.

([e]d) The promoter shall also provide life insurance coverage of \$~~40~~ 20,000 for each contestant in case of death resulting from injuries sustained during a contest or exhibition~~[-]~~;

([e]e) The contestant, or any other party, may not waive the required medical insurance and life insurance coverage ~~shall not be waived by the contestant or any other party~~.

([e]f) A contestant seeking medical insurance reimbursement for injuries sustained during an unarmed combat event shall obtain medical treatment for their injuries within 72 hours of their bout and maintain written records of their treatment, expenses and correspondence with the insurance provider and promoter to ensure coverage.

(~~f~~g) The promoter ~~shall~~may not delay or circumvent the timely processing of an insurance claim submitted by a contestant injured during a contest or exhibition.

(12) In addition to the payment of any other fees and money due under this part, the promoter shall pay the following event fees:

(a) ~~[F]~~the event attendance fee established in the adopted Fee Schedule on the date of the event[-];

~~[- (b) 3% of the first \$500,000, and 1% of each of the next \$1,000,000 increments, of the total gross receipts from the sale, lease, or other exploitation of internet, broadcasting, television, and motion picture rights for any contest or exhibition thereof, without any deductions for Commissions, brokerage fees, distribution fees, advertising, contestants' purses or any other expenses or charges, except in no case shall the fee be more than \$50,000. These fees shall be paid to the Commission within 45 days of the event. The promoter shall notify and provide the Commission with certified copies of any contracts, agreements or transfers of any internet, broadcasting, television, and motion picture rights for any contest or exhibition within seven days of any such agreements. The Commission may require a surety deposit to be provided to the Commission to ensure these requirements are met.]~~

~~(b) the applicable fees assessed by the Association of Boxing Commissions and Combative Sports designated official record keeper, if not previously paid by the promoter; and~~

~~(c) 3% of the first \$500,000 and 1% of each of the next \$1,000,000 increments, of the total gross receipts from the sale, lease, or other exploitation of internet, broadcasting, television, and motion picture rights for any contest or exhibition thereof, without any deductions for Commissions, brokerage fees, distribution fees, advertising, contestants' purses or any other expenses or charges, except in no case shall the fee be more than \$50,000.~~

~~[- (e) The applicable fees assessed by the Association of Boxing Commission designated official record keeper, if not previously paid by the promoter.~~

~~(d) The Commission may exempt from the payment of all or part of the assessed fees under this section for a special contest or exhibition based on factors which include:~~

~~(i) a showcase event promoting a greater interest in contests in the state;~~

~~(ii) attraction of the optimum number of spectators;~~

~~(iii) costs of promoting and producing the contest or exhibition;~~

~~(iv) ticket pricing;~~

~~(v) committed promotions and advertising of the contest or exhibition;~~

~~(vi) rankings and quality of the contestants;~~

~~(vii) committed television and other media coverage of the contest or exhibition; and~~

~~(viii) contribution to a 501(c)(3) charitable organization.]~~

~~(13) The Commission may:~~

~~(a) exempt from the payment any of the assessed fees under this section for a special contest or exhibition based on factors which include:~~

~~(i) a showcase event promoting a greater interest in contests in the state;~~

~~(ii) attraction of the optimum number of spectators;~~

~~(iii) costs of promoting and producing the contest or exhibition;~~

~~(iv) ticket pricing;~~

~~(v) committed promotions and advertising of the contest or exhibition;~~

~~(vi) rankings and quality of the contestants;~~

~~(vii) committed television and other media coverage of the contest or exhibition; and~~

~~(viii) contribution to a 501(c)(3) charitable organization; and~~

~~(b) require the promoter to provide a surety deposit to the Commission to fulfill the requirements of subsection(a).~~

~~(14) The promoter shall pay the Commission within 45 days of the event.~~

~~(15) The promoter shall notify and provide the Commission with certified copies of any contracts, agreements or transfers of any internet, broadcasting, television, and motion picture rights for any contest or exhibition within seven days of any such agreements.~~

R457-1-502. Ringside Requirements and Equipment.

(1) Each promoter shall provide all the following:

(a) Commission-approved gloves in whole, clean and in sanitary condition for each contestant;

(b) stools for use by the seconds;

(c) rubber gloves for use by the referees, seconds, ringside physicians, and Commission representatives;

(d) a stretcher, which shall be available near the ring and near the ringside physician;

(e) a portable resuscitator with oxygen;

(f) seats at ringside for the assigned officials;

(g) seats at ringside for the designated Commission member;

(h) ring, cage, cleaning supplies, including bucket, towels, and disinfectant;

(i) a public address system;

(j) a separate dressing room for each sex~~[-]~~ if contestants of both sexes are participating;

(k) a separate room for physical examinations;

~~(l) [a separate dressing room shall be provided for officials,]~~ the promoter shall provide a separate dressing room for event officials unless the physical arrangements of the contest site make an additional dressing room impossible;

~~(~~n~~m) adequate security personnel who are either licensed as a security guard by the Division of Professional Licensing, or who are off duty police officers; and~~

~~(~~e~~n) sufficient bout sheets for ring officials and the designated Commission member.~~

(2) An ambulance with attendants will ~~[be on site at all times]~~ always be on site when contestants are competing. The promoter shall make arrangements [Arrangements shall be made-] for a replacement ambulance if the first ambulance is required to transport a contestant for medical treatment. The promoter shall communicate the location of the ambulance and the arrangements for the substitute ambulance service [shall be communicated-] to the physician.

(3) A promoter shall only hold contests in facilities that conform to the laws, ordinances, and regulations regulating the county, city, town, or village where the bouts are situated.

(4) ~~A promoter or contestant shall not utilize [~~R~~]restrooms [shall not be used-] as dressing rooms, for physical examinations or weigh-ins.~~

R457-1-503. Contracts.

(1) Pursuant to Section 9-23-312, the promoter shall file a copy of the contract between a promoter and a contestant [shall be filed-] with the Commission before a contest begins. The contract

~~[that is filed with]~~received by the Commission shall embody all agreements between the parties.

(2) A contestant's manager may sign a contract on behalf of the contestant. If a contestant does not have a licensed manager, the contestant shall sign the contract.

(3) A contestant shall use the contestant's own legal name to sign a contract. However, a contestant ~~[who is]~~licensed under another name may sign the contract using the contestant's licensed name if the contestant's legal name appears in the body of the contract as the name under which the contestant is legally known.

(4) The contract between a promoter and a contestant shall be for the use of the contestant's skills in a contest, and ~~[shall]~~a promoter may not require the contestant to sell tickets ~~[to be paid]~~to pay for the contestant's services.

R457-1-504. Manager.

(1)(a) Managers, as designated by the contestant and applicant, ~~[shall be granted the ability to]~~may submit and request transfer of medical records between athletic Commissions for licensure within the Association of Boxing Commissions and Combative Sports~~[recognized Commissions]~~.

(b) This ability to submit and request transfer of medical records does not grant managers access to medical records with the Commission licensing system.

(2) To obtain a manager license, an applicant must:

(a) file an affidavit with the Commission to recognize the manager, signed by both parties; and

(b) submit the ~~[[E]]~~license application fee as set forth by the Commission Fee Schedule~~[- adopted on February 24, 2017]~~, incorporated by reference on August 18, 2023.

R457-1-505. Complimentary Tickets.

(1)(a) Limitation on issuance, calculation of price, and service charge for payment to contestant working on percentage basis.

~~[(a)]~~(b) A promoter may not issue complimentary tickets for more than 4% of the seats in the house without the Commission's written authorization. The Commission ~~[shall]~~may not consider complimentary tickets which it authorizes under this section to constitute part of the total gross receipts from admission fees for the purposes of calculating the license fee prescribed in Section 9-23-304.

~~[(b)]~~(c) If complimentary tickets are issued for more than 4% of the seats in the house, then for each contestant who [is working]works on a percentage basis~~[- shall be paid]~~, the promoter shall pay the contestant a percentage of the normal price of all complimentary tickets more than 4% of the seats in the house, unless the contract between the contestant and the promoter provides otherwise and stipulates the number of complimentary tickets ~~[which will be]~~issued. In addition, if a promoter or its agent charges a service fee ~~[is charged]~~for complimentary tickets, then the promoter may pay the contestant ~~[may be paid]~~a percentage of that service fee, less any deduction for federal taxes and fees.

~~[(e)]~~(d) Pursuant to Section 9-23-304 a promoter shall file, within 10 days after the contest, a report indicating how many complimentary tickets the promoter issued and the value of those tickets.

(2)(a) Complimentary ticket and tickets at reduced rate, persons entitled or allowed to receive such tickets, duties of promoter, disciplinary action, fees and taxes.

~~[(a)]~~(b) Each promoter shall provide tickets without charge to the following persons who ~~[shall]~~may not be liable for the payment of any fees for those tickets:

(i) the Commission members, Director and representatives;

(ii) principals and seconds who are engaged in a contest or exhibition which is part of the program of unarmed combat; and

(iii) holders of lifetime passes issued by the Commission, and any lifetime passes shall be subject to the following:

(A) ~~[shall be approved subject to the]~~approval based on the sole discretion of the Commission by majority vote;

(B) holder shall notify the Director of their intent to attend an event;

(C) promoter shall arrange seating;

(D) any Commission Member ~~[of]~~or ~~[Executive]~~Director may nominate an individual to receive a lifetime pass; and

(E) ~~[may be revoked]~~Revocation by a majority vote of the Commission.

~~[(b)]~~(c) Each promoter may provide tickets without charge or at a reduced rate to the following persons who shall be liable for payment of applicable fees on the reduced amount paid, unless the person is a journalist, police officer or firefighter as provided in this subsection:

(i) any of the promoter's employees, and if the promoter is a corporation, to a director or officer who is regularly employed or engaged in promoting programs of unarmed combat, regardless of whether the Director or officer's duties require admission to the particular program and regardless of whether the Director or officer is on duty at the time of that program;

(ii) employees of the Commission;

(iii) a journalist who is performing a journalist's duties; and

(iv) a firefighter or police officer that is performing the duties of a firefighter or police officer.

~~[(e)]~~(d) Each promoter shall perform the following duties in relation to the issuance of complimentary tickets or those issued at a reduced price:

(i) the promoter will issue ~~[each ticket issued to a journalist shall be]~~clearly marked "PRESS~~[-]~~" badges to the press. No more tickets may be issued to journalists than will permit comfortable seating in the press area;

(ii) seating at the press tables or in the press area must be ~~[limited to]~~journalists who are ~~[actually]~~covering the contest or exhibition and to other persons designated by the Commission;

(iii) the promoter shall submit a list of passes issued to journalists ~~[shall be submitted]~~to the Commission before the contest or exhibition;

(iv) the promoter may sell only one ticket ~~[may be sold]~~at a reduced price to any manager, second, contestant or other person licensed by the Commission;

(v) the Commission or Director may approve, in advance, any credential issued by the promoter which allows an admission to the program without a ticket~~[- shall be approved in advance by a member of the Commission or the Director]~~; and

(iv) the promoter shall request for the issuance of such credentials ~~[shall be made]~~at least 5 hours before the first contest or exhibition of the program.

~~[(d)]~~(e) Admission of any person who does not hold a ticket or who is non-exempt~~[not specifically exempted]~~ pursuant to this section is grounds for suspension or revocation of the promoter's license or for the assessment of a penalty.

([e]f) The Commission shall collect all fees and taxes due on any ticket that is not specifically exempt pursuant to this section, and for any person ~~[who is]~~ admitted without a ticket in violation of this section.

(3) Reservation of area for use by Commission. For every program of unarmed combat, the promoter of the program shall reserve seats at ringside for use by the designated Commission member and Commission representatives.

R457-1-506. Physical Examination - Physician.

(1) The ringside physician, designated by the Commission, shall exam each contestant [N]not less than one hour before a contest[~~, each contestant shall be given a medical examination by a physician who is appointed by the designated Commission member~~]. The examination shall include a detailed medical history and a physical examination of all the following:

- (a) eyes;
- (b) teeth;
- (c) jaw;
- (d) neck;
- (e) chest;
- (f) ears;
- (g) nose;
- (h) throat;
- (i) skin;
- (j) scalp;
- (k) head;
- (l) abdomen;
- (m) cardiopulmonary status;
- (n) neurological, musculature, and skeletal systems;
- (o) pelvis; and
- (p) the presence of controlled substances in the body.

(2) If after the examination the physician determines that a contestant is unfit for competition, the physician shall notify the Commission of this determination, and the Commission shall prohibit the contestant from competing.

(3) The physician shall provide a written certification of those contestants who are in good physical condition to compete.

(4) Before a bout, a female contestant ~~[shall]~~may provide the ringside physician with a signed pregnancy waiver. If not provided[the results of a pregnancy test performed on the contestant within the previous 14 days. If the results of the pregnancy test are positive, the physician shall notify the Commission, and] the Commission [shall]may prohibit the contestant from competing.

(5) ~~[A contestant who has had cardiac surgery shall not be issued a license unless the contestant is certified as fit to compete by a cardiovascular surgeon.]~~The Commission may not issue a license to a contestant who has had cardiac surgery, unless a cardiovascular surgeon has certified the contestant as fit to compete.

(6) A contest ~~[shall]~~may not begin until a physician and an attended ambulance are present. The physician ~~[shall]~~may not leave until the decision in the final contest has been announced and all injured contestants have been attended to.

(7) The contest ~~[shall]~~may not begin until the physician ~~[is seated at]~~ ringside. The physician shall remain at that location for the entire fight, unless it is necessary for the physician to attend to a contestant.

R457-1-507. Drug Testing.

~~[In accordance with Section 9-23-309, the following shall apply to drug testing:]~~

(1) The Commission prohibits administration of or use of any of the following, before or during a contest or exhibition to or by any unarmed combatant:

- (a) alcohol;
- (b) illicit drug;
- (c) stimulant; or

(d) drug or injection ~~[that has]~~not ~~[been]~~approved by the Commission, including the drugs or injections listed by The Association of Boxing Commission for Boxing and Mixed Martial Arts in any part of the body~~[~~, either before or during a contest or exhibition, to or by any unarmed combatant, is prohibited~~]~~.

(2) The Commission prohibits the following types of drugs, injections or stimulants [are prohibited]for any unarmed combatant[pursuant to Subsection R457-1-506(1)]:

~~[(a) Afrinol or any other product that is pharmaceutically similar to Afrinol.~~

~~[(b) Co Tylenol or any other product that is pharmaceutically similar to Co Tylenol.~~

~~[(c) A product containing an antihistamine and a decongestant.~~

~~[(d) A decongestant other than a decongestant listed in Subsection R457-1-506(4).~~

~~[(e) Any over the counter drug for colds, coughs or sinuses. This subsection includes Ephedrine, Phenylpropanolamine, and Mahuang and derivatives of Mahuang.]~~

~~[(f)a] [A]any drug or substance identified on the World Anti-Doping Code International Standard Prohibited List, effective January 1, 2023, published by the World Anti-Doping Agency, which is incorporated by reference[~~The Prohibited List may be obtained] and made available, free of charge, at www.wada-ama.org[~~]; and~~~~~~

~~[(g)b] World Anti-Doping Agency (WADA) thresholds[will be recognized as] set the standard level on prohibited substances unless otherwise prescribed by the Commission rules[~~]; and~~~~

(3) The Commission discourages the following types of drugs or injections [are not prohibited, but their use is discouraged by the Commission]for any unarmed combatant:

- (a) ~~[A]~~aspirin and products containing aspirin~~[~~]; and~~~~
- (b) ~~[N]~~nonsteroidal anti-inflammatories.

(4) The Commission allows the use of the following types of drugs or injections[~~are accepted by the Commission~~]:

(a) ~~[A]~~antacids, such as Maalox~~[~~];~~~~

(b) ~~[A]~~antibiotics, antifungals or antivirals that have been prescribed by a physician~~[~~];~~~~

(c) ~~[A]~~antidiarrheals, such as Imodium, Kaopectate or Pepto-Bismol~~[~~];~~~~

(d) ~~[A]~~antihistamines for colds or allergies, such as Bromphen, Brompheniramine, Chlorpheniramine Maleate, Chlor-Trimeton, Dimetane, Hismal, PBZ, Seldane, Tavist-1 or Teldrin~~[~~];~~~~

(e) ~~[A]~~antinauseants, such as Dramamine or Tigan~~[~~];~~~~

(f) ~~[A]~~antipyretics, such as Tylenol~~[~~];~~~~

(g) ~~[A]~~antitussives, such as Robitussin, if the antitussive does not contain codeine~~[~~];~~~~

(h) ~~[A]~~antiulcer products, such as Carafate, Pepcid, Reglan, Tagamet or Zantac~~[~~];~~~~

(i) ~~[A]~~asthma products in aerosol form, such as Brethine, Metaproterenol, Alupent, Salbutamol, Albuterol, Proventil or Ventolin~~[~~];~~~~

(j) ~~[A]~~asthma products in oral form, such as Aminophylline, Cromolyn, Nasalide or Vancril~~[~~];~~~~

(k) ~~[E]~~ear products, such as Auralgan, Cerumenex, Cortisporin, Debrox or Vosol~~[~~];~~~~

(l) ~~[H]~~hemorrhoid products, such as Anusol-HC, Preparation H or Nupercainal[-];

(m) ~~[L]~~axatives, such as Correctol, Doxidan, Dulcolax, Efferyllium, Ex-Lax, Metamucil, Modane or Milk of Magnesia[-];

(n) ~~[N]~~asal products, such as AYR Saline, HuMist Saline, Ocean or Salinex[-]; and

(o) ~~[F]~~the following decongestants:

(i) Afrin;

(ii) Oxymetazoline HCL Nasal Spray; or

(iii) ~~[A]~~any other decongestant that is pharmaceutically similar to the decongestants in this subsection.

(5) At the request of the Commission, the designated Commission member, or the ringside physician, a licensee shall submit to a test of body fluids to determine the presence of drugs or other prohibited substances. A licensee shall give an adequate sample, or ~~[it will be considered a denial]~~the Commission shall consider the sample inadequate and a denial by the licensee. The promoter shall ~~[be responsible]~~pay for any costs of testing.

(6) If the test results in a finding of the presence of a prohibited substance or metabolite or if the licensee is unable or unwilling to provide a sample of body fluids for such a test within 60 minutes of notification, the Commission may take one or more of the following actions:

(a) immediately suspend the licensee's license in accordance with Section R457-1-403;

(b) stop the contest in accordance with Section 9-23-309;

(c) initiate other appropriate licensure action in accordance with Section 9-23-303; or

(d) withhold the contestant's purse in accordance with Section 9-23-313.

(7) A contestant who is disciplined pursuant to this rule and who was the winner of a contest shall be disqualified and the decision of the contest shall be changed to "no contest" and shall be fined a minimum of their win bonus.

(8) Unless the Commission determines otherwise at a scheduled meeting, a licensee who tests positive for prohibited substances or their metabolites shall be penalized as follows:

(a) First offense - 180 day suspension[-];

(b) Second offense - 1 year suspension, and mandatory completion of a supervisory treatment program approved by the Commission that licensed the event[-];

(c) Third offense - 2 year suspension, and mandatory completion of a supervisory treatment program approved by the Commission that licensed the event[-]; and

(d) in the case of ~~[F]~~failure by the contestant to fully disclose all medications taken within 30 days of their pre-fight physical, before their bout, the Commission shall deem this as~~[be deemed]~~ unprofessional conduct and double the length of any applicable suspension, or any other combination of remedies as defined by the Commission based upon mitigating or aggravating circumstances.

(9) Medical Cannabis. ~~For a~~~~[A]~~ ~~[C]~~contestant who for the first-time tests positive for medical cannabis above the threshold level set by USADA/WADA (15ng/mL) the Commission shall ~~[be]~~ ~~[fine]~~~~[d]~~ up to~~[not more than]~~ \$100. The fine shall escalate to \$200 if in the future, a contestant again tests positive for cannabis above the threshold.

(10)(a) Therapeutic Use Exemptions (TUEs).[

~~(a)]~~ An applicant or licensee who believes the applicant or licensee has a therapeutic reason to use a substance described in Subsection R457-1-506(2) may apply in advance using a form

approved by the Director, for a TUE to permit continued use of that substance.

~~(b)~~ The Director may approve an application for a TUE for medical cannabis prescribed by a registered qualified medical provider~~[who is registered]~~ in accordance with the Utah Medical Cannabis Act, or if a contestant is a resident of another state, then medical cannabis prescribed as allowed by the statute of another state. ~~[For]~~After an application, the Commission may grant ~~[all]~~ ~~[other substances, [an application may only be granted by the Commission itself]]~~after a public hearing.

~~(c)~~ The applicant or licensee shall submit the request in writing to the Commission.

~~(d)~~ Supporting medical information shall accompany the ~~[The]~~request ~~[shall be accompanied by supporting medical information]~~sufficient to allow the Commission to determine whether to grant their request.

~~(e)~~ In reaching its decision, the Commission will, at a minimum, determine whether the licensee satisfied all of the following criteria~~[have been met]~~:

(i) ~~[F]~~the applicant or licensee would experience a significant impairment to health if the prohibited substance were to be withheld in the course of treating an acute or chronic medical condition;

(ii) ~~[F]~~the therapeutic use of the prohibited substance would produce no additional enhancement of performance other than that ~~[which might be]~~anticipated by a return to a state of normal health following the treatment of a legitimate medical condition;

(iii) ~~[F]~~the ~~[U]~~use of any Prohibited Substance or Prohibited Method to increase "low-normal" levels of any endogenous hormone is not ~~[considered]~~an acceptable Therapeutic intervention;

~~[—(iv) Either reasonable therapeutic alternatives to the use of the otherwise prohibited substance have been tried or no reasonable alternative exists; and]~~

(iv) the applicant or licensee has attempted to use reasonable therapeutic alternatives to the prohibited substance or no reasonable alternative exists; and

(v) ~~[F]~~the necessity for the use of the otherwise prohibited substance is not a result, wholly or in part, of a prior non-therapeutic use of any substance described in Subsection R457-1-506(2).

~~(b)~~f The Commission may, in its sole discretion, either grant or deny the request or refer the request to the Voluntary Anti-Doping Association (VADA) or similar evaluating body for a recommendation. The evaluating body shall obtain such evaluation and expert consultation as the body deems necessary. The evaluating body shall present the Commission with a written recommendation and a detailed basis for that recommendation.

~~(e)~~g The applicant shall be responsible to pay any costs associated with the TUE evaluation and all subsequent mandated compliance testing.

~~(d)~~h The Commission shall cancel the TUE~~[shall be canceled]~~, if:

(i) ~~[F]~~the contestant does not promptly comply with any requirements or conditions imposed by the Commission[-];

(ii) ~~[F]~~the TUE's term ~~[for which the TUE was granted]~~has expired[-]; or

(iii) ~~[F]~~the ~~[contestant is advised that the TUE has been withdrawn by the]~~Commission withdraws the TUE and notifies the contestant.

(11) Failure to disclose the use of a substance described in Subsection R457-1-506(2) constitutes unprofessional conduct and subject to additional disciplinary action under Section 9-23-303.

R457-1-508. HIV Testing.

~~[In accordance with Subsection 9-23-309(1)(a), contestants shall produce evidence of a clear test for HIV as a condition to participation in a contest as follows:]~~

(1) All contestants shall provide evidence in the form of a competent laboratory examination certificate verifying that the contestant is HIV negative at the time of the weigh-in.

(2) The Commission shall only recognize as valid an examination certificate for a~~[shall certify that the]~~ HIV test ~~[was]~~ completed within 180 days before the contest.

(3) Any contestant ~~[whose HIV test is positive shall be prohibited from participating]~~ with a positive HIV test shall not participate in a contest.

R457-1-509. Hepatitis B Surface Antigen (HBsAg) and Hepatitis C Virus (HCV) Antibody Testing.

~~[In accordance with Subsection 9-23-309(1)(e)]~~Contestants shall produce evidence of a negative test for HBsAg and HCV antibody as a condition to participation in a contest as follows:

(1) ~~[All contestants shall provide evidence in the form of a]~~A competent laboratory examination certificate, completed at most one year before the contest, verifying that the contestant is negative at the time of the weigh-in.

(2) ~~[The examination certificate shall certify that the HBsAg and HCV antibody testing was completed within one year before the contest.]~~The Commission may reduce the one year expiration time period for testing~~[may be reduced by the Commission]~~ to protect public safety in the event of an outbreak.

(3) Any contestant whose HBV or HCV result is positive shall ~~[be prohibited from participating]~~not participate in a contest.

(4) In lieu of a negative HBsAg test result, a contestant may present laboratory testing evidence of immunity against Hepatitis B virus based on a positive Hepatitis B surface antibody (anti-HBs) test result or of having received the complete Hepatitis B vaccine series as recommended by the Advisory Committee on Immunization Practices.

R457-1-510. Contestant Use or Administration of Any Substance.

(1) The Commission only allows use or administration of drugs, stimulants, or non-prescription preparations by or to a contestant during a contest ~~[is prohibited, except]~~ as provided by this rule.

(2) ~~[The giving of substances other than water to a contestant during the contest is prohibited.]~~A contestant may consume only water during a contest.

(3) ~~[The discretionary use of]~~A contestant may use petroleum jelly~~[may be allowed]~~, as determined by the referee.

(4) ~~[The discretionary use of]~~A contestant may use coagulants, adrenaline 1/1000, avetine, and thrombin, as approved by the Commission, ~~[may be allowed]~~between rounds to stop the bleeding of minor cuts and lacerations sustained by a contestant~~[, except as follows:]~~

(i) ~~[The use of]~~contestants may not use Monsel's solution, silver nitrate, flex collodion also known as new skin, or substances having an iron base~~[is prohibited]; and~~

(ii) ~~[F]~~the use of any ~~[such]~~substance described in subsection (i)~~[by a contestant]~~ is cause for immediate disqualification.

(5) The ringside physician shall monitor the use and application of any foreign substances administered to a contestant

before or during a contest and shall confiscate any suspicious foreign substance for ~~[possible]~~ laboratory analysis, and the physician or laboratory shall forward the results ~~[of which shall be forwarded]~~ to the Commission.

R457-1-511. Weighing-In.

(1) Unless otherwise approved by the Commission for a specific contest, the weigh-in shall occur not less than six nor more than 36 hours before the start of a contest. The designated Commission member or authorized Commission representative shall weigh-in each contestant in the presence of other contestants.

(2) The Commission may grant licenses when the contestants ~~[Contestants shall be licensed when they]~~ are weighed in.

(3) Only contestants ~~[who have been]~~ previously approved by the Commission for the contest ~~[shall be permitted to weigh in]~~may weigh-in.

(4) Each contestant must weigh-in, in the presence of the contestant's opponent, a representative of the Commission and an official representing the promoter, on scales approved by the Commission at any place designed by the Commission.

(5) The contestant must have all weights stripped from the contestant's body before the contestant is weighed~~[,]~~ but may wear shorts. The Commission may permit a c~~[C]~~ contestant~~[s are permitted]~~ to wear a singlet or sports bra for modesty.

(6) The Commission may require a contestant~~[s]~~ to ~~[be weighted]~~weigh in more than once for any cause deemed sufficient by the Commission.

(7) A contestant who fails to make the weight agreed upon in the contestant's bout agreement forfeits:

(a) 25% of the contestant's purse if no lesser amount is set by the Commission's representative; or

(b) a lesser amount set by the ~~[secretary]~~Director and approved by the Commission, unless the weight difference is 1 pound or less.

R457-1-512. Event Officials.

(1) Selection and approval of event officials for a contest, bout, program, match, or exhibition shall occur as outlined in this rule.

~~[(a)]~~(2) The event officials are the referees, judges, timekeeper and physicians.

~~[(b)]~~(3) Any event official participating in a contest, bout, match, or exhibition must obtain the approval of the Commission.

~~[(c)]~~(4) The Commission shall decide the number of officials assigned to the event based on the number of rounds, bouts, or championship bouts.

~~[(d)]~~(5) The number of event officials required or the substitution of officials for any reason or at any time during the event shall be solely within the power and discretion of the Commission.

~~[(2)]~~(6)(a) Event officials ~~[are prohibited from being]~~may not be under the influence of alcohol ~~[and]~~ or illicit drugs.

~~[(a)]~~b(i) At the request of the Commission, an event official shall submit to a test of body fluids to determine the presence of prohibited drugs or alcohol.

(ii) The event official shall give an adequate sample or it will be considered a denial, and the event official may not participate~~[prohibited from participating]~~ in future events.

(iii) The promoter shall ~~[be responsible]~~pay for any costs of testing.

~~[(b)]~~c) Unless the Commission determines otherwise at a scheduled meeting, the Commission shall penalize an event official

who tests positive for alcohol or illegal drugs ~~[shall be penalized]~~ as follows:

(i) First offense - 180 day prohibition from participating in unarmed combat events~~[-];~~

(ii) Second offense - 1 year prohibition from participating in unarmed combat events~~[-]; and~~

(iii) Third offense - 2 year prohibition from participating in unarmed combat events.

~~[(3)](7)~~ Event officials shall station themselves [be stationed] at places designated by the Commissioner in Charge or Director.

~~[(4)](8)~~ Referees, judges, timekeepers, and physicians shall be independent contractors of the Commission.

~~[(5)](9)~~ The licensed promoter for the event shall pay the ~~[J]judges, [R]referees and [T]timekeepers officiating at any event, bout, program, match, or exhibition [shall be]are [paid by the licensed promoter for the event]~~ in accordance with the Fee Schedule approved by the Commission.

~~[(6)](10)~~ The promoter shall pay to the Commission the total fees set by the Commission for all officials whom the Commission approves to officiate in a contest or exhibition.

~~[(7)](11)~~ Event Officials' Minimum Fee Schedule: Refer to Fee Schedule approved by the Commission on ~~[2-24-2017.]~~August 18, 2023. Event Officials' Compensation amount per event, day or night shall be:

(a) Referees \$325;

(b) Judges \$225; and

(c) Timekeepers \$125.

~~[(8)](12)~~ If any licensee of the Commission protests the assignment of a referee or judge, the Commission will review the matter ~~[will be reviewed]~~ by two Commissioners, or a Commissioner and the Commission Director or Chief Inspector, to make such disposition of the protest as the facts may justify. ~~[Protests not made in a timely manner may be denied]~~The Commission may deny untimely protests.

R457-1-513. Announcer.

(1) The promoter ~~[will]~~shall select the event announcer.

(2) At the beginning of a contest, the announcer shall announce that the contest is under the auspices of the Commission.

(3) The announcer shall announce the names of the referee, judges, and timekeeper when the competitions are about to begin, and any changes made in officials as the contest progresses.

(4) The announcer shall announce the names of all contestants, their weight, professional record, their city and state of residence, and country of origin if not a citizen.

~~[(5)](3)~~ An announcer ~~[shall]~~may not engage in unprofessional conduct.

~~[(6)](4)~~(a) The announcer ~~[is prohibited from being]~~may not be under the influence of alcohol or illicit drugs.

~~[(a)](b)~~(i) At the request of the Commission, an announcer shall submit to a test of body fluids to determine the presence of drugs or alcohol.

(ii) The event official shall give an adequate sample or it will be considered a denial and the official shall be prohibited from participating in future events.

(iii) The promoter shall ~~[be responsible]~~pay for any costs of testing.

~~[(b)](c)~~ Unless the Commission determines otherwise at a scheduled meeting, an announcer who tests positive for alcohol or illegal drugs shall be penalized as follows:

(i) First offense - 180~~-~~day prohibition from participating in unarmed combat events.

(ii) Second offense - 1~~-~~year prohibition from participating in unarmed combat events.

(iii) Third offense - 2~~-~~year prohibition from participating in unarmed combat events.

R457-1-514. Timekeeper.

(1) A timekeeper shall ~~[indicate]~~announce the beginning and end of each round by striking the gong.

(2) A timekeeper shall have an alerting device and a stopwatch.

(3) Ten seconds before the beginning of each round, the timekeeper shall warn the contestants of the time by sounding the alert device.

(4) If a contest terminates before the scheduled limit of rounds, the timekeeper shall inform the announcer of the exact duration of the contest.

(5) The timekeeper shall keep track of and record the exact amount of time that any contestant remains on the canvas.

R457-1-515. Stopping a Contest.

~~[In accordance with Sections 9-23-318 and 9-23-303, authority for stopping a contest is defined, clarified or established as follows.]~~

(1) The referee may stop a contest to ensure the integrity of a contest or to protect the health, safety, or welfare of a contestant or the public for any one or more of the following reasons:

(a) injuries, cuts, or other physical or mental conditions that would endanger the health, safety, or welfare of a contestant if the contestant were to continue with the competition;

(b) one-sided nature of the contest;

(c) refusal or inability of a contestant to reasonably compete; and

(d) refusal or inability of a contestant to comply with the rules of the contest.

(2) If a referee stops a contest, the referee shall disqualify the contestant, where appropriate, and recommend to the designated Commission member ~~[that]~~to withhold the purse of that professional contestant ~~[be withheld]~~ pending an impoundment decision in accordance with Section 9-23-313.

(3) The designated Commission member may stop a contest at any stage in the contest to decide to withhold the purse when there is a significant question with respect to the contest, the contestant, or any other licensee associated with the contest, ~~[and determine whether the purse should be withheld]~~ pursuant to Section 9-23-313.

R457-1-516. Ringside Physician.

(1) "Ringside Physician" as used in this section, means a physician ~~[who is]~~ approved by the Commission to attend boxing and martial arts contests as required by Section R457-1-506.

(2) Ringside physicians shall meet all the following criteria:

(a) ~~[(H)]~~ have a current and unrestricted license issued by the Utah Division of Professional Licensing~~[-];~~

~~[(+)](b)~~ ~~[Shall]~~ complete a license application; and

~~[(+)](c)~~ ~~[S]~~ submit the fee set forth in the License Fee Schedule, annually.

~~[(b)](3)~~ Ringside Physicians ~~[who have]~~ not previously ~~[been]~~ approved as a ringside physician~~[s]~~ shall:

~~(i)a~~ ~~[shall]~~ hold staff privileges in medicine, surgery, or emergency medicine in a general acute care facility accredited by the Joint Commission on Accreditation of Health Organizations;

~~(ii)b~~ ~~[A]~~ attend a ringside physician training clinic before a licensure; and

~~(iii)c~~ act under the supervision of another ringside physician for two contests ~~[Be precepted by two contests by a ringside physician. The]~~.

~~(4)~~ Notwithstanding Subsection (3)(c) a supervised physician ~~[preceptee]~~ may act as the second physician in attendance at a contest.

R457-1-517. Competing in an Unsanctioned Unarmed Combat Event.

(1) The Commission shall deny issuing a license to a contestant who has competed in an unarmed combat event not sanctioned by an Association of Boxing Commission (ABC) member Commission for a period of 60 days from the date of the event.

(2) Unarmed combat contestants ~~[-who are]~~, currently licensed by the Commission ~~[-shall not be approved to]~~ cannot compete in an unarmed combat event until 60 days from the date of their last competition in an unarmed combat event not sanctioned by an ABC member Commission.

(3) After competing in an unsanctioned unarmed combat event, a contestant must submit new blood tests results drawn within 30 days of their scheduled event.

R457-1-601. Boxing - Contest Weights and Classes.

The Commission adopts the Boxing Contest Weights and Classes as established by the Association of Boxing Commission and Combative Sports.

~~[-~~ (1) Boxing weights and classes are established as follows:

~~(a) Strawweight: up to 105 lb. (47.627 kgs.);~~

~~(b) Light Flyweight: over 105 to 108 lb. (47.627 to 48.988 kgs.);~~

~~(c) Flyweight: over 108 to 112 lb. (48.988 to 50.802 kgs.);~~

~~(d) Super Flyweight: over 112 to 115 lb. (50.802 to 52.163 kgs.);~~

~~(e) Bantamweight: over 115 to 118 lb. (52.163 to 53.524 kgs.);~~

~~(f) Super Bantamweight: over 118 to 122 lb. (53.524 to 55.338 kgs.);~~

~~(g) Featherweight: over 122 to 126 lb. (55.338 to 57.153 kgs.);~~

~~(h) Super Featherweight: over 126 to 130 lb. (57.153 to 58.967 kgs.);~~

~~(i) Lightweight: over 130 to 135 lb. (58.967 to 61.235 kgs.);~~

~~(j) Super Lightweight: over 135 to 140 lb. (61.235 to 63.503 kgs.);~~

~~(k) Welterweight: over 140 to 147 lb. (63.503 to 66.678 kgs.);~~

~~(l) Super Welterweight: over 147 to 154 lb. (66.678 to 69.853 kgs.);~~

~~(m) Middleweight: over 154 to 160 lb. (69.853 to 72.574 kgs.);~~

~~(n) Super Middleweight: over 160 to 168 lb. (72.574 to 76.204 kgs.);~~

~~(o) Light heavyweight: over 168 to 175 lb. (76.204 to 79.378 kgs.);~~

~~(p) Cruiserweight: over 175 to 200 lb. (79.378 to 90.80 kgs.); and~~

~~(q) Heavyweight: all over 200 lb. (90.80 kgs.);~~

~~(2) A contestant shall not fight another contestant who is outside of the contestant's weight classification unless prior approval is given by the Commission.~~

~~(3) A contestant who has contracted to box in a given weight class shall not be permitted to compete if the contestant exceeds that weight class at the weigh in, unless the contract provides for the opposing contestant to agree to the weight differential. If the weigh in is held the day before the contest and if the opposing contestant does not agree or the contract does not provide for a weight exception, the contestant may have two hours to try to lose not more than three pounds to be reweighed.~~

~~(4) The Commission will not allow a contest in which the contestants are not fairly matched. In determining if contestants are fairly matched, the Commission shall consider all the following factors with respect to the contestant:~~

~~(a) the win-loss record of the contestants;~~

~~(b) the weight differential;~~

~~(c) the caliber of opponents;~~

~~(d) each contestant's number of fights; and~~

~~(e) previous suspensions or disciplinary actions.~~

R457-1-602. Boxing - Number of Rounds in a Bout.

~~(1) A contest bout shall consist of not less than four and not more than 12 scheduled rounds.~~

~~(a) Three minutes of boxing shall constitute a round for men's boxing;~~

~~(b) Two minutes shall constitute a round for women's boxing;~~

~~(c) There shall be a rest period of one minute between the rounds.~~

~~(2) A promoter shall contract with enough contestants to provide a program consisting of at least 30 and not more than 56 scheduled rounds of boxing, unless otherwise approved by the Commission.~~

R457-1-603. Boxing - Ring Dimensions and Construction.

~~(1) The ring shall be square, and the sides shall not be less than 16 feet nor more than 22 feet.~~

~~(2) The ring floor shall:~~

~~(a) extend not less than 18 inches beyond the ropes; and~~

~~(b)(i) be padded with a base not less than 5/8 of an inch of ensolite or another similar closed-cell foam; and~~

~~(ii) the padding shall extend beyond the ring ropes and over the edge of the platform, and shall be covered with canvas, duck, or a similar material that is tightly stretched and laced securely in place; and~~

~~(c) not be more than four feet above the floor of the building;~~

~~(d) have two sets of suitable stairs for the use of contestants, with an extra set of suitable stairs to be used for any other activities that may occur between rounds; and~~

~~(e) not have less than four ring ropes which can be tightened, and which are not less than one inch in diameter; and~~

~~(i) ring posts shall be made of metal and shall be not less than three nor more than four inches in diameter, extending a minimum of 58 inches above the ring floor and be at least 18 inches away from the ropes;~~

~~(ii) ring posts shall be wrapped in a soft material;~~

~~(iii) the turnbuckles shall be covered with protective padding;~~

- ~~_____ (iv) ring posts shall have two spacer ties on each side of the ring to secure the ring ropes; and~~
- ~~_____ (v) the lower ring rope shall be 18 inches above the ring floor; and~~
- ~~_____ (f) have corner pads in each corner.~~

R457-1-604. Boxing - Gloves.

- ~~_____ (1) A contestant's gloves shall be examined before a contest by the referee and the designated Commission member. If gloves are found to be broken or unclean or if the padding is found to be misplaced or lumpy, they shall be changed before the contest begins.~~
- ~~_____ (2) A promoter shall be required to have on hand an extra set of gloves that are to be used if a contestant's gloves are broken or damaged during a contest.~~
- ~~_____ (3) Gloves for a main event may be put on in the ring after the referee has inspected the bandaged hands of both contestants.~~
- ~~_____ (4) The laces shall be tied on the outside of the back of the wrist of the gloves and shall be secured. The tips of the laces shall be removed.~~

R457-1-605. Boxing - Bandage Specification.

- ~~_____ (1) Except as agreed to by the managers of the contestants opposing each other in a contest, a contestant's bandage for each hand shall consist of soft gauze not more than 20 yards long and not more than two inches wide. The gauze shall be held in place by not more than eight feet of adhesive tape not more than one and one-half inches wide. The adhesive tape must be white or a light color.~~
- ~~_____ (2) Bandages shall be adjusted in the dressing room under the supervision of the designated Commission member.~~
- ~~_____ (3) The use of water or any other substance other than medical tape on the bandages is prohibited.~~
- ~~_____ (4) The bandages and adhesive tape may not extend to the knuckles, and must remain at least three-fourths of an inch away from the knuckles when the hand is clenched to make a fist.~~

R457-1-606. Boxing - Mouthpieces.

~~_____ A round shall not begin until the contestant's form-fitted protective mouthpiece is in place. If, during a round, the mouthpiece falls out of the contestant's mouth, the referee shall, as soon as practicable, stop the bout and escort the contestant to that contestant's corner. The mouthpiece shall be rinsed out and replaced in the contestant's mouth and the contest shall continue. If the referee determines that the contestant intentionally spit the mouthpiece out, the referee may direct the judges to deduct points from the contestant's score for the round.]~~

R457-1-602[7]. Boxing - Contest Officials.

- (1) The officials for each boxing contest shall consist of not less than the following:
 - (a) one referee;
 - (b) three judges;
 - (c) one timekeeper; and
 - (d) one physician licensed in good standing in Utah.
- (2) A licensed referee, judge, or timekeeper ~~[shall]~~may not officiate at a contest ~~[that is not]~~unless conducted under the authority or supervision of the designated Commission member.
- (3) A referee or judge ~~[shall]~~may not participate or accept an assignment to officiate when that assignment may tend to impair the referee's or judge's independence of judgment or action in the performance of the referee's or judge's duties.

(4) A judge ~~[shall be seated]~~shall sit midway between the ring posts of the ring, but not on the same side as another judge, and shall have an unimpaired view of the ring.

(5) A referee ~~[shall]~~may not be assigned to officiate more than 32 scheduled rounds in one day, except when substituting for another referee who is incapacitated.

(6) A referee ~~[shall]~~may not wear jewelry that might cause injury to the contestants. Glasses, if worn, shall be protective athletic glasses or goggles with plastic lenses and a secure elastic band around the back of the head.

(7) Referees, seconds working in the corners, the designated Commission member, and physicians may wear rubber gloves in the performance of their duties.

(8) No official shall be under the influence of alcohol or controlled substances while performing the official's duties.

R457-1-603[8]. Boxing - Contact During Contests.

(1) Beginning one minute before the first round begins, only the referee, contestants, and the chief second may be in the ring. The referee shall clear the ring of all other individuals.

(2) Once a contest has begun, only the referee, contestants, seconds, judges, Commission representatives, physician, the announcer and the announcer's assistants shall be allowed in the ring.

(3) At any time before, during or after a contest, the referee may order unauthorized individuals to clear ~~[that-]~~the ring and technical area~~[be cleared of any individual not authorized to be present in those areas]~~.

(4) The referee, on the referee's own initiative, or at the request of the designated Commission member, may stop a bout at any time if individuals refuse to clear the ring and technical area, dispute a decision by an official, or seek to encourage spectators to object to a decision either verbally, physically, or by engaging in disruptive conduct.

(a) If the individual involved in disruptive conduct or encouraging disruptive conduct is the manager or second of a contestant, the referee may disqualify the contestant or order the deduction of points from that contestant's score.

(b) If the conduct occurred after the decision announcement~~[was announced]~~, the Commission may change the decision, declare no contest, or pursue disciplinary action against any licensed individual involved in the disruptive conduct.

R457-1-604[9]. Boxing - Referees.

(1) The chief official of a boxing contest shall be the referee.

(2) The referee shall:

- (a) decide all questions arising in the ring during a contest that are not ~~[specifically]~~addressed in this rule;

- (b) before each contest begins, determine the name and location of the physician assigned to officiate at the contest and each contestant's chief second;

- (c) summon the contestants and their chief seconds together for final instructions;

- (d) make sure that the contestants understand the final instructions through an interpreter and shall use suitable gestures and signs during the contest, when necessary; and

- (e) inspect a contestant's body ~~[to determine whether]~~for application of a foreign substance~~[has been applied]~~.

(3) After receiving the final instructions under Subsection (2), the contestants shall shake hands and retire to their respective corners.

(4) No individual other than the contestants, the referee, and the physician when summoned by the referee, may enter the ring or the apron of the ring during the progress of a round.

(5) If a contestant's manager or second steps into the ring or onto the apron of the ring during a round, the fight shall be halted and the referee may eject the manager or second from the ringside working area. If the manager or second steps into the ring or onto the apron a second time during the contest, the fight may be stopped and the decision may be awarded to the contestant's opponent due to disqualification.

~~R457-1-610. Boxing - Stalling or Faking.~~

~~(1) A referee shall warn a contestant if the referee believes the contestant is stalling or faking. If after proper warning, the referee determines the contestant is continuing to stall or pull the contestant's punches, the referee shall stop the bout at the end of the round.~~

~~(2) A referee may consult the judges as to whether or not the contestant is stalling or faking and shall abide by a majority decision of the judges.~~

~~(3) If the referee determines that either or both contestants are stalling or faking, or if a contestant refuses to fight, the referee shall end the contest and announce a no contest.~~

~~(4) A contestant who, in the opinion of the referee, intentionally falls down without being struck shall be immediately examined by a physician. After conferring with the physician, the referee may disqualify the contestant.~~

R457-1-605[44]. Boxing - Injuries and Cuts.

(1) When a fair blow causes an injury or cut ~~[is produced by a fair blow]~~, and because of the severity of the blow the contest cannot continue, then the injured contestant shall be declared the loser by technical knockout.

(2) If a contestant intentionally fouls the opponent and produces an injury or cut ~~[is produced]~~, and due to the severity of the injury the injured contestant cannot continue, then the contestant who commits the foul shall be declared the loser by disqualification.

(3) If a contestant receives an intentional butt or foul and the contest can continue, the referee shall penalize the contestant who commits the foul by deducting two points. The referee shall notify the judges that the injury or cut has been produced by an intentional unfair blow so that if in the subsequent rounds the same injury or cut becomes so severe that the contest has to be suspended, the decision will be awarded as follows:

(a) a technical draw if the injured contestant is behind on points or even on a majority of scorecards; and

(b) a technical decision to the injured contestant if the injured contestant is ahead on points on a majority of the scorecards.

(4) If a contestant injures ~~[the contestant's own self]~~ himself or herself while trying to foul the opponent, the referee [shall] may not take any action in the contestant's favor, and the referee shall consider the injury the ~~[shall be considered as]~~ product~~[ed]~~ [by] of a fair blow from the opponent.

(5)(a) In the event of an accidental foul, [If a contestant is fouled accidentally] the referee shall stop the action to inform the judges and acknowledge the accidental foul during a contest and then can continue the contest ~~[the referee shall stop the action to inform the judges and acknowledge the accidental foul].~~

(b) If in subsequent rounds, as a result of legal blows, the accidental foul injury worsens and the contestant cannot continue, the referee shall stop the contest and declare a technical decision with the

winner being the contestant who is ahead on points on a majority of the scorecards.

(c) The judges shall score partial rounds.

(6) If a contestant ~~[is accidentally fouled]~~ receives an unintentional foul in a contest and due to the severity of the injury the contestant cannot continue, the referee shall rule as follows:

(a) if the injury occurs before the completion of four rounds, declare the contest a technical draw; or

(b) if the injury occurs after the completion of four rounds, declare that the winner is the contestant who has a lead in points on a majority of the scorecards before the round of injury.

(7) If in the opinion of the referee, a contestant has suffered a dangerous cut or injury, or other physical or mental condition, the referee may stop the bout temporarily to summon the physician. If the physician recommends that the contest should not continue, the referee shall ~~[order]~~ terminate the contest ~~[to be terminated]~~.

(8) A low blow does not terminate a fight ~~[fight shall not be terminated because of a low blow]~~. The referee may give a contestant not more than five minutes if the referee believes a foul has been committed. ~~[Each]~~ The referee will instruct each contestant ~~[shall be instructed]~~ to return to the contestant's respective corner ~~[by the referee]~~. The contestants may sit in their respective corners with their mouthpiece removed. After removing their contestant's mouthpiece, the seconds must return to their seats. The seconds may not coach, administer water, or in any other way attend to their contestant, except to replace the mouthpiece when the round is ready to resume.

(9) A physician shall immediately examine and administer aid to a contestant who is knocked out or injured.

(10) When a contestant is knocked out or made incapacitated, the referee or second ~~[shall]~~ may not handle the contestant, except for the removal of a mouthpiece, unless directed by the physician to do so.

(11) A contestant ~~[shall]~~ may not refuse ~~[to be examined]~~ an examination by ~~[a]~~ the ringside physician.

(12) A contestant ~~[who has been knocked out shall]~~ may not leave the site of the contest until one hour has elapsed from the time of the examination after a knock out or until released by the physician.

(13) A physician shall file a written report with the Commission on each contestant who has been knocked out or injured.

R457-1-606[42]. Boxing - Knockouts.

(1) A knocked down contestant ~~[who is knocked down]~~ shall take a minimum mandatory count of eight.

(2) In the event of a knockdown, the timekeeper shall immediately start the count loud enough ~~[to be heard by]~~ for the referee, who, after waving the opponent to the farthest neutral corner, shall pick up the count from the timekeeper and proceed from there. The referee shall stop the count if the opponent fails to remain in the corner ~~[The count shall be resumed]~~, which will resume when the opponent has returned to the corner.

(3) The timekeeper shall signal the count to the referee.

(4) If the contestant taking the count is still down when the referee calls the count of ten, the referee shall wave both arms to show that the contestant has been knocked out. The referee shall summon the physician and shall then raise the opponent's hand as the winner. The referee's count is the official count.

(5) If at the end of a round, a contestant is down and the referee is in the process of counting, the timekeeper [gong indicating the end of the round shall] may not ~~[be sounded]~~ sound the gong. ~~[The gong shall only be sounded]~~ timekeeper may only sound the gong

when the referee gives the command to box indicating the continuation of the bout.

(6) In the final round, the timekeeper's gong shall end the fight.

(7) The referee shall award a[A] technical knockout decision ~~[shall be awarded]~~ to the opponent if a contestant is unable or refuses to continue when the gong sounds to begin the next round. The referee shall award the decision ~~[shall be awarded]~~ in the round started by the gong.

(8) The referee and timekeeper shall resume their count at the point it was suspended if a contestant arises before the count of ten is reached and falls down again immediately without being struck.

(9) If both contestants go down at the same time, counting will be continued as long as one of them is still down or until the referee or the ringside physician determines that one or both of the contestants needs immediate medical attention. If both contestants remain down until the count of ten, the bout will be stopped and the decision will be scored as a double knockout.

R457-1-607[13]. Boxing - Procedure After Knockout or Contestant Sustaining Damaging Head Blows.

(1) A contestant who has lost by a technical knockout ~~[shall]~~ may not fight again for a period of 30 calendar days or until the contestant has submitted to a medical examination. The Commission may require such physical exams as necessary.

(2) A ringside physician shall examine a contestant who has been knocked out in a contest or a contestant whose fight has been stopped by the referee because the contestant received hard blows to the head that made the contestant defenseless or incapable of continuing immediately after the knockout or stoppage. The ringside physician may order post-fight neurological examinations, which may include computerized axial tomography (CAT) scans or magnetic resonance imaging (MRI) ~~[to be]~~ performed on the contestant immediately after the contestant leaves the location of the contest. ~~[Post]~~ The ringside physician shall forward all post-fight neurological examination results ~~[shall be forwarded]~~ to the Commission ~~[by the ringside physician]~~ as soon as possible.

(3) The ringside physician shall submit a[A] report that records the amount of punishment a fighter absorbed ~~[shall be submitted]~~ to the Commission ~~[by the ringside physician]~~ within 24 hours of the end of the fight.

(4) A ringside physician may require any contestant who has sustained a severe injury or knockout in a bout to ~~[be thoroughly examined]~~ have a thorough examination by a physician within 24 hours of the bout. The physician shall submit the physician's findings to the Commission. Upon the physician's recommendation, the Commission may prohibit the contestant from boxing until the contestant ~~[is fully recovered]~~ recovers and may extend any such suspension imposed.

(5) All medical reports that are submitted to the Commission relative to a physical examination or the condition of a contestant shall be confidential and shall be open for examination only by the Commission and the licensed contestant upon the contestant's request to examine the records or upon the order of a court of competent jurisdiction.

(6)(a) A contestant who has been knocked out or who received excessive hard blows to the head that made the contestant defenseless or incapable of continuing ~~[shall]~~ may not be permitted to take part in competitive or noncompetitive boxing for a period of not less than 60 days. Noncompetitive boxing shall include any contact training in the gymnasium.

~~([a])~~ ~~[It shall be the responsibility of]~~ The contestant's manager and seconds have the responsibility to assure that the contestant complies with ~~[this rule]~~ the rule in this subsection.

~~([b])~~ ~~(c)~~ Violation of this rule could result in the indefinite suspension of the contestant and the contestant's manager or second.

(7) A contestant may not resume boxing after any period of rest prescribed in Subsections R457-1-613(1) and (6), unless following a neurological examination, a physician certifies the contestant as fit to take part in competitive boxing. ~~[A contestant who fails to secure an examination before resuming boxing shall be automatically suspended until the results of the examination have been received by the Commission and the contestant is certified by a physician as fit to compete.]~~ Failure to secure and return to the Commission, a certified examination clearing the contestant as fit to compete, by a physician before resuming boxing, shall result in an automatic suspension.

(8) A contestant who has lost six consecutive fights ~~[shall be prohibited from boxing]~~ cannot compete again until the Commission has reviewed the results of the six fights or the contestant has submitted to a medical examination by a physician.

(9) A contestant who has suffered a detached retina shall result in an automatic suspension. ~~[be automatically suspended and]~~ The Commission ~~[shall]~~ may not ~~[be]~~ reinstate ~~[d]~~ the contestant until the contestant ~~[has submitted to]~~ submits a medical certified examination by an ophthalmologist clearing the contestant fit to compete. ~~[and the Commission has reviewed the results of the examination.]~~

(10) A contestant who is prohibited from boxing in other states or jurisdictions due to medical reasons shall be prohibited from boxing in accordance with this rule. The Commission shall consider the contestant's entire professional record regardless of the state or country in which the contestant's fights occurred.

(11) A contestant or the contestant's manager shall report any change in the contestant's medical condition ~~[which]~~ that may affect the contestant's ability to fight safely.

(12) The Commission may, at any time, require current medical information on any contestant.

R457-1-608[14]. Boxing - Waiting Periods.

The number of days that shall elapse before a contestant who has competed anywhere in a bout may participate in another bout shall be as follows:

TABLE 1	
Length of Bout (In scheduled rounds)	Required Interval (In days)
4	6
5-9	6
10-12	13

~~[R457-1-615. Boxing - Fouls.~~

~~A referee may disqualify or penalize a contestant by deducting one or more points from a round for the following fouls:~~

~~(1) holding an opponent or deliberately maintaining a clinch;~~

~~(2) hitting with the head, shoulder, elbow, wrist, inside or butt of the hand, or the knee;~~

~~(3) hitting or gouging with an open glove;~~

~~(4) wrestling, spinning or roughing at the ropes;~~

~~(5) causing an opponent to fall through the ropes by means other than a legal blow;~~

- ~~_____ (6) gripping at the ropes when avoiding or throwing punches;~~
- ~~_____ (7) intentionally striking at a part of the body that is over the kidneys;~~
- ~~_____ (8) using a rabbit punch or hitting an opponent at the base of the opponent's skull;~~
- ~~_____ (9) hitting on the break or after the gong has sounded;~~
- ~~_____ (10) hitting an opponent who is down or rising after being down;~~
- ~~_____ (11) hitting below the belt line;~~
- ~~_____ (12) holding an opponent with one hand and hitting with the other;~~
- ~~_____ (13) purposely going down without being hit or to avoid a blow;~~
- ~~_____ (14) using abusive language in the ring;~~
- ~~_____ (15) unsportsmanlike conduct by the contestant or a second whether before, during, or after a round;~~
- ~~_____ (16) intentionally spitting out a mouthpiece;~~
- ~~_____ (17) any backhand blow; or~~
- ~~_____ (18) biting.~~

R457-1-616. Boxing - Penalties for Fouling.

- ~~_____ (1) A referee who penalizes a contestant pursuant to this rule shall notify the judges when the infraction occurs to deduct one or more points from their scorecards.~~
- ~~_____ (2) A contestant committing a deliberate foul, in addition to the deduction of one or more points, may be subject to disciplinary action by the Commission.~~
- ~~_____ (3) A judge shall not deduct points unless instructed to do so by the referee.~~
- ~~_____ (4) The designated Commission member shall file a complaint with the Commission against a contestant disqualified on a foul.~~
- ~~_____ (5) The Commission shall withhold the purse until the complaint is resolved.]~~

R457-1-609[47]. Boxing - Contestant Outside the Ring Ropes.

- ~~(1) A contestant who has been knocked[~~ed~~] out, wrestled, pushed, or has fallen through the ropes during a contest ~~[shall]may~~ not be helped back into the ring, nor shall the contestant be hindered in any way by anyone when trying to reenter the ring.~~
- ~~(2) When one contestant has fallen through the ropes, the other contestant shall retire to the farthest neutral corner and stay there until ordered to continue the contest by the referee.~~
- ~~(3)(a) The referee shall determine if the contestant has fallen through the ropes as a result of a legal blow or otherwise.~~
- ~~(b) If the referee determines that the contestant fell through the ropes as a result of a legal blow the referee shall warn the contestant that the contestant must immediately return to the ring.~~
- ~~(4) If the contestant fails to immediately return to the ring following the warning by the referee, the referee shall begin the loud ten count ~~[that shall be loud enough to be heard by the contestant].~~~~
- ~~(5) The contest shall resume if ~~[If]~~ the contestant enters the ring before the count of ten~~[, the contest shall be resumed].~~~~
- ~~(6) The referee shall consider the contestant knocked out ~~[If]~~ if the contestant fails to enter the ring before the count of ten~~[, the contestant shall be considered knocked out].~~~~
- ~~(7) When a contestant has accidentally slipped or fallen through the ropes, the contestant shall have 20 seconds to return to the ring.~~

[R457-1-618. Boxing - Scoring.

- ~~_____ (1) Officials who score a boxing contest shall use the 10-point must system.~~
- ~~_____ (2) For this rule, the "10 point must system" means the winner of each round received 10 points as determined by clean hitting, effective aggressiveness, defense, and ring generalship. The loser of the round shall receive less than 10 points. If the round is even, each contestant shall receive not less than 10 points. No fraction of points may be given.~~
- ~~_____ (3) Officials who score the contest shall mark their cards in ink or in indelible pencil at the end of each round.~~
- ~~_____ (4) Officials who score the contest shall sign their scorecards.~~
- ~~_____ (5) When a contest is scored on the individual score sheets for each round, the referee shall, at the end of each round, collect the score sheet for the round from each judge and shall give the score sheets to the designated Commission member for computation.~~
- ~~_____ (6) Referees and judges shall be discreet at all times and shall not discuss their decisions with anyone during a contest.~~
- ~~_____ (7) A decision that is made at the end of a boxing contest shall not be changed without a hearing, unless it is determined that the computation of the scorecards of the referee and judges shows a clerical or mathematical error giving the decision to the wrong contestant. If such an error is found, the Commission may change the decision.~~
- ~~_____ (8) After a contest, the scorecards collected by the designated Commission member shall be maintained by the Commission.~~
- ~~_____ (9) If a referee becomes incapacitated, a time out shall be called and the other referee who is assigned to the contest shall assume the duties of the referee.~~
- ~~_____ (10) If a judge becomes incapacitated and cannot complete the scoring of a contest, a time out shall be called and an alternate licensed judge shall immediately be assigned to score the contest from the point at which the duties of a judge were assumed. If the incapacity of a judge is not noticed during a round, the referee shall score that round and the substitute judge shall score all subsequent rounds.]~~

R457-1-610[49]. Boxing - Seconds.

- ~~(1) A contestant ~~[shall]may~~ not have more than four seconds, and a contestant shall designate one second ~~[one of whom shall be designated]~~ as the chief second. The chief second ~~[shall be responsible]~~ remains responsible for the conduct in the corner during a contest. During the rest period, one second shall be allowed inside the ring, two seconds shall be allowed on the apron and one second shall be allowed on the floor.~~
- ~~(2) All seconds shall remain seated during the round.~~
- ~~(3) A second ~~[shall]may~~ not spray or throw water on a contestant during a round.~~
- ~~(4) A contestant's corner ~~[shall]may~~ not heckle or in any manner annoy the contestant's opponent or the referee, or throw any object into the ring.~~
- ~~(5) A second ~~[shall]may~~ not enter the ring until the timekeeper has indicated the end of a round.~~
- ~~(6) A second shall leave the ring at the timekeeper's whistle and shall clear the ring platform of all objects or obstructions at the sound of the gong indicating the beginning of a round. ~~[Articles shall]~~ Objects may not occupy ~~[be placed on]~~ the ring floor until the round has ended or the contest has terminated.~~

(7) A referee may eject a second from a ring corner for violations of the Subsections R457-1-609(6) and R457-1-608(4) of this rule, stepping into the ring and disruptive behavior, and may have the judges deduct points from a contestant's corner.

(8) A second may state to the referee that the second's contestant cannot continue and that ~~[the contest should be stopped]~~ referee should stop the contest. Only verbal notification or hand signals may indicate defeat ~~[be used]~~; the throwing of a towel into the ring does not ~~[state]~~ indicate the defeat of the contestant.

(9) A second ~~[shall]~~ may not administer alcoholic beverages, narcotics, or stimulants to a contestant, pour excessive water on the body of a contestant, or place ice in the trunks or protective cup of a contestant during the progress of a contest.

R457-1-611[20]. Boxing - Managers.

A manager ~~[shall]~~ may not sign a contract for the appearance of a contestant if the manager does not have the contestant under contract.

R457-1-612[24]. Boxing. Identification - Photo Identification Cards.

(1) Each contestant shall provide two pieces of identification to the designated Commission member before participation in a fight. One of the pieces of identification shall be a recent photo identification card issued or accepted by the Commission when the contestant receives the contestant's original license.

(2) The photo identification card shall contain the following information:

- (a) the contestant's name and address;
 - (b) the contestant's social security number;
 - (c) the personal identification number assigned to the contestant by a boxing registry;
 - (d) a photograph of the contestant; and
 - (e) the contestant's height and weight.
- (3) The Commission shall honor similar photo identification cards from other jurisdictions.

(4) Unless otherwise approved by the Commission, a contestant ~~[will not be allowed to]~~ may not compete if the contestant's photo identification card is incomplete or if the contestant fails to present the photo identification card to the designated Commission member before the bout.

R457-1-613[22]. Boxing - Dress for Contestants.

- (1) Contestants shall ~~[be required to]~~ wear the following:
- (a) trunks ~~[that are]~~ belted at the contestant's waistline ~~[For the purposes of this subsection, the]~~
 - (i) waistline, ~~[shall be defined as]~~ means an imaginary horizontal line drawn through the navel to the top of the hips ~~[and]~~;
 - (ii) ~~[T]~~trunks ~~[shall]~~ may not have any buckles or other ornaments on them that might injure a contestant or referee;
 - (b) a foul-proof pelvic area protector for male contestants;
 - (c) shoes ~~[that are]~~ made of soft material without spikes, cleats, or heels;
 - (d) a fitted mouthpiece; and
 - (e) gloves meeting the requirements specified in Section R457-1-604.

(2) In addition to the clothing required pursuant to Subsections R457-1-622(1)(a) through (e), a contestant shall wear a body shirt or blouse without buttons, buckles, or ornaments.

(3) A contestant ~~[s]~~ shall cut or secure hair ~~[shall be cut or secured]~~ so as not to interfere with the contestant's vision.

(4)(a) A contestant ~~[shall]~~ may not wear corrective lenses other than soft contact lenses into the ring.

(b) An interruption for the purpose of replacing or searching for a soft contact lens may not occur. ~~[A bout shall not be interrupted for the purposes of replacing or searching for a soft contact lens.]~~

R457-1-614[23]. Boxing - Failure to Compete.

A contestant's manager shall immediately notify the Commission if the contestant cannot compete in a contest due to illness or injury. ~~[A physician may be selected as approved by the Commission to examine the contestant.]~~ The Commission may approve a physician to examine the contestant.

R457-1-615[24]. Boxing -- Change of Decision After Contest or Exhibition: Factors Considered by Commission.

Except as otherwise provided in Subsection R457-1-507(6), the Commission will not change a decision made at the end of any contest or exhibition unless:

- (1) the Commission determines that there was collusion affecting the result of the contest or exhibition;
- (2) the compilation of the scorecards of the judges discloses an error which shows that the decision ~~[was given]~~ incorrectly awarded a win to the wrong contestant; or
- (3) as the result of an error in interpreting this section, the referee has made an incorrect decision.

R457-1-701. Elimination Tournaments.

(1) ~~[In general.]~~ The Pete Suazo Utah Athletic Commission Act, Title 9, Chapter 23, and Rule R457-1 apply to elimination tournaments, including provisions pertaining to licenses, fees, stopping contests, impounding purses, testing requirements for contestants, and adjudicative proceedings. For purposes of identification, an elimination tournament contestant shall provide any form of identification that contains a photograph of the contestant, such as a state driver's license, passport, or student identification card.

(2) Official rules of the sport. Upon requesting the Commission's approval of an elimination tournament in this state, the sponsoring organization or promoter of an elimination tournament may submit the official rules for the sport to the Commission and request the Commission to apply the official rules in the contest.

(3) The Commission ~~[shall]~~ may not approve the official rules of the sport and ~~[shall]~~ may not allow the contest to be held if the official rules are inconsistent, in any way, with the purpose of the Pete Suazo Utah Athletic Commission Act, Title 9, Chapter 23, or with the rule adopted by the Commission for the administration of that Act, Rule R457-1.

R457-1-702. Restrictions on Elimination Tournaments.

Elimination tournaments shall comply with the following restrictions:

- (1) An elimination tournament must begin and end within a period of 48 hours.
- (2) ~~[All matches shall be scheduled for.]~~ A match shall last no more than three rounds. A round ~~[must be]~~ shall last one minute in duration.
- (3) A contestant shall wear 16 oz. boxing gloves, training headgear, a mouthpiece and a large abdominal groin protector during each match.

(4) A contestant may participate in more than one match, but a contestant ~~[shall]~~may not compete in more than a total of 12 rounds.

(5) The promoter of the elimination tournament shall be required to supply at the time of the weigh-in of contestants, a physical examination on each contestant, conducted by a physician not more than 60 days before the elimination tournament in a form provided by the Commission, certifying that the contestant is free from any physical or mental condition that indicates the contestant should not engage in activity as a contestant.

(6) The Commission shall require the promoter of the elimination tournament ~~[shall be required]~~ to supply at the time of the weigh-in ~~[of]~~ the ~~[contestants]~~ HIV test results for each contestant pursuant to Section R457-1-507 of this rule and Section 9-23-317.

(7) The Commission may impose additional restrictions in advance of an elimination tournament.

R457-1-801. Martial Arts Contests and Exhibitions.

(1) All full-contact martial arts are forms of unarmed combat. Therefore, the Pete Suazo Utah Athletic Commission Act, Title 9, Chapter 23, and Rule R457-1 apply to contests or exhibitions of such martial arts, including provisions pertaining to licenses, fees, stopping contests, impounding purses, testing requirements for contestants, and adjudicative proceedings. For purposes of identification, a contestant in a martial arts contest or exhibition shall provide any form of identification that contains a photograph of the contestant, such as a state driver's license, passport, or student identification card.

(2) Upon requesting the Commission's approval of a contest or exhibition of a martial art in this state, the sponsoring organization or promoter may submit the official rules for the particular art to the Commission and request the Commission to apply the official rules in the contest or exhibition.

(3) The Commission ~~[shall]~~may not approve the official rules of the particular art and ~~[shall]~~may not allow the contest or exhibition to be held if the official rules are inconsistent, in any way, with the purpose of the Pete Suazo Utah Athletic Commission Act, Title 9, Chapter 23, or with the rule adopted by the Commission for the administration of that Act, Rule R457-1.

(4) A Contestant ~~[shall]~~may not compete in more than one contest every six days unless otherwise cleared by a ringside physician and pending Commission approval.

R457-1-802. Martial Arts Contest Weights and Classes.

The Commission adopts Martial Arts Contest Weights and Classes as established by the Association of Boxing Commission and Combative Sports.

~~[Martial Arts Contest Weights and Classes:~~

~~(1) flyweight is up to and including 125 lb. (56.82 kgs.);~~
~~(2) bantamweight is over 125 lb. (56.82 kgs.) to 135 lb. (61.36 kgs.);~~

~~(3) featherweight is over 135 lb. (61.36 kgs.) to 145 lb. (65.91 kgs.);~~

~~(4) lightweight is over 145 lb. (65.91 kgs.) to 155 lb. (70.45 kgs.);~~

~~(5) welterweight is over 155 lb. (70.45 kgs.) to 170 lb. (77.27 kgs.);~~

~~(6) middleweight is over 170 lb. (77.27 kgs.) to 185 lb. (84.09 kgs.);~~

~~(7) light heavyweight is over 185 lb. (84.09 kgs.) to 205 lb. (93.18 kgs.);~~

~~(8) heavyweight is over 205 lb. (93.18 kgs.) to 265 lb. (120.45 kgs.); and~~
~~(9) super heavyweight is over 265 lb. (120.45 kgs.).]~~

R457-1-901. White-Collar Contests.

Pursuant to Sections 9-23-316 and 9-23-318 the Commission adopts the following ~~[rules]~~guidelines for White-Collar Contests:

(1) Contestants shall be at least 21 years old on the day of the contest.

(2) Competing contestants shall be of the same gender.

(3) The heaviest contestant's weight shall be no greater than 15% more than their opponent.

(4) A ringside physician, doctor of medicine or doctor of osteopathic medicine, must be present at the ringside or cage-side during each bout, and emergency medical response must be within five minutes of the training center venue.

(5) The Commission prohibits the following~~[are prohibited]~~:

(a) ticket sales, admission fees, and donations;

(b) concession sales;

(c) more than four bouts at an event on a single day;

(d) knee strikes to the head to a standing or grounded opponent;

(e) elbow, forearm and triceps strikes to a standing or grounded opponent;

(f) strikes to the head of a grounded opponent;

(g) twisting leg submissions;

(h) spine attacks, including spine strikes and locks;

(i) neck attacks, including strikes, chokes and cranks;

(j) linear kicks to and around the knee joint; or

(k) dropping an opponent on the opponent's head or neck.

(6) Medical insurance coverage for each contestant that meets the requirements of Subsection R457-1-501(11), which the promoter shall ~~[be provided]~~provide at no expense to the contestant.

(7) The promoter shall provide ~~[F]~~full legal names, birthdates, and addresses of all contestants ~~[shall be provided]~~ to the Commission no later than 72 hours before the scheduled event.

R457-1-1001. Qualifications for Applications for Grants for Amateur Boxing.

(1) In accordance with Section 9-23-304, each applicant for a grant shall:

(a) submit an application in a form prescribed by the Commission;

(b) provide documentation that the applicant is an "organization which promotes amateur boxing in the state"; and

(c) upon request from the Commission, document the following:

(i) the financial need for the grant;

(ii) how the applicant will utilize the grant funds ~~[requested will be used]~~ to promote amateur boxing; and

(iii) receipts for expenditures for which the applicant requests reimbursement.

(2) ~~[Reimbursable Expenditures]~~ The applicant may request reimbursement for the following types of eligible expenditures:

(a) costs of travel, including meals, lodging and transportation associated with participation in an amateur boxing contest for coaches and contestants;

(b) maintenance costs; and

(c) equipment costs.

(3) ~~[Eligible Expenditures—]~~In order for the Commission to determine an expenditure ~~[to be]~~as eligible for reimbursement, an applicant ~~[must]~~shall:

(a) submit documentation supporting such expenditure to the Commission showing ~~[that]~~the expense ~~[was]~~incurred during the State Fiscal Year at issue; and

(b) submit such documentation no later than June 30 of the current State Fiscal Year at issue.

(4) The Commission will review grant applicants and select applicants will best promote amateur boxing in the state.

R457-1-1002. Criteria for Awarding Grants.

The Commission may consider any of the following criteria in determining whether to award a grant:

(1) whether the Commission holds any funds ~~[have been collected]~~for purposes of amateur boxing grants under Section 9-23-304;

(2) the applicant's past participation in amateur boxing contests;

(3) the scope of the applicant's current involvement in amateur boxing;

(4) demonstrated need for the funding; or

(5) the involvement of adolescents including rural and minority groups in the applicant's amateur boxing program.

R457-1-1101. Bareknuckle Rules.

The Commission adopts the Association of Boxing Commission Bare Knuckle Fighting Unified Rules.

R457-1-1102. Bareknuckle Fighting Contest Weights and Classes.

The Commission adopts the weights and classes established by the Association of Boxing Commission and Combative Sports.

R457-1-1103. Bareknuckle Ring.

(1) All bareknuckle contests must occur in a boxing style ring.

(2) The commission must inspect and approve the cages or rings before an event may commence.

R457-1-1104. Bareknuckle Approved Attire and Protective Equipment.

(1) Contestants shall wear the following:

(a) trunks belted at the contestant's waistline;

(i) waistline means an imaginary horizontal line drawn through the navel to the top of the hips; and

(ii) trunks may not have any buckles or other ornaments on them that might injure a contestant or referee;

(b) a foul-proof pelvic area protector for male contestants;

(c) shoes made of soft material without spikes, cleats, or heels; and

(d) a fitted mouthpiece.

(2) In addition to the clothing required pursuant to Subsections R457-1-622(1)(a) through (c), a contestant shall wear a body shirt or blouse without buttons, buckles, or ornaments.

(3) A contestant shall cut or secure hair so as not to interfere with the contestant's vision.

(4) A contestant may not wear jewelry.

(5)(a) Hand wraps shall include the wrist and are restricted to 12 yards of soft gauze bandage per hand and not more than two

inches in width, held in place by not more than 10 yards of surgical tape, no more than one inch width.

(b) The surgical tape may not be applied within one inch of the knuckles.

(c) No tape or gauze will extend past the contestant's knuckle with a clenched fist.

(d) No tape or gauze is allowed between the contestant's fingers with the exception of the thumb where a single wrap of tape is placed when the wrist is being wrapped.

(e) Wrapping of the wrist may not extend more than three inches past the wrist juncture.

(6) A contestant may use soft neoprene-type sleeves to cover only the knee or elbow. Approved sleeves may not have: padding, Velcro, plastic, metal, ties, or any other material considered unsafe or that may create an unfair advantage other than the competitor's hands, as previously listed, there will be no taping, covering, or protective gear of any kind on the upper body. This includes:

(a) joint sleeves;

(b) padding;

(c) any form of brace; and

(d) body gauze or tape.

R457-1-1105. Bareknuckle Legal and Illegal Techniques.

(1) The only legal technique allowed in Bare Knuckle Fighting is Bare Knuckle Hand Strikes with a clenched fist, which is a punch thrown with bare fists between opponents.

(2) Standard face-to-face punches are legal from the waist to the top of the head, including fighting in the clinch.

(3) Participants in the clinch may hold their opponent by the back of the neck in a downward position and punch to any legal strike zone of the opponent, with the exception of punches to the back of the head.

(4) Illegal techniques, strikes, and punches in Bare Knuckle Fighting are as follows:

(a) hitting the opponent below the belt;

(b) hitting an opponent who is down or is getting up after being down;

(c) deliberately maintaining a clinch without other action;

(d) wrestling or kicking the opponent;

(e) putting a finger into any orifice of the opponent or into any cut or laceration on an opponent, including fish hooking;

(f) pulling the opponent's hair;

(g) manipulating the opponent's fingers;

(h) striking an opponent who is helpless as the result of blows, but supported by the ropes and does not fall;

(i) butting the opponent with the head, shoulder, knee, or elbow;

(j) hitting the opponent with the elbow or forearm;

(k) striking the opponent's body over the kidneys;

(l) hitting the opponent on the back of the head or neck;

(m) gouging the opponent's eye in any manner;

(n) hitting during a break, signaled by the referee's command or physical act to separate the fighters;

(o) hitting the opponent after the bell has sounded, ending the round;

(p) using the ropes or cage to gain an advantage over the opponent;

(q) pushing the opponent around the fighting area or into the ropes or cage;

(r) timidity, excessive clenching, including intentionally spitting out the mouthpiece, running from an opponent, or other similar behavior;

(s) biting the opponent;

(t) headlocks;

(u) throat punches or strikes directly toward the throat of an opponent;

(v) fingers outstretched toward an opponent's face or eyes;

(w) no throws or takedowns;

(x) engaging in any other action not described in this subsection, deemed an intentional foul by the referee on the basis that the action poses a danger to the safety of either fighter, impedes fair and competitive play, or is unsportsmanlike;

(y) spinning back fists; and

(z) hammer-fists.

R457-1-1106. Bareknuckle - Before the Start Bell.

(1) The referee shall immediately ensure each fighter has removed any unnecessary clothing, such as warm-up suit, robe, and body piercings before the final instruction.

(2) A bout may not start or continue unless the ringside physician is at the ringside.

R457-1-1107. Bareknuckle - Knockdown.

(1) A knockdown occurs when any part of the contestant's body touches the mat other than the sole of their feet following a legal strike or is defenselessly hanging on the ropes preventing the body from falling to the mat.

(2) The referee is the only individual to determine if a knockdown occurs.

(3) If a contestant goes to the ground from anything other than a knockdown, the referee shall only restart the fight with both contestants standing.

(4) There is no three knockdown rule unless approved by the Commission.

R457-1-1108. Bareknuckle - Count.

(1) There is no standing eight count. When a contestant is knocked down from a legal strike, the referee will order the standing opponent to a neutral point in the ring and pick up count from the timekeeper. The referee will announce the count verbally and with motion to the downed contestant at each second of the count.

(2) If the standing opponent leaves the neutral point, the referee will stop the count and redirect them back to the neutral point, then continue counting where they left off in the count.

(3) If the downed contestant stands up at the count of eight, the referee shall evaluate if the contestant can continue.

(4) If the contestant remains down to the count of ten, the referee shall deem the contestant knocked out.

R457-1-1109. Bareknuckle - Referee.

(1) The referee is the sole arbiter of the assigned bout

(2) The referee, as the arbiter, is the only individual allowed to stop a contest.

(3) In the event of server injury, the referee will seek advice from the ringside physician to determine if the bout will continue.

(4) The referee is the only individual authorized to:

(a) interpret the rules and situation inside the ring;

(b) determine if a blow was legal or a foul, intentional or unintentional;

(c) declare when an unintentional injury has occurred; and

(d) determine a knockdown.

(5) The referee has the authority to disqualify a contestant for attempting to commit a foul without warning.

(6) No referee or promoter has the authority to override a ringside physician's authority to stop a fight.

R457-1-1110. Bareknuckle - Fouls.

(1) A contestant hit with an accidental low blow must continue within the allowed five minutes, or the contestant will lose the fight.

(2) A referee has discretion to disqualify a contestant who commits an intentional foul.

(3) Fouls may result in point deduction. The number of points deducted will vary depending on severity of the foul.

(4) The referee will clearly show to the judges that a foul occurred and the number of points to deduct.

R457-1-1111. Bareknuckle - Bouts.

(1) Bare Knuckle Fighting Bouts may not extend past a total of six rounds and a total of Eighteen 18 Minutes of fighting with one-minute rest period between rounds. The one-minute rest period does not count as part of the 18 minutes of fighting.

(2) Promoters are authorized to mix bout cards and schedule bouts for two or three-minute rounds. Regulatory Commissions shall consider the following information when approving bouts:

(a) fighter Record;

(b) combative Sports Experience;

(c) skill level; and

(d) physical Condition.

(3) Participant must have competed as a professional in another martial arts discipline before competing in a bareknuckle contest.

(4) Rounds shall last for either two or three minutes.

(5) Professional debut participants shall compete in four rounds, lasting two minutes each.

TABLE 2							
Rounds	1	2	3	4	5	6	MAX
Minutes	3:00	3:00	3:00	3:00	3:00	3:00	18:00
Minutes	2:00	2:00	2:00	2:00	2:00	2:00	12:00
				Pro Debut	Standard	Title	

(6) Female participants shall only participate in two-minute rounds.

(7) Amateur fighters cannot participate in Bareknuckle Fighting events.

(8) Bareknuckle events are stand-alone events. The Commission prohibits hybrid events.

R457-1-1112. Bareknuckle- Judges.

(1) All bouts will be evaluated by three judges using the ten point must system.

(2) The Commission will collect Scorecards from each judge between each round.

(3) Scoring criteria and decisions will follow the Association of Boxing Commission Bare Knuckle Fighting Unified Rules adopted by the Commission.

KEY: licensing, boxing, unarmed combat, White-collar contests
Date of Last Change: 2024[August 18, 2023]

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R495-890	Filing ID: 56261

Agency Information

1. Department:	Health and Human Services	
Agency:	Administration (Human Services)	
Room number:	Fourth Floor	
Building:	Multi-agency State Office Building	
Street address:	195 W 1950 N	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Shannon Thoman-Black	385-223-2941	Sthomanblack@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R495-890. Department of Human Services Conflict Investigation Procedure
3. Purpose of the new rule or reason for the change:
This rule is being repealed as the process is internal and appropriately handled through internal procedures
4. Summary of the new rule or change:
This filing repeals Rule R495-890 in its entirety.
It does not change internal conflict investigation procedures.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings with this repeal as it does not impact any existing procedures.
B) Local governments:
This rule repeal does not have any impact on local governments.

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

This rule repeal will not have any fiscal impact on small businesses.

It only involves the Department of Health and Human Services (DHHS).

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

This rule repeal will not have any fiscal impact on non-small businesses or require anything from them upon repeal.

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 repeal will not have any fiscal impact on any entity or require anything from them upon repeal.

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

There are no compliance costs for the repeal. No entity will be impacted by its repeal.

Internal processes to DHHS will not significantly change.

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 62A-1-110	Section 62A-1-111	Subsection 62A-202-6(4)

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/31/2024

9. This rule change MAY become effective on:	02/07/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/13/2023
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R495. Human Services, Administration.

~~[R495 890. Department of Human Services Conflict Investigation Procedure.~~

~~R495 890 1. Authority.~~

~~(1) This rule is authorized by Sections 62A 1 110, 62A 1 111, 62A 4a 202-6(4).~~

~~R495 890 2. Definitions.~~

~~(1) The definitions contained in Sections 62A 4a 101, 62A 4a 402 and 62A 4a 1002 apply to this rule and to the child abuse, neglect, or dependency DHS conflict investigations. The definitions contained in Section 62A 3 301 apply to this rule and to~~

~~the vulnerable adult abuse, neglect, or exploitation DHS conflict investigations. In addition, the following terms are defined for the purposes of this Rule:~~

~~(a) "Accepted referral" means a referral that has been screened by APS or DCFS intake and has met the agency's requirements for accepting a referral.~~

~~(b) "APS" means Adult Protective Services.~~

~~(c) "Case" means a referral that has been accepted for an investigation.~~

~~(d) "Child" means a person under eighteen years of age.~~

~~(e) "Client" means any person receiving services from DHS.~~

~~(f) "Conflict" means that there is an accepted referral alleging child abuse neglect and dependency OR abuse, neglect or exploitation of a vulnerable adult, and DHS has a relationship with either the victim, alleged perpetrator, or another person named in the investigation such that there might be a perceived or actual conflict of interest or a perceived or actual appearance of impropriety if the referral is investigated by DCFS or APS. Potential conflicts of interest include:~~

~~(i) There is an accepted referral alleging child abuse, neglect or dependency and an employee, volunteer, board member, provider, or contractor of DHS either is the alleged perpetrator or has a relationship with the alleged victim, alleged perpetrator, or another person named in the investigation.~~

~~(ii) There is an accepted referral alleging abuse, neglect or exploitation of a vulnerable adult, and an employee, volunteer, board member, provider, or contractor of DHS either is the alleged perpetrator or has a relationship with the alleged victim, alleged perpetrator, or another person named in the investigation.~~

~~(iii) There is an accepted referral and a person's relationship with DHS may influence an investigation of abuse, neglect or dependency of a child, or abuse, neglect or exploitation of a vulnerable adult.~~

~~(iv) An accepted referral alleges child abuse, neglect, or dependency by a professional partner of DCFS, including but not limited to: an Assistant Attorney General, a Guardian ad Litem, or a law enforcement officer who works directly with DCFS.~~

~~(v) An accepted referral alleges that a child in the custody of DCFS has been abused or neglected, and there is a lapse in the contract for an independent CPS investigation from the private sector.~~

~~(vi) An accepted referral alleges that a child has been abused and/or neglected while in the custody or guardianship of DJJS, while placed in the USH or USDC, or while placed with a contracted provider of any of these agencies, and the alleged perpetrator is an employee, volunteer or board member with DHS, or a provider or contractor of DCFS.~~

~~(vii) An accepted referral alleges that an adult has been abused, neglected or exploited while in the guardianship of OPG, placed at the USH or the USDC, or placed with a DHS contracted provider of any of these agencies, and the alleged perpetrator is an employee, volunteer, or board member of DHS, or a provider, or contractor of DAAS.~~

~~(viii) Any other conflict exists that may prevent the assigned agency from making an objective determination based on the facts of the case.~~

~~(ix) The Executive Director of DHS designates a case a "DHS Conflict Investigation" and directs that the case be assigned to a DHS Conflict Investigator.~~

~~(g) "DHS Conflict Case" means that a conflict has been identified, and the case has been referred to a DHS Conflict Investigator for a DHS Conflict Investigation.~~

_____ (h) "DHS Conflict Investigation" means the investigation of a CPS case by a DHS Conflict Investigator or the screening of an APS case to determine whether a conflict exists.

_____ (i) "DHS Conflict Investigator" means an employee of DHS assigned to OSR to conduct DHS Conflict Investigations.

_____ (j) "CPS" means Child Protective Services.

_____ (k) "DHS" means the Department of Human Services, and includes all of the agencies and offices within the Department.

_____ (l) "DCFS" means the Division of Child and Family Services, including its regional offices.

_____ (m) "DAAS" means the Utah Division of Aging and Adult Services.

_____ (n) "DJJS" means the Division of Juvenile Justice Services.

_____ (o) "DJJS Investigator" means an employee of DJJS who conducts internal affairs investigations for DJJS.

_____ (p) "DSPD" means the Division of Services for People with Disabilities.

_____ (q) "Executive Director" is as defined in 62A-1-104 and includes the designee of the Executive Director.

_____ (r) "OPG" means the Office of the Public Guardian.

_____ (s) "OSR" means the Office of Services Review within the Utah Department of Human Services.

_____ (t) "Reasonable Restraint" means: Justifiable restraint to protect the client or to protect others from the client's acts. Supported physical abuse does not include the use of reasonable and necessary physical restraint by an educator in accordance with Section 53A-11-802(2) or 76-2-401. Nor does it include conduct that constitutes the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstances to obtain possession of a weapon or other dangerous object in the client's possession or control, or to protect the client or another person from physical injury.

_____ (i) In determining whether "reasonable restraint" was used in a DHS facility, the DHS Conflict Investigator shall take into account the nature and purpose of the facility.

_____ (u) "Referral" means information provided to DCFS intake alleging abuse, neglect, or dependency of a child, or to APS intake alleging abuse, neglect or exploitation of a vulnerable adult.

_____ (v) "Secondary worker" means a DCFS employee or an APS employee assigned to a DHS Conflict Investigation to conduct limited casework activities requested by the DHS Conflict Investigator, including but not limited to the following: making priority face to face contact when the DHS Conflict Investigator is unable to do so; assisting with the removal of a child; booking the child into a shelter facility; and filing a petition for ongoing In Home or Out of Home services.

_____ (w) "USDC" means the Utah State Developmental Center.

_____ (x) "USH" means the Utah State Hospital.

_____ (y) "Vulnerable Adult" is the same as defined in 62A-3-301(28).

R495-890-3. Purpose.

_____ (1) The purpose of this rule is to establish the criteria used to determine:

_____ (a) when a conflict investigation is necessary; and

_____ (b) how conflict investigations will be conducted;

_____ (2) It is the Department of Human Services' goal to avoid any impropriety or appearances of impropriety that may arise when a conflict exists and to ensure that investigations involving an employee, volunteer, board member, provider, or contractor of DHS

are conducted fairly. DHS conflict investigations shall be conducted in a manner consistent with CPS and APS procedures and policies.

R495-890-4. Procedure Used When a DHS Conflict Investigation Is Necessary for Children.

_____ (1) In general, OSR shall be notified whenever a conflict, as defined above, exists.

_____ (2) When a CPS intake worker identifies a potential conflict, the intake worker shall staff the referral with OSR to determine if a conflict exists. OSR shall determine whether there is a conflict, and will notify the CPS Intake Worker of its decision.

_____ (a) If OSR determines that no conflict exists, the case shall be referred back to CPS intake for investigation by DCFS no later than the next business day after OSR's determination.

_____ (b) If a conflict is identified after the initial referral, OSR shall be notified on the next business day after the conflict is identified. If the DCFS or APS worker is responding to an emergency or priority one call, the worker shall complete whatever protective actions are necessary and then staff the conflict with a supervisor. The assigned CPS worker and/or the CPS worker's supervisor shall notify OSR no later than the next business day after the conflict is identified.

_____ (c) Once the accepted case is assigned to OSR, a conflict investigator shall be assigned and all investigation activities from that point forward shall be supervised by OSR.

_____ (3) If the conflict case involves a child in the custody of DCFS it shall be assigned to an independent CPS investigator from the private sector. If there is a lapse in the contract for an independent CPS investigator from the private sector, the case will be assigned to a DHS Conflict Investigator.

_____ (4) DHS Conflict Investigator shall have training that is substantially similar to the training received by CPS workers.

_____ (5) DHS Conflict Investigators have the same rights, duties, and authority to investigate referrals as CPS workers.

_____ (6) The following duties are to remain the duties of CPS Intake: receipt of the referral; research; disposition of the referral; establish priority of the referral; and, establish allegation categories.

_____ (7) A DCFS investigator may act as a secondary worker and assist the DHS Conflict Investigator.

_____ (8) The DHS Conflict Investigator shall determine whether the allegations are supported, unsupported, or without merit.

_____ (9) If the Executive Director has designated a case as a conflict case, OSR shall assign the case to a (DHS) Conflict Investigator.

R495-890-5. Procedure Used When a DHS Conflict Investigation Is Necessary for Adults.

_____ (1) Allegations of abuse, neglect, or exploitation of a vulnerable adult shall be referred to APS Intake.

_____ (a) If APS Intake accepts the referral and identifies a potential conflict, the Intake worker shall staff the referral with OSR to determine if a conflict exists.

_____ (b) OSR shall determine whether there is a conflict and will notify APS intake of its decision.

_____ (c) In cases where a conflict exists, OSR shall accept the case, and consult with the APS Director or designee in determining the appropriate APS investigator that APS intake will assign to the case.

_____ (d) If OSR determines that no conflict exists, the case shall be referred back to APS intake for investigation by APS no later than the next business day after OSR's determination.

~~(2) If any concerns arise during the investigation around conflict issues, APS may consult with OSR as how to handle the conflict.~~

~~(3) If a conflict is identified after APS has initiated an investigation, OSR shall be notified on the next business day after the conflict is identified. If the APS worker is responding to an emergency, the worker shall complete whatever protective actions are necessary and then staff the conflict with a supervisor. The supervisor shall notify OSR of the conflict and OSR shall consult with the APS Director or designee in determining the appropriate APS investigator that APS intake will assign to the case.~~

~~(4) If the Executive Director has designated a case as a conflict case, OSR shall consult with the APS Director or designee in determining the appropriate APS investigator that APS intake will assign to the case.~~

~~R495-890-6. Special Procedures for DHS Conflict Investigations.~~

~~(1) Nothing in this rule is intended to limit an agency's ability to conduct its own internal investigation of any incident that occurs in a facility or by an employee during working hours.~~

~~(2) The DHS conflict investigation is meant to determine whether abuse, neglect or dependency of a child, or abuse, neglect or exploitation of an adult occurred. If, during the course of the investigation, the DHS Conflict Investigator or APS investigator believes that a separate investigation into policy or personnel matters is warranted, the DHS Conflict Investigator or APS investigator may notify the agency of its concerns.~~

~~(3) A DHS Conflict Investigator or APS investigator may determine that a person was not abused or neglected if reasonable restraint was used in a DJJS facility, the USH, the USDC, or other contracted facility or program of DJJS or DSPD.~~

~~(4) The DHS Conflict Investigator or APS investigator may notify the agency of the initiation of an investigation and/or the conclusion of an investigation.~~

KEY: investigations, conflict

Date of Last Change: December 10, 2012

Notice of Continuation: June 15, 2020

Authorizing, and Implemented or Interpreted Law: 62A-1-110; 62A-1-111; 62A-1-115; 62A-4A-101; 62A-4a-202.6; 62A-4a-202.6(4)]

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R523-14	Filing ID: 56215
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Agency Information

1. Department:	Health and Human Services
Agency:	Substance Use and Mental Health
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state and zip:	Salt Lake City, UT 84116

Contact persons:

Name:	Phone:	Email:
Thomas Dunford	801-538-4181	tdunford@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R523-14. Suicide Prevention

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

The Office of Substance Use and Mental Health is required to amend this rule because of statutory changes made in the creation of the new Department of Health and Human Services.

Also, this rule has not met all the requirements stated in Subsection 26B-5-611(8) and Section 26B-5-110, so those items have been added.

4. Summary of the new rule or change:

This rule updates statutory citations, clarifies input requirements to the statewide suicide prevention plan, and clarifies eligibility requirements for the suicide prevention grant.

Fiscal Information

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

A) State budget:

These amendments to this rule clarify input requirements from non-state entities to the statewide suicide prevention plan, which is a cost neutral process that already exists in the office's normal functions and activities, and add eligibility requirements that require no action by the office unless funds are provided by the legislature to distribute for the suicide prevention grant.

Therefore, these amendments do not increase or decrease financial costs or savings on state budgets beyond those that existed prior to this filing.

B) Local governments:

These amendments to this rule clarify input requirements from non-state entities to the statewide suicide prevention plan, which is a cost neutral process, and add eligibility requirements that require no fees for the suicide prevention grant.

Therefore, these amendments do not increase or decrease financial costs or savings on local governments beyond those that existed prior to this filing.

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

These amendments to this rule clarify input requirements from non-state entities to the statewide suicide prevention plan, which is a cost neutral process, and add eligibility requirements that require no fees for the suicide prevention grant.

Therefore, these amendments do not increase or decrease financial costs or savings on small-businesses beyond those that existed prior to this filing.

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

These amendments to this rule clarify input requirements from non-state entities to the statewide suicide prevention plan, which is a cost neutral process, and add eligibility requirements that require no fees for the suicide prevention grant.

Therefore, these amendments do not increase or decrease financial costs or savings on non-small-businesses beyond those that exist prior to this filing.

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

These amendments to this rule clarify input requirements from non-state entities to the statewide suicide prevention plan, which is a cost neutral process, and add eligibility requirements that require no fees for the suicide prevention grant.

Therefore, these amendments do not increase or decrease financial costs or savings on persons other than small businesses, non-small businesses, state, or local government entities budgets beyond those that existed prior to this filing.

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

No compliance costs are associated with this rule amendment, because no fees or charges are required to provide input on the statewide suicide prevention plan, or on the eligibility requirements for an entity to qualify for a suicide prevention grant.

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 26B-5-611(8)	Section 26B-5-110	
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Public Notice Information

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

A) Comments will be accepted until:	01/31/2024
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9. This rule change MAY become effective on:	02/07/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	11/19/2023
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R523. Health and Human Services, Substance Abuse Use and Mental Health.

R523-14. Suicide Prevention.

R523-14-1. ~~Statutory~~ Authority.

~~[Statutory Authority.]~~ This rule is authorized by promulgated by the State of Utah, Department of Human Services, Division of Substance Abuse and Mental Health (division) as authorized by Subsection 26B-5-611(8) and Section 26B-5-110[62A-15-1101(8)].

R523-14-2. Purpose.

This rule establishes the requirements for:

- (1) implementing the state suicide prevention plan; and
- (2) the suicide prevention education grant that was created to fund suicide prevention education.

R523-14-~~2~~3. Requirements Governing Implementation of the State Suicide Prevention Plan.

~~[In order to implement a state suicide prevention strategy,~~
~~†]The [division will provide]Office of Substance Use and Mental Health shall provide an annual opportunity for the Utah Suicide Prevention Coalition and the Utah Behavioral Health Planning and Advisory Council to [provide]make recommendations [input]on current community needs and current best practices for suicide prevention activities[on a minimum of a yearly basis]. The Office of Substance Use and Mental Health shall consider any recommendation made by May 30 of each year.~~

R523-14-4. Suicide Prevention Education Grant.

(1) A qualifying agency for a suicide prevention grant shall be any federally licensed firearms dealer that operates a retail establishment open to the public within the state.

(2) In conjunction with the Bureau of Criminal Identification, the Office of Substance Use and Mental Health shall provide a suicide prevention grant when the legislature allocates funding to the Suicide Prevention Education Program for this purpose.

(3) To qualify for a grant under the Suicide Prevention Education Program described in Section 26B-5-110, an employer shall attend the suicide prevention education course and distribute firearm safety brochures or packets as described in Subsections 26B-5-611(8)(b)(i) and 26B-5-611(8)(b)(ii).

KEY: suicide prevention; suicide prevention education grant

Date of Last Change: 2024[December 22, 2015]

Notice of Continuation: December 8, 2020

Authorizing, and Implemented or Interpreted Law: [62A-15-1101]26B-5-611(8)(b)(i); 26B-5-110; 26B-5-611(8)(b)(ii)

NOTICE OF PROPOSED RULE

TYPE OF FILING: New

Rule or Section Number:	R623-11	Filing ID:	56238
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Agency Information

1. Department:	Lieutenant Governor	
Agency:	Elections	
Room number:	220	
Street address:	350 N State Street	
City, state and zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 142325	
City, state and zip:	Salt Lake City, UT 84114-2325	
Contact persons:		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Shelly Jackson	801-538-1041	elections@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R623-11. Signature Verification Standards

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

This rule is authorized by Subsection 20A-3a-401(9) and enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

This rule is required by H.B. 448 passed in the 2023 General Session.

4. Summary of the new rule or change:

This rule establishes minimum standards for county clerks to verify signatures on ballot envelopes and to comply with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Secs. 12131.

Fiscal Information

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

A) State budget:			
There is no anticipated impact to state government for this rule as it is purely administrative.			
B) Local governments:			
This rule will have minor costs for election officials to contact voters with a disability and to track who those voters are.			
It is estimated that the combined cost to counties would be less than \$500 per election.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
This rule does not apply to small businesses and as such has no fiscal cost or savings to small businesses.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
This rule does not apply to non-small businesses and as such has no fiscal cost or savings to 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 does not apply to other persons and as such has no fiscal cost or savings to other persons.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There is no anticipated cost or savings to affected persons as none apply to this rule.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$500	\$500	\$500
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
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	(\$500)	(\$500)	(\$500)
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Lieutenant Governor of the Office of the Lieutenant Governor, Deidre M. Henderson, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 20A-3a-401(11)		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/31/2024
9. This rule change MAY become effective on:	
02/07/2024	
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Ryan Cowley, Director of Elections	Date:	12/01/2023
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R623. Lieutenant Governor, Elections.**R623-11. Signature Verification Standards.****R623-11-1. Purpose.**

This rule establishes minimum standards for county clerks to verify signatures on ballot envelopes and to comply with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Secs. 12131.

R623-11-2. Authority.

This rule is authorized by Subsection 20A-3a-401(9) and enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R623-11-3. Definitions.

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

(1) "ADA box" means the information required under Subsection 20A-3a-401(5).

(2) "Cured ballot" means a ballot for which the notice described in Subsection 20A-3a-401(6) has been returned and is eligible to be counted.

R623-11-4. Signature Verification Standards.

(1) The election officer shall ensure that each signature on the affidavit of each ballot is reviewed and that it is reasonably consistent with any signature found in the voter's registration record.

(2) The election officer shall ensure that each election worker reviewing ballot affidavit signatures has completed the training required under Subsection 20A-3a-401(9) before reviewing the signatures on any ballot affidavit.

R623-11-5. Alternative Verification for Voters with a Qualifying Disability.

(1) Each rejected affidavit required under Subsection 20A-3a-401(5) shall include an ADA box.

(2) The election officer shall contact a voter that has a cured ballot where the ADA box was marked and mutually agree upon a method to affirmatively know that the voter themselves has cast their ballot.

(3) The election officer shall mark in the voter's record that they are a voter with a disability and maintain a list of voters that meet the qualifications of Subsection 20A-3a-401(5)(v). The election officer shall ensure that a voter who marks the ADA box and has complied with this section does not receive the notice described in Subsection 20A-3a-401(6).

KEY: Elections, Lieutenant Governor, signature, verification, ADA, disability, voting

Date of Last Change: 2024

Authorizing, and Implemented or Interpreted Law: 20A-3a-401(9)

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R651-633	Filing ID: 56188
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Agency Information

1. Department:	Natural Resources	
Agency:	State Parks	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146001	
City, state and zip:	Salt Lake City, UT 84114-6001	
Contact persons:		
Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R651-633. Special Closures or Restrictions
3. Purpose of the new rule or reason for the change:
The change in this rule is to allow dogs on the Interpid Mountain Bike Trail System at Dead Horse Point State Park.
4. Summary of the new rule or change:
This rule filing removes the sentence that prohibits dogs on the Interpid Mountain Bike Trail System.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This proposed rule amendment is not expected to have a fiscal impact on the state budget.
This rule change only clarifies dogs will be allowed on a trail.
B) Local governments:
This proposed rule amendment is not expected to have a fiscal impact on local governments.
This rule change only clarifies dogs will be allowed on a trail.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed rule amendment is not expected to have a fiscal impact on small businesses.

This rule change only clarifies dogs will be allowed on a trail.

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

This proposed rule amendment is not expected to have a fiscal impact on non-small businesses.

This rule change only clarifies dogs will be allowed on a trail.

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 proposed rule amendment is not expected to have a fiscal impact on persons other than small businesses, non-small businesses, state or local government entities.

This rule change only clarifies dogs will be allowed on a trail.

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

This proposed rule amendment is not expected to have a fiscal impact on affected persons.

This rule change only clarifies dogs will be allowed on a trail.

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 79-4-203	Section 79-4-304	Section 79-4-501
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Public Notice Information

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

A) Comments will be accepted until:	01/31/2024
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9. This rule change MAY become effective on:	02/07/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jeff Rasmussen, Director	Date:	11/02/2023
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R651. Natural Resources, State Parks.

R651-633. Special Closures or Restrictions.

R651-633-1. Emergency Closures or Restrictions.

(1) In order to protect public safety or park resources, a park manager may, during an emergency situation and with the approval of the region manager, temporarily close a park area or restrict a park activity within a park area.

(2) A p[P]erson[s] may not:

(a) enter[be] into an [closed-]area a park manager has closed pursuant to Subsection (1); or

~~_____ (b) participate in an [restricted] activity which a park manager has restricted pursuant to Subsection (1) [has been posted by the park manager, with the approval of the region manager, to protect public safety or park resources during a temporary emergency situation].~~

R651-633-2. General Closures or Restrictions at Coral Pink Sand Dunes State Park.

~~_____ [Persons are prohibited from being in a closed area or participating in a restricted activity as listed for the following park areas:]~~

(1)(a) At Coral Pink Sand Dunes State Park a person may not use a motorized vehicle in [:

~~_____ (a) [the non-motorized area of the sand dunes [prohibits motorized vehicle use,] except as provided [for the outlined] in Subsection (1)(b).~~

(b) A person may engage in [L]imited and restricted motorized vehicle use through the travel corridor [is permitted] in the non-motorized area of the sand dunes.

R651-633-3. General Closures or Restrictions at Dead Horse Point State Park.

(1)(2) At Dead Horse Point State Park a person may not engage in:

(a) ~~[prohibits] hang gliding, paragliding, or [and] B.A.S.E. jumping; or~~

~~_____ (b) prohibits dogs on the Interpid Mountain Bike Trail System; and~~

(e)b) ~~[prohibits] bicycling on a Rim Hiking Trail[s] unless the trail is posted as open to bicycling.~~

R651-633-4. General Closures or Restrictions at Snow Canyon State Park.

(1)(3) At Snow Canyon State Park a person may only walk or hike[:

~~_____ (a) limits hiking and walking in the] on park [to] roadways, designated trails, slick rock areas, or [and] the Sand Dunes area[;]~~

(2)(a) A person may only enter the last half-mile of the Johnson Canyon Trail at Snow Canyon State Park pursuant to a permit or guided walk from September 15 through March 15.

~~_____ (b)(i) except for the activities listed under Subsection (3)(b)(ii); A person may not enter the last half-mile of the Johnson Canyon Trail [is closed annually] from March 1 [5]6 through September 14[;]~~

~~_____ (ii) the trail is open by permit or guided walks from September 15 through March 14; and~~

~~_____ (iii) the last half mile of the Johnson Canyon Trail is open from September 15 through March 14.]~~

(3)(e) At Snow Canyon State Park a person may not:

(a) ~~enter [closes] Black Rocks Canyon [annually] from March 15 to June 30;~~

(b)d) engage in climbing on the [closes] West Canyon climbing routes [annually] from February 1 t[e]hrough June 1; or [and]

(c)e) engage in [prohibits] hang gliding, paragliding, or [and] B.A.S.E. jumping.

R651-633-5. General Closures or Restrictions at Antelope Island State Park.

(1)(4) A person may not possess a domestic sheep, a pack goat, or a camelid at Antelope Island State Park[;].

(2)(a) In order to protect bighorn sheep lambing at Antelope Island State Park, a person may not enter the West Side Trail from the top of Sentry to the switchbacks from March 15 through May 15. [prohibits domestic sheep, pack goats, and camelids from the park;

~~_____ (b) closes the West Side Trail annually from March 15 through May 15 from the top of Sentry to the switchbacks for Bighorn Sheep lambing;]~~

(3) At Antelope Island State Park a person in possession of a:

(a)e) ~~[requires any] horse or [and] mule [if not being ridden, to be] must secure [d] the horse or mule with a lead rope or by other similar means, when the animal is not being ridden; and~~

(b)d) ~~[requires all other] domesticated animals, pets, or service animals must secure the animal [to be] on a leash or [;] tether [ed], or must otherwise keep the animal under the person's physical control [of their handlers], except for a dog[s] actively engaged in waterfowl hunting activities if [they are] the dog is under the person's voice control [of their handler].~~

KEY: parks

Date of Last Change: 2024[October 12, 2023]

Notice of Continuation: April 17, 2023

Authorizing, and Implemented or Interpreted Law: 79-4-203; 79-4-304; 79-4-501

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R657-5	Filing ID: 56245
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Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R657-5. Taking Big Game

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' (Division) rule pursuant to taking Big Game.
4. Summary of the new rule or change:
The proposed amendments to this rule: 1) restrict the use of magnified scopes on muzzleloaders during the muzzleloader season; and 2) implement the mandatory harvest reporting requirement for all big game species.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
With the rule amendment, approximately 130,000 mandatory harvest surveys will be added, which in turn would affect approximately 130,000 hunters.
The administrative cost for the contracting company to make these required changes, which includes emails, programming needs, customer service and being the point of contact, will cost the Division approximately \$50,000 to implement.
The Division has determined that these changes can be initiated within the current workload and resources of the Division.
Therefore, the Division believes that these amendments can be enacted without a cost or savings impact to the state budget or the Division's budget.
B) Local governments:
Local governments are not directly or indirectly impacted by these proposed amendments 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):			
These amendments do have the potential to create a cost impact to those individuals wishing to participate in the hunting of big game in Utah, however, because the Division will be waiving the late fee for the 2024 season, there will be no immediate additional cost to the public.			
Moving forward, about 9% of the public does not report so in 2025 it could cost the public up to \$585,000 in late fees. That could change with the potential of E-tagging going into effect in 2025 which could lower the cost the public since the compliance rate should be higher.			
The restriction of magnified scopes on muzzleloaders during the muzzleloader season will not create a cost impact or savings, as the scopes would still be legal for use on a muzzleloader during the Any-Legal Weapon seasons.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
The Division has determined that this amendment will not create additional costs for those participating in the taking of big game for the 2024 season but could result in a \$50 per late survey beginning with the 2025 season.			
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	FY2024	FY2025	FY2026
State Government	\$50,000	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$585,000	\$0
Total Fiscal Cost	\$50,000	\$585,000	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$585,000	\$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	\$585,000	\$0
Net Fiscal Benefits	\$(50,000)	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.			
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 23A-2-304	Section 23A-2-305	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/31/2024

9. This rule change MAY become effective on:	02/07/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Justin Shirley, Division Director	Date:	12/11/2023
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R657. Natural Resources, Wildlife Resources.**R657-5. Taking Big Game.****R657-5-1. Purpose and Authority.**

- (1) Under authority of Sections 23A-2-304 and 23A-2-305, the Wildlife Board has established:
- (a) this rule for taking deer, elk, pronghorn, moose, bison, bighorn sheep, and Rocky Mountain goat.
- (b) appropriate weapons or devices to take big game and restrictions to weapons or devices to take big game.

(2) Specific dates, areas, methods of take, requirements, and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking big game.

R657-5-8. Rifles, Shotguns, Airguns, and Crossbows.

- (1) A rifle used to hunt big game must:
- (a) fire centerfire cartridges and expanding bullets; and
- (b) have no attachment capable of electronic function, other than illuminated reticles.
- (2) A shotgun used to hunt big game must:
- (a) be 20 gauge or larger;
- (b) fire only 00 or larger buckshot or slug ammunition; and
- (c) have no attachment capable of electronic function, other than illuminated reticles.
- (3) An airgun used to hunt big game must:
- (a) be pneumatically powered;
- (b) be pressurized solely through a separate charging device; and
- (c) may only fire a bolt or arrow:
- (i) ~~no less than 16 inches long;~~
- ~~(ii) with a fixed or expandable broadhead at least 7/8 inch wide at its widest position; and~~
- ~~(i)ii) traveling no less than 400 feet per second at the muzzle; and~~
- (d) have no attachment capable of electronic function, other than illuminated reticles.
- (4) A crossbow used to hunt big game must have a minimum draw weight of 125 pounds and a positive mechanical safety mechanism.
- (b) A crossbow arrow or bolt used to hunt big game must ~~be at least 16 inches long and~~ have:
- (i) fixed broadheads that are at least 7/8 inch wide at the widest point; or
- (ii) expandable, mechanical broadheads that are at least 7/8 inch wide at the widest point when the broadhead is in the open position; and
- (iii) no electronic function other than an illuminated nock.
- (c) Unless otherwise authorized by the division through a certificate of registration, it is unlawful for any person to:
- (i) hunt big game with a crossbow or airgun during a big game archery hunt;
- (ii) carry a cocked crossbow containing an arrow or a bolt while in or on any motorized vehicle on a public highway or other public right-of-way; or
- (iii) hunt any protected wildlife with a crossbow utilizing a bolt that has any chemical, explosive, or electronic device attached.
- (5) A crossbow used to hunt big game may have a telescopic sight only during an any weapon hunt ~~[But]~~ but no other attachment capable of electronic function, other than illuminated reticles.

R657-5-10. Muzzleloaders.

- (1) A muzzleloader may be used during any big game hunt, except an archery hunt, provided the muzzleloader:
- (a) has both the powder and bullet loaded from the muzzle;
- (b) has open sights, peep sights, or ~~[a variable or fixed power scope, including]~~ not more than a [magnifying] 1x scope or sight which contains no internal or external components that make it capable of magnifications;
- (c) has a single barrel;

(d) has a minimum barrel length of 18 inches;
(e) is capable of being fired only once without reloading;
(f) powder and bullet, or powder, sabot and bullet are not bonded together as one unit for loading;

(g) is loaded with black powder or black powder substitute, which must not contain smokeless powder; and

(h) has no attachment capable of electronic function, other than illuminated reticles.

(2)(a) A lead or expanding bullet or projectile of at least 40 caliber must be used to hunt big game.

(b) A bullet 130 grains or heavier, or a sabot 170 grains or heavier, must be used for taking deer and pronghorn.

(c) A 210 grain or heavier bullet must be used for taking elk, moose, bison, bighorn sheep, and Rocky Mountain goat, except sabot bullets used for taking these species must be a minimum of 240 grains.

(3) A person who has obtained a muzzleloader permit for a big game hunt may use only muzzleloader equipment authorized in Subsections (1) and (2) to take the species authorized in the permit.

(4) A person who has obtained an any weapon permit for a big game hunt may:

(a) use muzzleloader equipment authorized in this section[to take the species authorized in the permit]; and

(b) use a fixed or variable magnifying scope.

R657-5-11. Archery Equipment.

(1) Archery equipment may be used during any big game hunt, except a muzzleloader hunt, provided:

(a) the minimum bow pull is 30 pounds at the draw or the peak, whichever comes first;

(b) arrowheads used have two or more sharp cutting edges that cannot pass through a 7/8 inch ring;

(c) expanding arrowheads cannot pass through a 7/8 inch ring when expanded; and

(d) arrows must:

~~(i) be a minimum of 20 inches in length from the tip of the arrowhead to the tip of the nock; and~~

~~[(ii)] (ii) have no electronic function other than illuminated nocks; and~~

~~[(iii)] (ii) the bow does not include, have attached, or use any electronic device other than:~~

(A) illuminated sight pins; or

(B) a device capable of capturing picture or video data provided the given device cannot aid in the take of a big game animal.

(2) The following equipment or devices may not be used to take big game:

(a) a crossbow, except as provided in Subsection (5) and Rule R657-12;

(b) arrows with chemically treated or explosive arrowheads;

(c) a mechanical device for holding the bow at any increment of draw, except as provided in Subsection (5) and Rule R657-12;

(d) a release aid that is not hand held or that supports the draw weight of the bow, except as provided in Subsection (5) and Rule R657-12;

(e) a bow with a magnifying aiming device, a single lens, peep-mounted glass does not constitute a magnified aiming device; or

(f) an airgun, except as provided in Subsection (5).

(3) Arrows carried in or on a vehicle where a person is riding must be in an arrow quiver or a closed case.

(4) A person who has obtained an archery permit for a big game hunt may only use archery equipment authorized in Subsections (1) and (2) to take the species authorized in the permit.

(5) A person who has obtained an any weapon permit for a big game hunt may use archery equipment authorized in this section to take the species authorized in the permit, and may also use a crossbow, draw-lock, or airgun satisfying the minimum requirements of this rule.

(6) A person hunting an archery-only season on a once-in-a-lifetime hunt may only use archery equipment authorized in Subsections (1) and (2) to take the species authorized in the permit.

R657-5-33. Limited Entry Bull Elk Hunts.

(1) To hunt in a limited entry bull elk area, a hunter must obtain a limited entry bull elk permit for the area.

(2)(a) A limited entry bull elk permit allows a person, using the prescribed legal weapon, to take one bull elk within the area and season specified on the permit, except as provided in Subsection (5) and excluding elk cooperative wildlife management units located within a limited entry unit. Spike bull elk restrictions do not apply to limited entry elk permittees.

(3)(a) The Wildlife Board may establish a multi-season hunting opportunity in the big game guidebooks for selected limited entry bull elk units.

(b) A person that obtains a limited entry bull elk permit with a multi-season opportunity may hunt during any of the following limited entry bull elk seasons established in the Wildlife Board guidebooks for the unit specified on the limited entry bull elk permit:

(i) August and September archery seasons, using only archery equipment prescribed in Section R657-5-11 for taking elk;

(ii) muzzleloader season, using only muzzleloader equipment prescribed in Section R657-5-10 for taking elk;

(iii) any weapon season, using any legal weapon prescribed in Rule R657-5 for taking elk; and

(iv) multi-season permit holders may not hunt during late season, December archery limited entry bull elk seasons.

(c) A landowner association under Rule R657-43 is not eligible to receive a multi-season hunting opportunity for limited entry units nor late season, December archery limited entry bull elk seasons.

(4) A limited entry bull elk permit, including a permit with a multi-season opportunity, is valid only within the boundaries of the unit designated on the permit, excluding:

(a) areas closed to hunting;

(b) elk cooperative wildlife management units; and

(c) Indian tribal trust lands.

(5) A person who possesses any limited entry archery bull elk permit, including a permit with a multi-season opportunity, may hunt bull elk within any extended archery area during the established extended archery season for that area, provided the person:

(a) did not take a bull elk during the limited entry hunt;

(b) uses the prescribed archery equipment for the extended archery area;

(c) completes the annual Archery Ethics Course required to hunt extended archery areas during the extended archery season; and

(d) possesses on their person while hunting:

(i) the limited entry bull elk permit; and

(ii) the Archery Ethics Course Certificate of Completion.

(6) "Prescribed legal weapon" means for purposes of this subsection:

(a) archery equipment, as defined in Section R657-5-11, when hunting the archery season, excluding a crossbow, draw-lock, and airgun;

(b) muzzleloader equipment, as defined in Section R657-5-10, when hunting the muzzleloader season; and

(c) any legal weapon, including a muzzleloader with a fixed or variable magnifying scope, crossbow with a fixed or variable magnifying scope or draw-lock, or airgun when hunting during the any weapon season.

(7)(a) A person who has obtained a limited entry or cooperative wildlife management unit bull elk permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a bull elk.

(b) Limited entry and cooperative wildlife management unit bull elk permit holders must report hunt information by telephone, or through the division's website.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus point in the following year.

(d) Late questionnaires may be accepted pursuant to Subsection R657-42-9(2).

(8) A person who has obtained a limited entry bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsections R657-5-33(5) and R657-5-34(3).

R657-5-52. Harvest Reporting.

(1)(a) A person who has obtained any big game or antlerless permit, including CWMU, conservation, LOA and expo permits must report hunt information by filling out the harvest survey on the division's website within 30 calendar days after the end of the season date listed on the permit, whether the permit holder was successful or unsuccessful in harvesting.

(b) The following types of big game permits must report hunt information by filling out the harvest survey designated on a division's web page within 30 calendar days after the end of the extended archery season:

(i) general season buck deer archery;

(ii) youth general season buck deer any legal weapon;

(iii) dedicated hunter;

(iv) general season bull elk archery;

(v) youth general season bull elk; and

(vi) multi-season spike bull elk.

(c) A harvest survey will not be required for mitigation permits or mitigation vouchers issued under Rule R657-44.

(d) Permit holders must report hunt information by filling out the harvest survey on the division's website or by contacting the division office by telephone.

(e) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any big game species permits and bonus or preference points in either the big game application or antlerless application the following year.

(f) Late questionnaires may be accepted pursuant to Subsection R657-42-9(2).

KEY: wildlife, game laws, big game seasons

Date of Last Change: 2024~~October 1, 2023~~

Notice of Continuation: September 8, 2020

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305; 23A-11-201; 23A-11-202

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:

R657-38

Filing ID:
56246

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R657-38. Dedicated Hunter Program

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' (Division) rule pursuant to the Dedicated Hunter Program.

4. Summary of the new rule or change:

The proposed amendments to this rule:

- 1) add "Enrollment" into definitions;
- 2) modify the definition of "Program Harvest" to accommodate reporting process changes;
- 3) clarify that a Dedicated Hunter may not switch hunting areas during the 3-year program;
- 4) clarify that changes or special regulations occurring on general season hunting areas will also apply to Dedicated Hunters;
- 5) redistribute minimum service hour requirements, allowing 6 hour minimum for year one and an additional 16 hours for year two with an additional 10 hours in year three; the total number of hours remains unchanged;
- 6) revise the procedure for 1-year extensions given to Dedicated Hunters who draw a limited entry buck deer permit from the Utah Big Game drawing, this amendment automatically applies a 1-year extension;

- 7) remove the requirement for returning paper permits in order to report a non-harvest; and
8) allow for online harvest reporting.

Fiscal Information

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

A) State budget:

The amendments to Rule R657-38 are program changes that are administrative in nature for the Division, the Division determines that these changes can be initiated within the current workload and resources of the Division, therefore, the Division does not believe that these amendments would create a cost or savings impact to the state budget or the Division's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since the proposed amendments clarify existing program requirements and restrictions this filing does not create any direct cost or savings impact to local governments.

Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

Since the proposed amendments clarify existing program requirements and restrictions this filing does not create any direct cost or savings impact to small businesses.

Nor are small businesses indirectly impacted because this rule does not create a situation requiring services from them.

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

Since the proposed amendments clarify existing program requirements and restrictions this filing does not create any direct cost or savings impact to non-small businesses.

Nor are non-small businesses indirectly impacted because this rule does not create a situation requiring services from 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**):

The rule amendments do not have the potential to create a cost impact or savings to those participating in the Dedicated Hunter program as they are administrative in nature and only clarify requirements already in place.

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

The Division has determined that there will be no change in cost for those wishing to participate in the Dedicated Hunter program.

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

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

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

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

Citation Information

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

Section 23A-2-305

Public Notice Information

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

A) Comments will be accepted until: 01/31/2024

9. This rule change MAY become effective on: 02/07/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Justin Shirley, Division Director	Date:	12/11/2023
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R657. Natural Resources, Wildlife Resources.**R657-38. Dedicated Hunter Program.****R657-38-1. Purpose and Authority.**

(1) Under the authority of Section 23A-2-305, this rule provides the standards and requirements for qualified deer hunters to participate in the Dedicated Hunter Program by obtaining a certificate of registration.

(2) The Dedicated Hunter Program is a program that:

- (a) provides expanded hunting opportunities;
- (b) requires participation in wildlife conservation projects;

and

(c) provides educational training in hunter ethics and wildlife management principles.

R657-38-2. Definitions.

(1) Terms used in this rule are defined in Section 23A-1-101.

(2) In addition:

(a) "Dedicated Hunter Permit" means a general buck deer permit issued to a participant in the Dedicated Hunter Program, which authorizes the participant to hunt deer during the general archery, general muzzleloader, and general any weapon open seasons in the hunt area specified on the permit.

(b) "Division" means the Utah Division of Wildlife Resources.

~~_____~~ (c) "Enrollment" means the three year term which the certificate of registration is valid.

(d) "Hunt area" means an area prescribed by the Wildlife Board where general archery, general muzzleloader, and general any legal weapon buck deer hunting is open to permit holders for taking deer.

(~~e~~) "Participant" means a person who has remitted the appropriate fee and has been issued a Dedicated Hunter certificate of registration.

(~~f~~) "Program" means the Dedicated Hunter Program.

(~~f~~) "Program harvest" means using a Dedicated Hunter permit to tag a harvested deer or failing to ~~return~~ submit a ~~[Dedicated Hunter permit with the kill tag attached]~~ harvest report as required, while enrolled in the program.

(~~g~~) "Wildlife conservation project" means any project that provides wildlife habitat protection or enhancement, improves public hunting or fishing access, or directly benefits wildlife or the ~~D~~ division's current needs and is pre-authorized by the ~~D~~ division.

R657-38-3. Dedicated Hunter Certificates of Registration.

(1)(a) To participate in the Dedicated Hunter Program, a person must apply for, be issued, and sign a certificate of registration as prescribed by the ~~D~~ division.

(b) Certificates of registration for a designated hunt area are issued by the ~~D~~ division through a drawing as prescribed in the guidebook of the Wildlife Board for taking big game and Rule R657-62.

(c) Certificates of registration are valid for three consecutive years, except as provided by Sections R657-38-10 and R657-38-13, beginning on the date the big game drawing results are released and ending on the last day of the general season hunt for the third year of enrollment.

(d) The quantity of certificates of registrations for the Dedicated Hunter Program available in the big game drawing is limited to:

(i) 15% ~~percent~~ of the total annual general season buck deer quota for each respective hunt area, inclusive of those certificates of registration that are within ~~their effective term~~ active enrollments; or

(ii) one resident and one non~~-~~resident certificate of registration if the 15% ~~percent~~ total on that hunt area is met or exceeded.

(e) Certificates of registration remaining unissued from the Dedicated Hunter portion of the big game drawing shall be redistributed as general single-season permits for their respective hunt areas in the general buck deer drawing.

(2) The ~~D~~ division may deny issuance of a certificate of registration for the Dedicated Hunter Program for any of the reasons identified as a basis for suspension in Subsection 23A-4-1106(7) and Section R657-38-15.

(3)(a) A certificate of registration for the Dedicated Hunter Program conditionally authorizes the participant to obtain a Dedicated Hunter permit, which may be used to hunt deer within the area listed on the permit, during the general archery, general muzzleloader and general any legal weapon buck deer seasons according to the dates and boundaries established by the Wildlife Board.

(b) When available, the certificate of registration may also authorize the Dedicated Hunter permit to include the general deer archery extended area during the extended season dates.

(c) The person must use the appropriate weapon type specified by each season and boundary.

(4) The participant~~s~~ may not change to a different hunt area~~, as issued through the drawing, shall remain the same for the entire duration of the certificate of registration]~~ during the enrollment.

~~[(5) Participants in the]~~ (5)(a) The division may make changes including, season opportunity, season length, boundaries, allowable weapon types, or other special restrictions to all or any portion of a hunt area or management unit, when in the interest of the wildlife resource or as necessary for the division to accomplish its management objectives, and may not guarantee each hunt area remains unchanged during the Dedicated Hunter's enrollment period.

(b) Dedicated ~~[Hunter Program]~~Hunters shall be subject to any changes subsequently made to this or other rules ~~[during]~~pertaining to the ~~[term of enrollment]~~hunt area they have drawn.

R657-38-4. Applications for Certificates of Registration.

(1) Applications to obtain a Dedicated Hunter certificate of registration are made pursuant to Section R657-62-16.

(2) To apply for a Dedicated Hunter certificate of registration, applicants must:

(a) have a valid Utah hunting or combination license;

(b) meet all age, hunter education, and license requirements in Sections 23A-4-1001, 23A-4-703, 23A-4-706, and 23A-4-707 and~~[in]~~ applicable rules, except that:

(i) A person 11 years of age may apply for and obtain a Dedicated Hunter certificate of registration if that person's twelfth birthday falls in the calendar year the certificate of registration is issued; and

(ii) a person may not hunt big game ~~[prior to]~~before their twelfth birthday; and

(c) be compliant with the restrictions in Subsection (2).

(3) A person under any wildlife suspension may not apply for a certificate of registration until their suspension period has ended.

R657-38-5. Dedicated Hunter Preference Point System.

Dedicated Hunter Preference points are issued pursuant to Section R657-62-10.

R657-38-6. Fees.

(1) Any person who is 17 years of age or younger on July 31 of the application year shall pay the youth participant fees.

(2) Any person who is 18 years of age or older on July 31 of the application year, or is a Lifetime License holder, shall pay the associated participant fees.

(3)(a) A participant who enters the program as a Utah resident and thereafter becomes a nonresident shall be changed to a nonresident status and may be issued nonresident permits for the ~~[remainder]~~rest of the enrollment period.

(i) No additional fee shall be applied to the nonresident certificate of registration or its respective permits following this residency change.

~~[(5)]~~(4)(a) A participant who enters the program as a nonresident and thereafter becomes a Utah resident, shall be changed to a resident status and may be issued resident permits for the ~~[remainder]~~rest of the enrollment period.

(i) No refund will be issued for the difference of the resident certificate of registration fee or its respective permits following this residency change.

R657-38-9. Service Hour Requirement.

(1)(a) A participant must complete the minimum annual required service hours as a volunteer on ~~[D]~~division -approved

wildlife conservation projects ~~[in order]~~to obtain a Dedicated Hunter permit.

(b) A participant must complete a minimum of ~~[8]~~6 service hours ~~[prior to]~~before receiving a Dedicated Hunter permit in the first year of the program.

(c) A participant must complete a minimum total of ~~[24]~~22 service hours ~~[prior to]~~before receiving a Dedicated Hunter permit in the second year of the program.

(d) A participant must complete a minimum total of 32 service hours ~~[prior to]~~before receiving a Dedicated Hunter permit in the third year of the program.

(e) If the participant has two program harvests, the full 32 hours must be completed ~~[prior to]~~before the expiration of the certificate of registration.

(f) If a participant having two program harvests fails to complete the required hours of service ~~[prior to]~~before expiration of the certificate of registration, the participant is ineligible to apply for or obtain any Utah hunting license or permit until the remaining service hours have been completed.

(g) After a certificate of registration has expired, incomplete service hours may be completed through ~~[D]~~division approved projects or by payment at the established purchase rate.

(2) A participant who has not been issued any Dedicated Hunter permits during the enrollment ~~[shall]~~may not be required to complete the service hour requirement.

(3)(a) Residents and nonresidents may complete service hour requirements through service, purchase, or a combination of the two options.

(b) Wildlife conservation projects may be provided by the ~~[D]~~division, or any other individual or entity, but must be pre-approved by the ~~[D]~~division.

(c) Goods or services donated to the ~~[D]~~division by a participant may be, at the discretion of the ~~[D]~~division, substituted for service hours based upon current market values or comparative state contract rates for the goods or services, and the approved service hour purchase rate.

(d) The ~~[D]~~division shall publicize the dates, times, locations and description of approved wildlife conservation projects and activities on the ~~[D]~~division's Website.

(4)(a) Service hours performed ~~[prior to]~~before an enrollment ~~[shall]~~may not be accepted as service credit.

(b) Service hours exceeding the minimum requirement ~~[shall]~~may not be applicable beyond the enrollment period and ~~[shall]~~may not be credited to any subsequent certificate of registration.

(5)(a) Participants are required to perform their own service hours.

(b) Service hours are not transfer~~[f]~~able to other participants or certificates of registration.

R657-38-10. Certificate of Registration Extension.

(1)(a) A participant who is a member of the United States Armed Forces or public safety organization that is mobilized or deployed on orders in the interest of national defense or declared state of emergency while enrolled in the program may request a one-year program extension if:

(i) the person is mobilized or deployed for a minimum period of three consecutive months; or

(ii) the participant is mobilized or deployed during the general buck deer season.

(b) The participant must provide evidence of the mobilization or deployment period and that the mobilization or

deployment precluded the participant from using the Dedicated Hunter permit.

(c) An extension may not be granted if the participant hunted during the general deer season.

(d) If an extension is granted due to mobilization or deployment:

(i) the minimum annual program requirements shall be postponed into the subsequent year of the enrollment;

(ii) a permit will not be issued in the year the qualifying mobilization or deployment occurs.

(2)(a) A person who is enrolled in the program and obtains a limited entry buck deer permit through the Utah Big Game drawing or accepts a poaching reported reward limited entry buck deer permit, ~~[may request]~~ will receive a one-year extension to the Dedicated Hunter [p]Program enrollment period[be extended one additional year].

~~[(b) The extension request must be received by the Division before the established deadline, as published on the Division's website.]~~

~~[(c) An extension is not available to participants who have two program harvests.]~~

(i) If the limited entry deer permit is surrendered during the enrollment, the extension will be retracted and the original three-year enrollment restored.

(ii) The minimum annual program requirements shall be postponed into the subsequent year of the enrollment.

R657-38-11. Allowable Harvest and ~~[Permit Return]~~Reporting Requirements.

(1)(a) A program participant may take a maximum of two general season deer within the enrollment period. Only one deer may be harvested in a single year.

(b) The harvest of an antlerless deer using a Dedicated Hunter permit, when permissible in the extended archery areas and seasons established in the big game guidebook, shall be considered a program harvest.

(2) Upon issuance of a Dedicated Hunter permit, the participant is credited with a program harvest.

(a) Two program harvests are allowed within an enrollment period.

(b) If program harvests accrue during the first year and second year of the enrollment, a permit ~~[shall]~~ may not be issued for the third year.

(c) ~~[In order to]~~ To remove a program harvest[credit], the participant must:

(i) not have harvested a deer with the Dedicated Hunter permit; and

(ii) ~~[return the permit with the attached tag, or a qualifying affidavit as proof of non-harvest to a Division office. A handling fee and notarization may be required for processing an affidavit.]~~ must submit a harvest report before the annual deadline established by the division pursuant to Rule R657-5.

R657-38-12. Dedicated Hunter Permits.

(1)(a) Pursuant to Sections 23A-4-706 and 23A-4-707, a person must have a valid Utah hunting or combination license to apply for or obtain a big game permit.

(b) Except as provided in [s]Subsection (c), a permit may not be issued if the participant does not ~~[possess]~~ have a valid hunting or combination license at the time of permit issuance.

(c) A valid hunting or combination license is not required to obtain a permit in the first year of the enrollment period, provided

the participant possessed a valid license when applying for the Dedicated Hunter certificate of registration.

(2) The participant must have a valid Dedicated Hunter permit in possession while hunting.

(3) Upon completion of the minimum annual requirements, a Dedicated Hunter permit may be issued as published on the [D]division's website.

~~[(4) The Division may exclude multiple season opportunities on specific management units, or may close or reduce a season on part or all of a management unit, when in the interest of the wildlife resource or as necessary for the Division to accomplish its management objectives.]~~

~~[(5)](a)~~ The [D]division may issue a duplicate Dedicated Hunter permit pursuant to Section 23A-4-208.

(b) If a participant's unused Dedicated Hunter permit and tag is destroyed, lost, or stolen ~~[prior to]~~ before, or during the hunting season in which the permit is valid, a participant may obtain a duplicate after paying the associated handling fee.

(c) A duplicate Dedicated Hunter permit ~~[shall]~~ may not be issued after the closing date of the general buck deer season.

~~[(6)](a)~~ A participant may surrender a Dedicated Hunter permit in accordance with Rule R657-42.

(b) A participant may not surrender a Dedicated Hunter permit after the earliest season allowed by the permit has begun, unless the [D]division can verify that the permit was never in the participant's possession.

~~[(7)](a)~~ Lifetime license holders may participate in the program.

(b) A lifetime license holder shall apply for a certificate of registration in the same manner as all other prospective participants.

(c) A lifetime license holder participating in the program agrees to for[e]go any rights to receive a lifetime license buck deer permit as provided in Section 23A-4-402 while enrolled in the program and until all outstanding service hours owed from a period of enrollment are complete.

(d) A refund or credit is not issued for a forgone lifetime license permit.

R657-38-13. Obtaining Other Permits.

(1)(a) Participants may not apply for or obtain any other Utah general season buck deer permit, including general landowner buck deer permits, or respective preference points issued by the [D]division through the big game drawing, license agents, over-the-counter sales, or the internet during an enrollment period in the program.

(b) Any other Utah general season deer permit obtained is invalid and must be surrendered ~~[prior to]~~ before the beginning season date for that permit.

(c) Refunds for surrendered permits are governed by Sections 23A-4-207 and ~~23A-4-301~~ and Rule R657-42.

(2)(a) Participants may apply for or obtain a limited entry buck deer permit, including CWMU, limited entry landowner, conservation, expo, and poaching reported rewards permits.

(b) A limited entry buck deer permit may be obtained without completion of the annual program requirements but does not exempt the participant from fulfilling the minimum requirements of the enrollment.

(c) If the participant obtains a limited entry buck deer permit and has been issued a Dedicated Hunter permit, either the limited entry buck deer permit or the Dedicated Hunter permit must be surrendered as permissible by Section R657-38-12 and Rule R657-42.

(d) A participant who obtains a limited entry buck deer permit may only use that permit in the prescribed area and season listed on the permit, but Dedicated Hunter privileges are not extended to that permit.

(e) A limited entry buck deer permit may not be obtained if the Dedicated Hunter permit has been issued and the general buck deer season has started.

(f) Harvest of a limited entry buck deer as permitted ~~[shall]~~may not be counted as a program harvest.

(3)(a) Participants may apply for or obtain antlerless deer permits as provided in Rule R657-5 and the guidebook of the Wildlife Board for taking big game.

(b) Except as provided in Section R657-38-11, harvest of an antlerless deer with an antlerless deer permit ~~[shall]~~may not be considered a program harvest.

R657-38-14. Certificate of Registration Surrender.

(1) A participant may request to withdraw from the Dedicated Hunter ~~[p]~~Program by surrendering the Dedicated Hunter certificate of registration pursuant to Rule R657-42, provided the participant does not have two program harvests within the enrollment period.

(2) A participant who has two program harvests during the program enrollment may not withdraw from the program and ~~[is required to]~~shall complete the program minimum requirement of 32 service hours.

(3) The ~~[D]~~Division may reinstate preference point~~[(t)s]~~ for a participant successfully surrendering in the first year of the enrollment period, provided the surrender occurs ~~[prior to]~~before the start of the general deer season~~[.]~~ and meets all relating conditions set forth in Rule R657-42.

R657-38-15. Certificate of Registration Suspension.

(1) The ~~[D]~~Division may suspend a Dedicated Hunter certificate of registration pursuant to Section 23A-4-1106 and Rule R657-26.

(2) A certificate of registration may also be suspended if the participant:

(a) fraudulently ~~[submits a time sheet for]~~claims service hours the participant did not perform; or

(b) fraudulently completes any of the program requirements; or

(c) is under a judicial or administrative order suspending any wildlife hunting or fishing privilege within Utah or elsewhere; or

(d) provides false information on the drawing application; or

(e) has violated the terms of any certificate of registration issued by the ~~[D]~~Division or an associated agreement.

(3) A Dedicated Hunter permit is invalid if a participant's certificate of registration is suspended.

(4) The program enrollment period ~~[shall]~~may not be extended in correlation with any suspension.

KEY: wildlife, hunting, recreation, wildlife conservation

Date of Last Change: 2024~~[October 2, 2023]~~

Notice of Continuation: September 8, 2020

Authorizing, and Implemented or Interpreted Law: 23A-2-305

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:

R657-42

Filing ID:
56247

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R657-42. Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents
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' (Division) rule regulating the fees, exchanges, surrenders, refunds and reallocations of Wildlife Documents.
4. Summary of the new rule or change:
The proposed amendments to this rule set the requirement for late fee payments incurred with the required mandatory reporting for all big game species.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The amendments to Rule R657-42 are required due to the proposed changes in Rule R657-5, Taking Big Game. With this rule amendment, approximately 130,000 mandatory harvest surveys will be added, which in turn would affect approximately 130,000 hunters.

The administrative cost for the contracting company to make these required changes, which includes emails, programming needs, customer service and being the point of contact, will cost the division approximately \$50,000 to implement.

The Division has determined that these changes can be initiated within the current workload and resources of the Division.

Therefore, the Division believes that these amendments can be enacted without a cost or savings impact to the state budget or the Division's budget.

(EDITOR'S NOTE: The proposed amendment to Rule R657-5 is under ID 56243 in this issue, January 1, 2024, of the Bulletin.)

B) Local governments:

Since the proposed amendments do not require a service from local governments, this filing does not create any direct or indirect cost or savings impact to 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**):

These amendments do have the potential to create a cost impact to those individuals wishing to participate in the hunting of big game in Utah, however, because the Division will be waiving the late fee for the 2024 season there will be no immediate additional cost to the public.

Moving forward, about 9% of the public does not report so in 2025 it could cost the public up to \$585,000 in late fees. That could change with the potential of E-tagging going into effect in 2025 which could lower the cost the public since the compliance rate should be higher.

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

The Division has determined that this amendment will not create additional costs for those participating in the taking of big game for the 2024 season but could result in a \$50 per late survey beginning with the 2025 season.

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	FY2024	FY2025	FY2026
State Government	\$50,000	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$585,000	\$0
Total Fiscal Cost	\$50,000	\$585,000	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$585,000	\$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	\$585,000	\$0
Net Fiscal Benefits	\$(50,000)	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

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

Section 23A-4-201	Section 23A-4-207	
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Public Notice Information

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

A) Comments will be accepted until: 01/31/2024

9. This rule change MAY become effective on: 02/07/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Justin Shirley, DWR Director	Date:	12/11/2023
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R657. Natural Resources, Wildlife Resources.

R657-42. Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents.

R657-42-1. Purpose and Authority.

(1) Under the authority of Sections 23A-4-201 and 23A-4-207 the division may issue wildlife documents in accordance with the rules of the Wildlife Board.

(2) This rule provides the standards and procedures for the:

- (a) exchange of permits;
- (b) surrender of wildlife documents;
- (c) refund of wildlife documents;
- (d) reallocation of permits; and
- (e) assessment of late fees.

R657-42-9. Assessment of Late Fees.

(1) Any wildlife application submitted under the Utah Administrative Code Rules provided in Subsections (a) through (e), within 30 days of the applicable application deadline established in such rules, in the guidebooks of the Wildlife Board, or by the division may be processed only upon payment of a late fee as provided by the approved fee schedule.

(a) Rule R657-52, Commercial Harvesting of Brine Shrimp and Brine Shrimp Eggs;

(b) Rule R657-21, Cooperative Wildlife Management Units for Small Game;

(c) Rule R657-22, Commercial Hunting Areas;

(d) Rule R657-37, Cooperative Wildlife Management Units for Big Game; or

(e) Rule R657-43, Landowner Permits.

(2) Any person who fails to report their Big Game hunt information pursuant to Rule R657-5 [Taking Big Game, within 30 calendar days of the ending season date for their once in a lifetime, premium limited entry, limited entry, or cooperative wildlife management unit hunt may] may reinstate their eligibility to apply for a Big Game or antlerless permit[-or], bonus point[-in], or preference point the following year provided:

(a) the survey is completed and submitted to the division [prior to] before the close of the [Big Game] relevant application period established in the guidebook [of the Wildlife Board for taking big game].

(b) [the late fee established in the approved fee schedule is] appropriate fees are paid to the [Division,] division; and

(c) [The] the accepted [method of] payment [of fee] method is [only a] done via credit or debit card.

(3) Any person who fails to report their Swan hunt information pursuant to Section R657-9-7, within 30 calendar days of the ending season date for their Swan hunt may apply for a Swan permit in the following year provided:

(a) the survey is completed and submitted to the division [prior to] before the close of the Swan application period established in the guidebook of the Wildlife Board for taking waterfowl[-]; or

(b) the late fee established in the approved fee schedule is paid to the Division[-]; and

(c) [T] the accepted method of payment of fee is only a credit or debit card.

KEY: wildlife, permits

Date of Last Change: 2024[October 1, 2023]

Notice of Continuation: March 15, 2023

Authorizing, and Implemented or Interpreted Law: 23A-4-201; 23A-4-207; 23A-4-301

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R657-43	Filing ID: 56248
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Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R657-43. Landowner Permits

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' (Division) rule pursuant to Landowner Association Program.

4. Summary of the new rule or change:

The proposed amendments to this rule:

- 1) allow a landowner association (LOA) to hunt only the private property participating in the program and removes the public access requirement;
- 2) create a special drawing for landowners on limited-entry units that are not enrolled in an LOA and have the minimum 640 acres of habitat;
- 3) establish up to 5% above the total number of unit permits be available in the drawing and restricts the permits from being sold or a trespass fee being charged;
- 4) create a general-season landowner permit that is only valid on private property; and
- 5) establish up to 10% above the total unit permits can be issued over the counter and allows for the sale of these permits.

Fiscal Information

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

A) State budget:

The amendments to Rule R657-43 are program changes that are administrative in nature for the Division, the Division determines that these changes can be initiated within the current workload and resources of the Division, therefore, the Division does not believe that these amendments would create a cost or savings impact to the state budget or the Division's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since the proposed amendments clarify an existing program requirements and restrictions, this filing does not create any direct cost or savings impact to local governments.

Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

This amendment clarifies an existing LOA.

The LOA's are not regulated as a small business, therefore, this rule does not impose any additional financial requirements on small businesses, nor generate a cost or saving impact to small businesses because this rule does not create a situation requiring services from them.

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

This amendment clarifies an existing Landowner program.

The LOA's are not regulated as a non-small business nor do they have an employer/employee relationship, therefore, this rule does not impose any additional financial requirements on small non-businesses, nor generate a cost or saving impact to small non-businesses because this rule does not create a situation requiring services from 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**):

The rule amendments do have the potential to affect the number of vouchers being issued to each LOA. Because the vouchers are based on the market, the LOA's that may decrease in permit numbers may actually see an increase in the tag price and may not have a financial loss.

A majority of the LOA's were receiving vouchers recommended at the same rate and will see no change. There has always been potential for the vouchers to increase or decrease each year, however, some of the vouchers consistently sell for more than \$40,000. The Division has determined that this could remain the same.

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

The Division determines that there will be no change in cost for those wishing to participate as a LOA in the program.

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

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

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

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

Citation Information

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

Section 23A-2-304	Section 23A-2-305	
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Public Notice Information

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

A) Comments will be accepted until:	01/31/2024
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9. This rule change MAY become effective on:	02/07/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Justin Shirley, Division Director	Date:	12/11/2023
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**R657. Natural Resources, Wildlife Resources.
R657-43. Landowner Permits.**

R657-43-1. Purpose and Authority.

(1) Under authority of Sections 23A-2-304 and 23A-2-305, this rule provides the standards and procedures for landowners to qualify for and obtain big game hunting opportunities in recognition of the benefits their private properties provide to wildlife resources in Utah.

~~[(2)]~~ (2) The Private Landowners may apply for and obtain Vouchers from the division through one of the following three programs, and as further outlined in this rule:

~~(a) The division [shall offer a program providing opportunities for general season big game hunts, "General Season Landowner Permits", and a program providing limited entry big game hunts, "Limited Entry Landowner Permits".]~~

~~(b) The division shall offer buck deer permits under both programs: Permit Program:~~

~~(i) A General Season Landowner - Private Land - Buck Deer Permit may be provided for Landowners to use only on their private land; or~~

~~(ii) A General Season Landowner - Unit Wide - Buck Deer Permit that Landowners can seek through a draw process and is usable throughout the general season unit.~~

~~(b) The division may provide permits to individual Landowners on limited entry units with eligible lands that are not enrolled in a Landowner Association to hunt Buck Deer, Bull Elk, and Buck Pronghorn on their own private land.~~

~~(c) The division [shall offer buck pronghorn] may provide Buck Deer, Bull Elk, and [bull elk] Buck Pronghorn permits [under] to Landowner Associations through the Limited Entry Landowner [Permit program] Association Program that can be:~~

~~(i) used unit wide for a Landowner Association that allow public access; or~~

~~(ii) used only on private land within the Landowner Association if no public access is allowed.~~

(3) The Landowner permit programs are intended to:

(a) provide an incentive for private landowners to manage their lands as quality habitat for public wildlife;

(b) assist and support the division in managing big game populations;

(c) increase private Landowner tolerance of big game on their Private Lands;

(d) increase big game hunting opportunities;

(e) increase and secure public hunting access on participating Landowners' Private Lands;

(f) reduce the division's obligations in responding to and compensating for depredation events occurring on participating Private Lands;

(g) use objective criteria to determine how hunting opportunities are allocated under the programs; and

(h) allocate hunting opportunities in a manner that fluctuates in proportion to variations in public draw permit numbers.

R657-43-2. Definitions.

(1) Terms used in this rule are defined in Section 23A-1-101.

(2) In addition:

(a) "Applicant" means a Landowner applying to participate in the General Season Buck Deer Landowner Permit program, the Limited Entry Landowner Association Permit program, or the program for Landowners on limited entry units with eligible land that is not enrolled in a Limited Entry Landowner [Permit program] Association.

(b) "Cropland" means agricultural Private Land that is cultivated and mechanically harvested and upon which the division has determined that migratory deer rely to meet herd management objectives.

(c) "Draw Application" means ~~that~~ an application for Permits submitted to the division after the Applicant has been approved to participate in the program.

(d) "Eligible Property" means Private Land that:

(i) ~~(A) [Private Land that]~~ provides habitat for deer, elk or pronghorn as determined by the division;

~~((ii) [B] [Private Land that] is not used in the operation of a Cooperative Wildlife Management Unit for the same species;~~

~~((iii) [C] [Private Land that] is not used in the operation of an elk farm or elk hunting park; and~~

~~((iv) [D] [Private Land] is in agricultural use as provided in Section 59-2-502 and eligible for agricultural use valuation as provided in Sections 59-2-503 and 59-2-504[; and].~~

~~((v) [E] [Private Land having])~~ In addition to subsection (d)(i), Eligible Property must have one or more of the following attributes:

(A) for ~~the purpose of~~ receiving ~~[general buck deer permits]~~ General Season Private Land Landowner Buck Deer Vouchers or General Season Unit Wide Landowner Buck Deer Permits, a minimum of 100 acres of ~~[Private Land that is]~~ Cropland, or a minimum of 640 acres of other Private Land meeting the criteria in Subsection (d)(i) through (iv) that is owned or leased by one Landowner or leased by one landowner within the general season unit hunt boundary; or

(B) for the purposes of receiving a Limited Entry Landowner Permit Voucher, Private Land owned or leased ~~by members of a Landowner Association that is~~ within a limited entry ~~unit~~ elk, deer or pronghorn unit for land that is enrolled in a Limited Entry Landowners Association.

(C) for the purposes of receiving a Limited Entry Landowner Permit Voucher for Private Land owned or leased within a limited entry elk, deer or pronghorn unit for land that is not enrolled in a Limited Entry Landowners Association, a minimum of 640 acres of Private Land meeting the criteria in Subsection (d)(i)(A) through (D) that is owned or leased by one Landowner or leased by one landowner within the limited entry unit hunt boundary.

(e) "Governing Documents" mean the legal documents executed by a Legal Entity Owners that govern the formation, operation, management, rules, duties, responsibilities, decision-making and dissolution of ~~such~~ said Legal Entity.

(f) "Immediate Family" means a Landowner's, a Lessee's, or a Legal Entity Owner's spouse, children, sons-in-law, daughters-in-law, father, mother, father-in-law, mother-in-law, brothers, sisters, brothers-in-law, sisters-in-law, stepchildren, and grandchildren.

(g) "Landowner" means, for the purposes of this rule, any person or Legal Entity which:

(i) owns Private Land in Utah as evidenced by such deeds vesting title in such Landowner;

(ii) is the purchaser of Private Land pursuant to a recorded contract of sale; or

(iii) is ~~a~~ an agricultural Lessee of Private Land, being any person or legal entity with a written lease whose terms permit the lessee to be in ~~actual~~ physical control of such Private Land.

(h) "Landowner Association" means a Legal Entity created by Landowners who own Eligible Property within a limited entry unit, which Legal Entity is organized for working with the division as outlined in this rule.

(i) "Legal Entity" means an entity such as a corporation, partnership, limited liability company, or trust that is organized under the laws of the ~~state~~ State of Utah and otherwise qualified to do business within ~~the State of~~ Utah.

(j) "Legal Entity Owner" means a person or other Legal Entity which has ownership in a Legal Entity, such as a shareholder of a corporation, a member of a limited liability company, a partner in a partnership, or trustee or beneficiary of a trust.

(k) "Permit" means a hunting authorization obtained through a draw or purchased from the division by a person who is the holder of a Voucher, pursuant to the terms and authorizations contained in such Voucher.

(l) "Private Land" means, for the purposes of this rule, any real property owned or leased by a Landowner, excluding:

(i) land owned by the state or federal government;

(ii) land owned by a county or municipality;

(iii) land owned by an Indian tribe;

(iv) land enrolled in a Cooperative Wildlife Management Unit for the same species under Rule- R657-37; and

(v) land where public access for big game hunting has been secured.

(m) "Qualifier Application" means the initial application submitted to the division to determine if a Landowner meets the necessary requirements to participate in the landowner permit program.

(n) "Voucher" means an authorization issued by the division to a Landowner that entitles such Landowner or its permitted transferees, if allowed pursuant to this rule, to purchase a Permit from the division.

TABLE Landowner Permit Programs Table						
Permit/ Voucher Type	Hunt Boundary	Species	Requirements	Stipulations	Public Access	Permit Quantity
General Season	Private Lands Only	Deer	640 acres of Agricultural Land or Range Land	Can be sold	Not required	Up to 10% above total unit permits
General Season	Unit Wide	Deer	100 acres Agricultural Land, or 640 acres of Range Land	Owner or immediate family only - cannot be sold	Not required	Up to 3% above total
Limited Entry - Non-LOA	Owners Private Lands Only	Deer, Elk, Pronghorn	640 acres of Agricultural Land or Range Land	For anyone - cannot be sold	Not required	Up to 5% above total unit permits
Limited Entry - LOA 1	Unit Wide	Deer, Elk, Pronghorn	>50% of eligible land enrolled	Can be sold	Require d	Percentag e of habitat = percentag e of LOA permits
Limited Entry - LOA 2	Private Lands Only	Deer, Elk, Pronghorn	>50% of eligible land enrolled	Can be sold	Not required	Percentag e of habitat = percentag e of LOA permits

R657-43-3. General Season Landowner ~~[Permits]~~ Program - Private Land Only Buck Deer Vouchers -- Availability and Eligibility.

(1)~~(a)~~ The division ~~[will]~~shall establish the maximum number of General Season Landowner ~~[Permits for buck deer]~~ Private Land Only Buck Deer Vouchers annually by:

(a) identifying the number of public draw permits available in a hunting unit; and~~[allocate]~~

(b) allocating up to an additional ~~[3]~~10% of that number to the ~~[program. Vouchers for]~~ General Season Landowner ~~[Permits for buck deer will be issued through the General Season Landowner Permit draw. Vouchers may only be redeemed by the Landowner or Immediate Family members.]~~ Private Land Only Buck Deer program.

(2) An Applicant must meet the following eligibility criteria to apply for or obtain ~~[permits]~~vouchers under the General Season Landowner Program for a Private Land Buck Deer Voucher:

(a) own the minimum quantity of Eligible Property in the proper general season unit boundaries as identified in this rule;

(b) be able to lawfully obtain and use a hunting license and big game permit;

(c) submit a complete application by the deadline; and

(d) pay necessary fees.

(3) An Applicant may apply for General Season Landowner - Private Land Only Buck Deer Vouchers according to the following limitations:

(a) one General Season Landowner - Private Land Only Buck Deer Voucher may be issued for 640 acres of Eligible Property owned or leased by the Applicant;

(b) one additional General Season Landowner - Private Land Only Buck Deer Voucher may be issued for each additional 640 acres of Eligible Property owned or leased by the Applicant.

(4) General Season Landowner - Private Land Only Buck Deer Vouchers may be transferred or sold.

(5) Any remaining permits for the General Season Landowner - Private Land Only Buck Deer Vouchers may be issued to qualifying landowners over-the-counter at the same time the other over-the-counter big game permits go on sale.

R657-43-4. General Season Landowner Program - Private Land Buck Deer Vouchers -- Applications and Permit Use.

(1) Qualifier Applications for General Season Landowner - Private Land Only Buck Deer Vouchers are available from division offices and on the division website before the draw.

(2)(a) Only one Applicant may submit a Qualifier Application for a parcel of Private Land.

(b) The division may reject all Qualifier Applications if more than one application is received for the same parcel of Private Land.

(c) A Landowner may only submit one Qualifier Application, regardless of whether there are:

(i) multiple individual persons owning the Eligible Property;

(ii) multiple Legal Entity Owners in the Legal Entity owning the Eligible Property; or

(iii) similar instances of split ownership of the Eligible Property.

(3) Qualifier Applications for General Season Landowner - Private Land Only Buck Deer Vouchers must include:

(a) total acres of Eligible Property within the respective general season unit hunt boundary area;

(b) the signature of all Landowners having an interest in the Eligible Property; and

(c) a digital map of the Eligible Property indicating the parcel numbers, county, and general season hunt unit within which it is located.

(4) Qualifier Applications must be submitted to the regional division office with management responsibilities where the Eligible Property is located.

(5) Vouchers will be issued on a first come, first serve basis when over-the-counter permits go on sale.

(6) The Applicant will select the season and weapon type when issued the voucher.

(7) Any person issued a General Season Landowner - Private Land Only Buck Deer Permit under this rule is subject to all season dates, weapon restrictions, and any other rules, specifically Rule R657-5, and fees as provided in the guidebook of the Wildlife Board for taking big game.

(8) General Season Landowner - Private Land Only Buck Deer Permits are only valid on private property in the unit in accordance with Sections 23A-5-310 and 23A-5-317.

(9) A General Season Landowner - Private Land Only Buck Deer Permit may be used to hunt the entirety of the Landowner's adjoining Private Land even when the Landowner's Private Land is in more than one general unit hunt boundary area.

R657-43-5. General Season Landowner Program - Unit Wide Buck Deer Permits -- Availability and Eligibility.

(1)(a) The division will establish the number of General Season Landowner - Unit Wide Buck Deer Permits annually by identifying the number of public draw permits available in a unit and allocate an additional 3% of that number to the program.

(b) Vouchers for General Season Landowner - Unit Wide Buck Deer Permits will be issued through the General Season Landowner Permit draw.

(c) Vouchers for General Season Landowner - Unit Wide Buck Deer Permits may only be redeemed by the Landowner or Immediate Family members.

(2) An Applicant must meet the following eligibility criteria to apply for or obtain permits under the General Season Landowner - Unit Wide Buck Deer Permit program:

(a) own the minimum quantity of Eligible Property in the proper general season unit boundaries as identified in this rule;

(b) be able to lawfully obtain and use a hunting license and big game permit;

(c) submit a complete application by the deadline;

(d) participate in the General Season Landowner - Unit Wide Buck Deer Permit drawing; and

(e) pay necessary fees.

(3)(a) An Applicant may apply for General Season Landowner - Unit Wide Buck Deer Permits according to the following limitations:

(i) One General Season Landowner - Unit Wide Buck Deer Permit may be issued for 640 acres of Eligible Property owned or leased, for agricultural purposes, by the Applicant; or

(ii) One General Season Landowner - Unit Wide Buck Deer Permit may be issued for 100 acres or more of Cropland owned or leased, for agricultural purposes, by the Applicant.

~~(i)(b)~~~~(i)~~ One additional General Season Landowner - Unit Wide Buck Deer Permit may be issued for each additional 640 acres of Eligible Property owned or leased, for agricultural purposes, by the Applicant;

~~[(ii) one additional General Season Landowner Permit may be issued for each additional 640 acres of Eligible Property owned or leased by the Applicant;] and~~

~~[(iii) one General Season Landowner Permit may be issued for 100 acres or more of Cropland owned or leased by the Applicant.]~~

~~[(b) (ii) Only one General Season Landowner - Unit Wide Buck Deer Permit may be issued to a Landowner based on Cropland acreage, regardless of whether that Applicant owns or leases for agricultural purposes more than 100 acres of Cropland.~~

~~[(c) Only one General Season Landowner Permit may be issued per parcel of Eligible Property.]~~

(d) General Season Landowner - Unit Wide Buck Deer Permits cannot be sold and may only be transferred to Immediate Family members.

(e) An Applicant may apply for and receive a maximum of five General Season Landowner - Unit Wide Buck Deer Permits in a single hunt year.

(4) Vouchers for General Season Landowner - Unit Wide Buck Deer Permits will be issued following the draw and ~~are valid for~~ may only be claimed by the Landowners and their Immediate Family members.

(5) Remaining General Season Landowner - Unit Wide Buck Deer Permits may be issued to qualifying landowners over-the-counter at the same time the other over-the-counter big game permits go on sale.

R[657-43-4]657-43-6. General Season Landowner Program - Unit Wide Buck Deer Permits -- Applications, Drawing, and Permit Use.

(1) Qualifier Applications for General Season Landowner - Unit Wide Buck Deer Permits are available from division offices and on the division website before the draw.

(2)(a) Only one Applicant may submit a Qualifier Application for ~~the same~~ a parcel of Private Land.

(b) The division may reject all Qualifier Applications if more than one application is received for the same parcel of Private Land.

(c) Where the Landowner's Private Land is in more than one general unit hunt boundary area, the Landowner may select only one of those units from which to receive the Permit.

(d) A Landowner may only submit one Qualifier Application, regardless of whether there are:

(i) multiple individual persons owning the Eligible Property;

(ii) multiple Legal Entity Owners in the Legal Entity owning the Eligible Property; or

(iii) similar instances of split ownership of the Eligible Property.

(3) Qualifier Applications for General Season Landowner Permits must include:

(a) total acres of Eligible Property within the respective general season unit hunt boundary area;

(b) the signature of all Landowners having an interest in the Eligible Property; and

(c) a digital map of the Eligible Property indicating the parcel numbers, county, and general season hunt unit within which it is located[;].

(4) Qualifier Applications must be submitted to the regional division office with management responsibilities where the Eligible Property is located.

(5) The signatures of the Landowners on the Draw Application serve as an affidavit by such Landowner certifying ownership of the Eligible Property enrolled.

(6)~~[(a)]~~ After Qualifier Applications are reviewed and approved, Draw Applications will be submitted pursuant to Section R657-62-27.

~~[(b) When submitting the Draw Application, the Applicant will select the season and weapon type]~~7) Any person issued a General Season Landowner - Unit Wide Buck Deer Permit under this rule is subject to all season dates, weapon restrictions, and any other rules, specifically Rule R657-5, and fees as provided in the guidebook of the Wildlife Board for taking big game.

~~[(7)]~~8) ~~[Any person issued a]~~A General Season Landowner - Unit Wide Buck Deer Permit is valid unit wide under ~~[this rule is subject to all]~~the same season dates~~[, weapon restrictions, and any other regulations, specifically Rule R657-5, and fees as provided in the guidebook of the Wildlife Board for taking big game.]~~ and unit boundary as a general draw buck deer permit would be.

(9) Individuals that obtain a General Season Landowner - Unit Wide Buck Deer Permit must choose a weapon type with season for their permit when redeeming a General Season Landowner - Unit Wide Buck Deer Permit.

R657-43-7. Limited Entry Landowner Program - Permit Vouchers for Lands not Participating in a Landowner Association -- Availability and Eligibility.

(1) The division shall establish the number of Limited Entry Landowner Program Permit Vouchers for private lands not enrolled in a Landowner Association for buck deer, bull elk, and buck pronghorn annually by:

(a) identifying the number of public draw limited entry permits available in a unit; and

(b) allocating up to an additional 5%, by weapon type, of that number to the program.

(2) Vouchers for Limited Entry Landowner Program Permits for lands not participating in a Landowner Association will be issued through the Limited Entry Landowner Program Permit Voucher draw.

(3) An Applicant must meet the following eligibility criteria to apply for or obtain permits under the Limited Entry Landowner Program:

(a) own the minimum quantity of Eligible Property in the proper Limited Entry unit boundaries as identified in this rule;

(b) be able to lawfully obtain and use a hunting license and big game permit;

(c) submit a complete application by the deadline;

(d) participate in the Limited Entry Landowner Permit drawing; and

(e) pay necessary fees.

(4) An Applicant may apply for Limited Entry Landowner Permit Vouchers according to the following limitations:

(a) A minimum of 640 acres of Eligible Property is required to submit an application;

(b) Only one Limited Entry Landowner Program Permit may be issued per parcel of Eligible Property; and

(c) An Applicant may apply for and receive a maximum of one Limited Entry Landowner Program Permit Vouchers in a single hunt year.

(5) A landowner or lessee transferring a permit voucher to another individual may not receive any form of compensation or remuneration for the transfer or for allowing access to the private land

for hunting on a permit redeemed with that voucher on the landowner or lessee's eligible property.

R657-43-8. Limited Entry Landowner Program - Permit Vouchers for Lands not Participating in a Landowner Association, -- Drawing, and Permit Use.

(1) Qualifier Applications for Limited Entry Landowner Program Permit Vouchers are available from division offices and on the division website before the draw.

(2)(a) Only one Applicant may submit a Qualifier Application for a parcel of Private Land.

(b) The division may reject all Qualifier Applications if more than one application is received for the same parcel of Private Land.

(c) A Landowner may only submit one Qualifier Application, regardless of whether there are:

(i) multiple individual persons owning the Eligible Property;

(ii) multiple Legal Entity Owners in the Legal Entity owning the Eligible Property; or

(iii) similar instances of split ownership of the Eligible Property.

(3) Qualifier Applications for Limited Entry Landowner Permits must include:

(a) total acres of Eligible Property within the respective Limited Entry unit hunt boundary area;

(b) the signature of all Landowners having an interest in the Eligible Property; and

(c) a digital map of the Eligible Property indicating the parcel numbers, county, and limited entry hunt unit within which it is located.

(4) Qualifier Applications must be submitted to the regional division office with management responsibilities where the Eligible Property is located.

(5) The signatures of the Landowners on the Draw Application serve as an affidavit by such Landowner certifying ownership of the Eligible Property in the Qualifier Application.

(6) After Qualifier Applications are reviewed and approved, Draw Applications will be submitted pursuant to Section R657-62-27.

(7) Any person issued a Limited Entry Landowner Program Permit under this rule is subject to all season dates, weapon restrictions, and any other rules, specifically Rule R657-5, and fees as provided in the guidebook of the Wildlife Board for taking big game.

(8) Limited Entry Landowner Program Permit Vouchers are not valid for:

(a) multi-season hunting opportunities;

(b) public land;

(c) private land outside of the property for which the application was submitted for; and

(d) late season limited entry buck deer permits on a general season unit.

[R657 43-5. Limited Entry Landowner Permits -- Availability and Eligibility.]R657-43-9. Limited Entry Landowner Association Program Permit Vouchers -- Availability and Eligibility.

(1)(a) Landowners in a limited entry unit may join together to form a Landowner Association for participation in the Limited Entry Landowner Association Permit program.

(b) To qualify as a Landowner Association, participating Landowners must:

([a]i) own more than 50% of the Private Lands that are Eligible Property within the limited entry herd unit;

([b]ii) form a Landowner Association;

([e]iii) limit participation to Private Lands within a limited entry hunt unit serving as habitat for that species; and

([d]iv) the president of the Landowner Association must participate in a division training annually.

(2) The division will establish the number of ~~[limited entry permits]~~ Limited Entry Landowner Association Program Permits available ~~[under the program]~~ on an annual basis by:

(a) identifying the number of public draw permits in a unit for the previous hunt year;

(b) identifying the total acreage of Private Land in a unit enrolled in the Landowner Association;

(c) calculating the percentage of habitat in the unit represented by the Landowner Association by dividing the habitat acreage represented by the Landowner Association by the habitat acreage in the whole unit;

(d) applying that percentage to the total number of available public draw permits from the previous year to determine the number of ~~[permits]~~ Limited Entry Landowner Association Program Permit Vouchers to be allocated to the Landowner Association;

(e) applying standard rounding will be practiced when determining permit numbers - .49 rounds down and .5 rounds up; and

(f) an approved Landowner Association that qualifies for less than one permit voucher every year will receive one permit voucher the first year after approval.

(3) To form a Landowner Association, Landowners must:

(a) elect a president;

(b) enter into Governing Documents signed by all participating Landowners that:

(i) agree to the formation of a Landowner Association for the purposes of participating in the program;

(ii) establish membership qualifications;

(iii) identify any yearly dues, if any, necessary to participate and how those funds will be utilized;

(iv) establish a distribution plan for allocating Vouchers or revenue from Vouchers to members;

(v) describe the process for adding and removing members in a fair and impartial process;

(vi) describe how the Landowner Association will provide notice of upcoming meetings and how members can participate;

(vii) establish how voting and decisions on behalf of the Landowner Association will be made;

(viii) establish rules and guidelines outlining permit holder conduct on Landowner Association property;

(ix) describe how the Landowner Association will complete compliance requirements for the program;

(x) describe how the members will elect a president to represent the landowner association and the president's length of term;

(xi) include a written waiver from each participating Landowner of all depredation claims due to big game damage during the term of such Landowner's membership in the Landowner Association;

(xii) if option 1, Subsection R657-43-9(5)(a), is chosen include a written agreement from each participating member to allow free public access onto all participating Landowner's Private Lands as required by Subsections R657-43-5(5) and R657-43-5(6); and

(~~[xiii]~~xiii) other items deemed necessary and appropriate to administer the Landowner Association.

(4) Limitations on the eligibility of Private Lands in Landowner Associations:

(a) ~~[private lands]~~ Private Lands enrolled in a Cooperative Wildlife Management Unit ~~for the same species~~ are not eligible to participate in a Landowner Association under this rule;

(b) ~~[public]~~ Public and state lands are not eligible to be included in a Landowner Association;

(c) ~~[only]~~ Only Private Lands that qualify as Eligible Property will be considered for Limited Entry Landowner Permits;

(d) ~~[only]~~ Only one Landowner Association, per species, may be formed for each limited entry unit; and

(e) ~~[a]~~ A Landowner or Landowner Association may not restrict legally established passage through Private Land to access public lands for hunting.

(5) A Landowner Association may choose one of two Voucher options during the term of its certificate of registration:

(a) Option 1[-];

(i) The Landowner Association will be issued Vouchers valid for the entire limited entry hunting unit;

(ii) an equivalent number of public hunters to the number of Vouchers received by the Landowner Association shall be provided complete access to hunt all ~~[of the]~~ Landowner Association's Private Lands at no charge for the species during the season dates identified on the Limited Entry Landowner Association Permit; and

(iii) the division will notify the lowest draw numbers of public hunters in that unit who will be given access to the Landowner Association's Private Lands pursuant to this section.

(b) Option 2[-];

(i) The Landowner Association will be issued Vouchers valid only for Private Lands enrolled in the Landowner Association;

(ii) the number of Vouchers allocated to a Landowner Association will be ~~[initially]~~ calculated using the formula in Subsection (2), ~~[then reduced by 20%,]~~ rounded up to the nearest whole number[-];

~~[(iii) an equivalent number of public hunters to the number of Vouchers reduced by 20%, rounded up to the nearest whole number shall be provided complete access to hunt all Landowner Association's Private Lands at no charge for the species and during the season dates identified on the limited entry permit; and]~~

(c) Limited Entry Landowner Association Program Permit Vouchers are not valid for:

(i) multi-season hunting opportunities;

~~[(iv)]~~ ~~[the division will notify the lowest draw numbers of public hunters in that unit who will be given access to]~~ private land not enrolled in the Landowner Association's Private Lands pursuant to this section[-]; or

~~[(c) Vouchers are not valid for:]~~

~~[(i) multi-season hunting opportunities; or]~~

~~[(ii)]~~ late season limited entry buck deer permits on a general season unit.

(6)(a)(~~+~~) Public draw permit holders specified in Subsection (5)(a) will have access to all enrolled Landowner Association lands for the entirety of the hunt[-];

~~[(b)]~~ ~~[(i)]~~ The Landowner Association will be responsible for ensuring those public draw permit holders identified in ~~[paragraph]~~ Subsection (5)(a) ~~[above]~~ are given access to all private lands; and

~~[(ii)]~~ Landowner Associations may determine how to disperse public hunters by seasons. If all public hunters are in one season it will be the any-weapon season.

~~[(b)]~~ The Landowner Association must provide a written copy of its guidelines used to regulate a permit holder's conduct as a guest on the Landowner Association land. These guidelines will go through the RAC and Wildlife Board process to ensure they are fair and reasonable.

(7) Performance metrics will be established by the division, with recommendations from the Landowner Association Advisory Committee, to determine if the purposes of the program are being met.

R[~~657-43-6~~657-43-10. Limited Entry Landowner Association Program Permits -- Application.

(1) Applications for a limited entry Landowner Association certificate of registration are available at division offices and on the division website.

(2) Applications must include:

(a) total acres providing habitat for the species in question that are participating in the Landowner Association;

(b) signature of each of the Landowners within the Landowner Association including acres owned, with said signature serving as an affidavit certifying ownership;

(c) a copy of the Landowner Association's Governing Documents;

(d) a digital map of the Private Lands participating in the Landowner Association and indicating the Private Lands which serve as habitat for the species in question; and

(e) a non-refundable handling fee.

(3) The division may aid the Landowner Association in preparing the application, but the division is not responsible for errors in the application or a failure to properly or completely submit an application.

(4) Applications must be completed and submitted to the regional division office managing the limited entry hunting unit where the Landowner Association is located by September 1 of the year before the hunting is to occur.

(5) The division shall review the application and determine its completeness and formulate a recommendation[-];

(a) the division may reject any application that is incomplete or completed incorrectly; and

(b) ~~[a]~~ Applicants must notify the division in writing regarding any changes to the substance of their application while it is under consideration, or it may be considered incomplete or incorrect.

(6) After evaluating the application, the Wildlife Board shall consider:

(a) the contents of the application;

(b) the division's recommendation; and

(c) any violations of Title 23A, the Wildlife Resources [Code] Act, by the Landowner Association, its operator, its president, or any of its members that would reasonably influence whether the ~~[a]~~ Applicant should be approved to participate in the program.

(7) Upon receiving the application and recommendation from the division, the Wildlife Board may:

(a) authorize the issuance of a three-year certificate of registration allowing the Landowner Association to operate; or

(b) deny or partially deny the application and provide the Landowner Association with reasons for the decision.

(8)(a) The certificate of registration for a Landowner Association must be renewed every three years through the process outlined in this rule.

(b) In evaluating a certificate of registration renewal application, the Wildlife Board shall consider:

(i) the Landowner Association's fulfillment of public access requirements, if applicable, during the term of the prior certificate of registration;

(ii) the Landowner Association's fulfillment of antlerless harvest access and success, if a condition of its prior certificate of registration;

(iii) the contents of its renewal application; and

(iv) a recommendation provided by the division.

(9) The Wildlife Board may deny a certificate of registration application or renewal application if:

(a) the Landowner Association has failed to supply the necessary documentation specified in ~~[Subsection]~~ Section R657-43-6;

(b) a member of the Landowner Association has been convicted of a wildlife violation;

(c) the president of the Landowner Association has engaged in conduct that results in the conviction of, a plea of no contest to, or a plea held in abeyance to a crime of moral turpitude, or any other crime that when considered with the functions and responsibilities of a Landowner Association president bears a reasonable relationship to their ability to responsibly operate a Landowner Association;

(d) the Landowner Association has failed to abide by the terms of their Governing Documents in a manner that undermines the purposes of the program; or

(e) the Landowner Association's president or its designee fails to complete mandatory annual training.

(10)(a) An ~~[a]~~ Applicant may appeal a denial of an application, renewal application, or request for certificate of registration amendment by submitting an appeal to the division ~~[D]~~ director.

(b) An appeal must be submitted to the division within 30 days of receiving the notice of denial.

(11)(a) If a Landowner Association is cited for violating this rule, Title 23A, the Wildlife Resources Act, or any other proclamation or guidebook by the Wildlife Board, the ~~[Division]~~ division may suspend or revoke the Landowner Association certificate of registration pursuant to Rule R657-26; and

(~~[a]~~)b if an individual landowner who is part of a Landowner Association violates this rule, Title 23A, the Wildlife Resources Act, or any other proclamation or guidebook by the Wildlife Board, the ~~[Division]~~ division may remove the individual landowner from the Landowner Association's certificate of registration pursuant to Rule R657-26.

(12)(a) The division shall annually review the permit types, numbers, and seasons authorized by a certificate of registration issued under this section and implement modifications for the following hunt season.

(b) Landowner Associations and the ~~[Division]~~ division will work cooperatively to achieve desired management directives, including antlerless management objectives.

(13)(a) A Landowner Association may petition to amend a certificate of registration upon submitting a written request to the regional division office where the Landowner Association's Private Land is located; and

(b) A Landowner Association shall submit an application to amend their certificate of registration for changes in:

(i) the Landowner Association's Governing Documents; or

(ii) acreage;

(A) ~~[H]~~If during a term of its certificate of registration, a Landowner Association's Eligible Property decreases but remains at least equal to 50% of the Eligible Property in the limited entry unit, such Landowner Association shall submit an amendment outlining the new acreage to update their current certificate of registration; or

(B) if during a term of its certificate of registration, a Landowner Association's Eligible Property decreases and equals less than 50% of the Eligible Property in the limited entry unit, such Landowner Association's certificate of registration shall be deemed non-compliant and shall terminate at the end of the certificate of registration's term; provided, however, such Landowner Association may reapply for a certificate of registration as a new application.

(iii) Private Land ownership; or

(iv) any other matter related to the management and operation of the Landowner Association not originally included in the certificate of registration.

(c) If approved, an amendment to the certificate of registration shall be issued in writing.

(14)(a) Upon approval of the certificate of registration, Limited Entry Landowner Association Program Permit Vouchers may be issued and redeemed to purchase Limited Entry Landowner Permits from division offices.

(b) The fee for any Limited Entry Landowner Association Program Permit is the same as the cost of similar limited entry buck deer, bull elk, or buck pronghorn limited entry permits.

(c) A Landowner receiving a Voucher for a Limited Entry Landowner Permit may sell or otherwise transfer such Voucher to any legal hunter so long as that person possesses or obtains a Utah hunting or combination license.

(d) Any recipient of a Limited Entry Landowner Association Program Permit must follow the season dates, weapon restrictions, and any other regulation governing the taking of big game as specified in Rule R657-5 and the guidebook of the Wildlife Board for taking big game.

(e) Nothing in this rule permits the take of more than one buck deer, one bull elk, or one buck pronghorn during any one year.

R[657-43-7]657-43-11. Landowner Association Advisory Committee.

(1) A Landowner Association Advisory Committee shall be created consisting of seven members nominated by the director and approved by the Wildlife Board.

(2) The committee shall include:

(a) two sportsmen representatives;

(b) two landowner representatives;

(c) one agriculture representative;

(d) one at large public representative; and

(e) one Regional Advisory Council chair~~[person]~~ or member.

(3) The committee shall be chaired by the Wildlife Section Chief, or their designee, and shall be a non-voting member.

(4) The committee shall:

(a) hear complaints dealing with fair and equitable treatment of hunters on Landowner Association lands;

(b) review the operation of the Landowner Association program; and

(c) make advisory recommendations to the director and Wildlife Board on the matters in Subsections (a)~~[-(b)-, (c)-, (d)-]~~ and (~~[e]~~)b.

(5)(a) The committee may, after hearing evidence of complaints or violations, place a Landowner Association on probation.

(b) A Landowner Association placed on probation status must provide the Landowner Association Advisory Committee a plan of corrective action to address concerns regarding operation of the Landowner Association, and report annually to the Landowner Association Committee during the probationary period regarding their progress in addressing such concerns.

(c) The Landowner Association Advisory Committee shall report to the Wildlife Board any Landowner Association that remains on probation during a certificate of registration renewal process.

(6) The Wildlife Section Chief shall determine the agenda, time, and location of the meetings.

(7) The director shall set ~~staggered~~ staggered terms of appointment of members such that there is rotating representation and that all committee members' terms shall expire after four years.

KEY: wildlife, landowner permits, big game seasons

Date of Last Change: ~~2024~~ October 2, 2023

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Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

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Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-62. Drawing Application Procedures
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' (Division) rule pursuant to application procedures.

4. Summary of the new rule or change:

The proposed amendments to this rule:

- 1) remove the mandatory Dedicated Hunter orientation course; and
- 2) add the process for the Limited Entry Landowner Program drawing.

Fiscal Information

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

A) State budget:

The amendments to Rule R657-62 are administrative in nature, the Division determines that these changes can be initiated within the current workload and resources of the Division, therefore, the Division believes that these amendments can be enacted without a cost or savings impact to the state budget or the Division's budget.

B) Local governments:

Since the proposed amendments do not require a service from local governments, this filing does not create any direct or indirect cost or savings impact to 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**):

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in hunting in Utah because there are no additional costs associated with the filing.

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

The Division has determined that this amendment will not create additional costs for those participating in hunting in

Utah because there are no additional costs associated with the filing.

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

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

Section 23A-2-304	Section 23A-2-305	
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Public Notice Information

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

A) Comments will be accepted until:	01/31/2024
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9. This rule change MAY become effective on:	02/07/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Justin Shirley, DWR Director	Date:	12/11/2023
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R657. Natural Resources, Wildlife Resources.

R657-62. Drawing Application Procedures.

R657-62-1. Purpose and Authority.

(1) Under authority of Sections 23A-2-304 and 23A-2-305, the Wildlife Board has established this rule for drawing applications and procedures.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the respective guidebooks of the Wildlife Board.

R657-62-16. Dedicated Hunter Certificates of Registration.

(1)(a) Applicants for a dedicated hunter certificate of registration must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Rule R657-38.

~~Each prospective participant must complete Dedicated Hunter program orientation course annually before submitting an application.~~

(2) Group applications are accepted. Up to four applicants may apply as a group.

R657-62-27. Unit Wide Landowner Buck Deer Permits.

(1)(a) The division will evaluate draw applications and calculate the number of general season hunting opportunities the landowner qualifies for per Rule R657-43.

(b) The applicant will be charged a handling fee for every draw application, up to 5, that is entered into the drawing.

(c) The division will issue vouchers to the landowner based on the drawing results.

(d) The division is not responsible for identifying recipients of the vouchers after vouchers are awarded to a landowner by the drawing process.

(2) For an individual to redeem the drawn voucher, they must:

(a)(i) be the landowner, an immediate family member, or lessee. If the Applicant is a business entity, the person eligible for the permit must be a shareholder, or immediate family member of a shareholder, as designated by the business entity; and

(ii) non-shareholder employees of the business entity are not eligible to receive a general season landowner permit;
 (b) possess or obtain a valid hunting or combination license;

(c) meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Rule R657-5; and

(d) not already obtained a buck deer permit per Section R657-62-18.

(3) Any permits remaining after the drawing are available at division offices on a first come, first serve basis.

R657-62-28. Limited Entry Landowner Program -- Lands not Participating in a Landowner Association.

(1) Permit applications.

(a) A person must possess or obtain a valid hunting or combination license to apply for or obtain a limited entry landowner permit.

(b) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Rule R657-5.

(c) Applicants must meet the requirements pursuant to Rule R657-43 to be able to submit a draw application.

(d) The applicant will be charged a handling fee to be entered into the drawing.

(e) Applicants will select the season and weapon type for their application.

(i) The division will calculate the number of limited entry hunting opportunities qualified for per Rule R657-43.

(ii) Voucher allocation will be broken up by season and weapon type within that unit.

(2) A random drawing or selection process must be conducted for each limited entry permit.

(3) Bonus points are neither awarded nor applied in this drawing.

(4) Waiting periods do not apply.

(5) The division will issue voucher to the landowner based on the drawing results.

(a) The division is not responsible for identifying recipients of the vouchers after vouchers are awarded to a landowner by the drawing process.

(b) A landowner or lessee transferring a permit voucher to another individual may not receive any form of compensation or remuneration for the transfer or for allowing access to the private land for hunting on a permit redeemed with that voucher on the landowner or lessee's eligible property.

(c) A person may obtain only one permit per species of big game, including limited entry, cooperative wildlife management unit, once-in-a-lifetime, conservation, landowner and general permits, except antlerless permits as provided in the Antlerless Addendum and permits as provided in Rule R657-42.

KEY: wildlife, permits

Date of Last Change: 2024|~~October 1, 2023~~

Notice of Continuation: April 9, 2019

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305

NOTICE OF PROPOSED RULE

TYPE OF FILING: New

Rule or Section Number:

R765-264

Filing ID:
56252

Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R765-264. Student Religious Accommodations

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

The purpose of this rule is to provide a process for any student at a Utah System of Higher Education (USHE) institution who seeks a religious accommodation in the student's scheduling.

4. Summary of the new rule or change:

This rule defines religious accommodations made to the schedule of a student's course at a USHE institution, establishes how a student seeking an accommodation shall provide notice, and outlines the circumstances under which an institution must grant an accommodation.

This rule does not cover religious accommodations for employees or religious accommodation requests beyond scheduling.

Fiscal Information

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

A) State budget:

Enactment of this rule likely will not materially impact the state budget because it does not affect state revenue or expenditures.

This rule requires USHE institutions to establish a process that each student who seeks a religious accommodation in the student's scheduling must follow to obtain an accommodation.

The enactment of the rule does not require funding from the state since it does not require the institutions to acquire additional staff nor incur any set-up costs.

B) Local governments:

Enactment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect 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**):

The only persons other than small businesses, non-small businesses, state, or local government entities who are affected by this rule are students who seek a religious accommodation in scheduling at a USHE institution.

The enactment of this rule will likely not result in expenditures of those affected because this rule does not impose fees on them.

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

Any compliance costs imposed on affected persons is limited to the time they will expend in following the process of seeking a religious accommodation, which is nominal.

There are no fees imposed on affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Utah Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 53B-27-405		
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Public Notice Information

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

A) Comments will be accepted until: 01/31/2024

9. This rule change MAY become effective on: 02/07/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	12/11/2023
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R765. Higher Education (Utah Board of), Administration.**R765-264. Student Religious Accommodations.****R765-264-1. Purpose.**

This rule defines religious accommodations made to the schedule of a student's course at a Utah system of higher education institution, establishes how a student seeking an accommodation shall provide notice, and outlines the circumstances under which an institution must grant an accommodation. This policy does not cover religious accommodations for employees or religious accommodation requests beyond scheduling.

R765-264-2. Authority.

Section 53B-27-405 authorizes this rule.

R765-264-3. Definitions.

(1) "Designated employee" means the person designated by an institution to handle requests for religious accommodations. At a degree-seeking institution, the designated employee shall be the instructor for the course for which a student seeks a religious accommodation. At a technical college the designated employee may be someone given responsibility to work with instructors to address requests for religious accommodations.

(2) "Institution" means an institution of higher education under Subsection 53B-2-101(1).

(3)(a) "Religious accommodation" means a schedule modification of an examination or academic requirement because of the student's faith, conscience, or participation in an organized activity under the student's religious tradition or religious organization.

(b) "Religious accommodation" may include rescheduling or providing a make-up exam, rescheduling a student's in-class presentation, allowing a make-up assignment to substitute for missed class work, changing a course assignment's due date, or excusing an absence from the course.

(4) "Religious tradition" means a religious, non-religious, theistic, or non-theistic moral or ethical tradition.

(5) "Sincerely held belief" means a religious, non-religious, theistic, or non-theistic moral or ethical belief.

(6) "Undue hardship" means significant difficulty.

R765-264-4. Religious Accommodations.

(1) Each institution shall reasonably accommodate a student's absence from an examination or other academic requirement if the student provides a written notice to the designated employee that the date and time that an examination or academic requirement is scheduled creates an undue hardship for the student due to the student's sincerely held belief based on the student's:

(a) faith or conscience; or

(b) participation in an organized activity conducted under the student's religious tradition or organization.

(2) Each designated employee who receives a student's written notice requesting a religious accommodation may:

(a) provide an alternative examination time before or after the regularly scheduled examination; or

(b) make any scheduling accommodation for other academic requirements related to the accommodation.

R765-264-5. Institution Requirements for the Religious Accommodations Process.

Each institution shall:

(1) identify an employee at the institution from whom any student can seek information about student religious accommodations;

(2) establish a process for a student to request a religious accommodation that complies with Section 53B-27-405; and

(3) establish a process for a student to grieve the denial of a request for a religious accommodation.

R765-264-6. Institution's Website.

Each institution shall publish the following information on its website and update the information annually:

(1) this policy;

(2) the name and contact information of the employee at the institution from whom a student can seek information about student religious accommodations;

(3) the list of major religious holidays described in Section R765-264-9.

(4) a description of the general procedures for a student to request a religious accommodation; and

(5) the grievance process described in Section R765-264-5.

R765-264-7 Confidentiality.

Each institution shall require its employees to keep a student's request for a religious accommodation and the student's beliefs and practices confidential and only share the information needed to evaluate or grant the request, or to process a grievance of a denial of a request.

R765-264-8 Retaliation Prohibited.

Under the institution's antidiscrimination policies, each institution shall prohibit its employees and students from engaging in retaliation against a student who has requested or is receiving a religious accommodation.

R765-264-9 Religious Holidays.

By December 1, 2023 and July 1 every year, the Utah Board of Higher Education shall distribute to each institution a list of the dates of religious holidays for the subsequent two years. A student may seek, and an institution may grant, a religious accommodation for a holiday that is not on the list.

KEY: Utah Board of Higher Education, Student Religious Accommodations
Date of Last Change: 2024
Authorizing, and Implemented or Interpreted Law: 53B-27-405

NOTICE OF PROPOSED RULE

TYPE OF FILING: New

Rule or Section Number:	R765-545	Filing ID: 56231
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Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R765-545. Prohibitions on and Disclosures of Foreign Donations to Higher Education Institutions

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

The purpose of this rule is to establish requirements for the disclosure of foreign gifts to higher education institutions.

4. Summary of the new rule or change:

This rule establishes the threshold for institutions of higher education to report foreign gifts and the information that must be disclosed in the report.

Fiscal Information

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

A) State budget:

Enactment of this rule likely will not materially impact the state budget because it does not affect state revenue or expenses.

The rule provides only for disclosure reports to be made by institutions of higher education.

B) Local governments:

Enactment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect 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**):

Enactment of this rule likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because it applies only to the institutions of higher education.

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

The rule creates an additional report that an institution of higher education is required to make to the Utah Board of Higher Education.

However, the report is a disclosure of information that the institution already has as part of its accounting. Therefore, any compliance cost to the institutions is nominal.

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Utah Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 53B-1-202(5).		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/31/2024

9. This rule change MAY become effective on:	02/07/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	11/29/2023
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R765. Higher Education (Utah Board of), Administration.**R765-545. Prohibitions on and Disclosures of Foreign Donations to Higher Education Institutions.****R765-545-1. Purpose.**

This rule provides direction on required reporting of foreign gifts to Utah system of higher education institutions and a prohibition on certain funding support.

R765-545-2. Authority.

Subsection 53B-1-202(5) authorizes this rule.

R765-545-3. Definition.

"Gift" means the same as is defined by Subsection 53B-1-201(4) and does not include payments for contract services, or tuition or fees paid for a specific student.

R765-545-4. Restriction on Accepting Funds.

A USHE institution may not seek or accept foreign funding support, including gifts, in violation of Subsection 53B-1-202(6).

R765-545-5. Disclosure Report.

(1) When required by Subsections 53B-1-202(1)(a) and (c), a USHE institution shall file a disclosure report with the Office of the Commissioner of Higher Education no later than July 31 of each year, for the recently concluded fiscal year. The report shall include all information required by Subsection 53B-1-202(2).

(2) When determining whether an entity or person is foreign, each institution shall make good faith efforts using the institution's first-hand knowledge or the best and most reliable information that is readily available to it.

KEY: Utah Board of Higher Education, Foreign Donations, Disclosures

Date of Last Change: 2024

Authorizing, and Implemented or Interpreted Law: 53B-1-202(5)

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R765-611	Filing ID:	56230
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Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R765-611. Veterans Tuition Gap Program
3. Purpose of the new rule or reason for the change:
This amendment updates this rule to improve efficiencies in the administration of the Veterans Tuition Gap Program.
4. Summary of the new rule or change:
This rule adds two new definitions and eliminates one; expands the ability to use the funds of the program to pay for tuition, fees, books, education-related supplies, and a housing allowance at an eligible; establishes criteria for a student to be eligible; adds a reporting requirement; eliminates Free Application for Federal Student Aid (FAFSA) financial reporting form training; and makes other clarifications.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The amendment of this rule likely will not materially impact the state budget because it does not affect state revenue or expenditures.
Although the Veterans Tuition Gap Program is funded by appropriations of the Legislature, this rule does not require any funding. This rule only establishes the criteria for participating in the grant program.

B) Local governments:

The amendment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.

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

The amendment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

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

The amendment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect 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**):

The amendment of this rule likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because it applies only to those individuals who wish to participate in the Veterans Tuition Gap Program.

Even in those cases, this rule only establishes the criteria for participating in the grant program.

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

Any compliance costs imposed on affected persons is limited to the completion of forms that are required to be eligible to participate in the Veterans Tuition Gap Program and is nominal.

There are no fees imposed on affected persons.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Utah Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 53B-13b-104(3)(c)		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/31/2024

9. This rule change MAY become effective on:	02/07/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	11/30/2023
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R765. Higher Education (Utah Board of), Administration.**R765-611. Veterans Tuition Gap Program.****R765-611-1. Purpose.**

The purpose of this rule is to provide the rules and procedures for implementing Title 53B, Chapter 13b, Veterans Tuition Gap Program Act.

R765-611-2. Authority.

[This rule is authorized by] Subsection 53B-13b-104(3)(c) authorizes this rule.

R765-611-3. Definitions.

- (1) "Board" means the Utah Board of Higher Education.
- (2) ~~["Eligible institution" means a higher education institution that grants baccalaureate degrees and is:~~
- ~~(a) a public institution of higher education described in Subsection 53B-2-101(1); or~~
 - ~~(b) a private, nonprofit, postsecondary institution that is:~~
 - ~~(i) recognized by the Internal Revenue Service or the state;~~
 - ~~(ii) located within the state; and~~
 - ~~(iii) accredited by an accrediting organization recognized by the U.S. Department of Education.]~~ "Education-related supplies" means necessary supplies to complete required courses.
 - ~~(3) ["Eligible student" means a student attending an eligible institution who:~~
 - ~~(a) is a resident student of the state as established under Section 53B-8-102 and Board Policy R512 or exempt from paying the nonresident portion of total tuition under Section 53B-8-106;~~
 - ~~(b) is a veteran as defined by Section 68-3-12.5;~~
 - ~~(c) is unconditionally admitted and currently enrolled in an eligible program leading to a bachelor's degree at an eligible institution;~~
 - ~~(d) is maintaining satisfactory academic progress, as defined by the institution, toward the degree in which enrolled;~~
 - ~~(e) has exhausted the federal benefit under any veterans educational assistance program or such benefits are unavailable;~~
 - ~~(f) has not completed a bachelor's degree;~~
 - ~~(g) is in the final year of the student's academic baccalaureate program; and~~
 - ~~(h) has completed the FAFSA to the extent that it will benefit the student's ability to maximize financial aid opportunities, except that the student may opt out of this requirement due to:~~
 - ~~(i) financial ineligibility for any potential grant or other financial aid;~~
 - ~~(ii) personal privacy concerns; or~~
 - ~~(iii) advice of the institution based on its assessment of the factors that may impact the student's ability to access maximum financial aid opportunities.]~~ "Eligible housing allowance" means the amount established by each institution for housing.
 - ~~(4) "FAFSA" means the financial reporting form known as Free Application for Federal Student Aid that is administered by the U.S. Department of Education to determine the need and eligibility of a higher education student for financial aid.~~

(5) ~~["Institutional Participation agreement" means a written agreement between the program administrator and an eligible institution that is needed for the eligible institution to participate in VeT Gap.]~~ "OCHE" means the Office of the Commissioner of Higher Education.

~~[(6) "Program administrator" means the Associate Commissioner for Student Financial Aid, or a person designated in a formal delegation of authority by the Associate Commissioner, under executive direction of the Commissioner of Higher Education.]~~

~~[(7)(6) "VeT Gap" means Veterans Tuition Gap Program established under Section 53B-13b-103.]~~

R765-611-4. Program Description and Length of Award Year.

(1) ~~VeT Gap [is a state supplement grant to provide tuition assistance—]may cover tuition, fees, books, education-related supplies, and a housing allowance at an eligible institution for veterans who are attending institutions of higher education in Utah and whose benefits under the federal program have been exhausted or are not available.~~

~~[(2) [This program]VeT Gap shall be [only—]available only to [eligible]higher education institutions that grant [baccalaureate]bachelor's degrees.~~

~~[(3) OCHE shall determine the maximum amount for education-related supplies each year.~~

~~[(4) Based on available program funds, OCHE may establish a fixed cap for the housing allowance or a percentage of the equivalent housing allowance amount allowed under the GI Bill.~~

~~[(2)(5) The award year for VeT Gap [is]shall be the twelve-month period coinciding with the state fiscal year beginning July 1 and ending June 30.~~

~~[(3)(6) An eligible student may receive a VeT Gap grant until[the earlier of the following occurs]:~~

~~[(a) the eligible student completes the requirements for a bachelor's degree; or~~

~~[(b) [12 months from the beginning of the initial academic term for which—]the eligible student receives an initial program grant for the maximum award amount set by the board.~~

R765-611-5. Availability of Program Funds.

(1) Funds available for VeT Gap allocations to eligible institutions may come from specifically earmarked state appropriations, or from other sources such as private contributions.~~[An eligible institution's ability to participate in VeT Gap shall be determined each year as follows:]~~

~~[(a)(2) To participate in VeT Gap, each eligible institution[Annually, by March 1st, the director of financial aid of an eligible institution, in consultation with the institution's veterans affairs officer,] shall demonstrate its intention to continue [participation]participating in VeT Gap by submitting annually, by March 1st, to the program administrator a certification, subject to audit, of the total number of veterans who were resident students of the state under Section 53B-8-102 and Board Policy R512 who have graduated from the institution with a [baccalaureate]bachelor's degree in the most recently completed academic year.~~

~~[(b)(3) An eligible institution's [F]failure to submit the certification required in Subsection [(1)(a)(2)] by the requested date shall constitute an automatic decision by the eligible institution to not participate in the program for the next fiscal year.~~

R765-611-6. Allocation of Program Funds to Eligible Institutions.

(1) Allocation of program funds to an eligible institution shall be based on the proportion of the institution's Utah resident students who are veterans who graduated with a baccalaureate degree in the most recently completed academic year when compared to the total population of such students in each of the other eligible institutions that are participating in VeT Gap that year.~~[For example, a particular eligible institution's number of Utah resident students who are veterans and graduated with a baccalaureate degree during the most recently completed academic year divided by the total number of Utah resident students who are veterans and graduated from each of the other participating eligible institutions with a baccalaureate degree during the most recently completed academic year equals the percent of VeT Gap funds allocated to that particular eligible institution.]~~

(2) The program administrator shall send official notification of each participating eligible institution's allocation to the institution's director of financial aid each fiscal year.

R765-611-7. Student Eligibility to Participate.

(1) To be eligible for assistance from VeT Gap funds, each student shall:

(a) be a resident student of the state under Section 53B-8-102 and Board Policy R512, or exempt from paying the nonresident portion of total tuition under Section 53B-8-106;

(b) be a veteran as defined by Section 68-3-12.5;

(c) be unconditionally admitted and currently enrolled in an eligible program leading to a bachelor's degree at an eligible institution;

(d) maintain satisfactory academic progress, as defined by the institution, toward the degree in which the student is enrolled;

(e) have exhausted the federal benefit under any veterans' educational assistance program or such benefits are unavailable;

(f) have not completed a bachelor's degree;

(g) be in the final year of the student's academic bachelor's program; and

(h) have completed the FAFSA as required by Board Policy R623.

R765-611-[7]8. Institutional Participation Agreement.

Each participating eligible institution shall enter into an institutional participation agreement with the program administrator or assigned designee and agree to abide by the program rules, accept and disburse funds per program rules, and ~~[retain]~~keep documentation for the program to support the awards and actions taken.

R765-611-[8]9. Use of Program Funds Received by an Eligible Institution.

(1) An eligible institution may at its discretion place up to, but in no case more than, 3.0% of the total amount of program funds allocated to it for the award year in a budget for student financial aid administrative expenses of the institution.

(2) If an eligible institution determines that it cannot use any portion of its VeT Gap allocation in an award year, the institution may return that portion of its allocation to the program administrator and the program administrator may redistribute the returned funds to other eligible institutions that it determines have unmet needs for that same award year.

(3) An eligible institution may not carry forward or carry back from one fiscal year to another any of its VeT Gap allocation for a fiscal year. ~~Any unused funds shall be returned to the program administrator as directed. Returned]~~

(4) OCHE may redistribute forfeited funds ~~(shall be redistributed)~~ to other eligible institutions ~~mid-year or as regular VeT Gap allocations [for disbursement]~~ the next award year.

(4) ~~5~~ An eligible institution may establish processes to determine the distribution of funds to students so long as it does so in accordance with the provisions established in this rule.

R765-611-~~9~~10. Determination of Awards to Eligible Students.

(1) ~~Each eligible institution shall establish [S]student cost of attendance budgets[shall be established by the eligible institution], in accordance with [20 U.S.C. Sec. 10874]federal regulations applicable to student aid programs under Title IV of the Higher Education Act as amended, for specific student categories authorized in the federal regulations, and providing for the total of costs payable to the institution plus other direct educational expenses, transportation and living expenses.~~

(2) ~~An eligible institution may not award VeT Gap funds to [A]an eligible student [who receives a program grant may only use the grant toward]in excess of the total amount of the student's tuition, fees, [and]books, education-related supplies, and a housing allowance at an eligible institution for that academic year.~~

(3) ~~Each eligible institution shall:~~

(a) ~~award and package VeT Gap funds [shall be awarded and packaged]on an annual award year basis unless the remaining period of enrollment until completion of the academic program is less than one award year[-];~~

(b) ~~pay VeT Gap [F]funds [shall be paid]one quarter or semester at a time or in thirds, if applicable to some other enrollment basis such as total months or total clock hours, contingent upon the student's maintaining satisfactory progress as defined by the institution in published policies or rules[-]; and~~

(4) ~~c~~ ~~make [E]each award under the program [shall be made]in accordance with the non-discrimination requirements of 34 C.F.R. Part 100.~~

~~(5) Each eligible student receiving financial aid under the program shall be required to agree in writing to use the funds received for expenses covered in the student's cost of attendance budget. The student's signature on the FAFSA shall satisfy this requirement.]~~

~~(6) If the eligible institution determines, after opportunity for a hearing on appeal according to established institutional procedures, that an eligible student used VeT Gap funds for other purposes, the institution shall disqualify the student from VeT Gap eligibility beginning with the quarter, semester or other defined enrollment period after the one in which the determination is made.]~~

(7) ~~5~~ An eligible institution may not initially award program funds in amounts which, with Federal Direct, Federal Direct PLUS or Perkins Loans or other financial aid from any source, both need and merit-based, and with ~~expected]~~family and individual contributions, exceed the cost of attendance for the student at the institution for the award year.

(8) ~~6~~ If, after the eligible student's financial aid has been packaged and awarded, the student later receives other financial assistance, such as, for example, merit or program-based scholarship aid or the student's cost of attendance budget changes, resulting in a later over-award of more than \$[3]500, the eligible institution shall appropriately reduce the amount of financial aid disbursed to the student so that the total does not exceed the cost of attendance.

R765-611-~~10~~11. Records, Retention and Cooperation in Program Reviews.

(1) ~~Each eligible institution shall:~~

(a) ~~cooperate with [the program administrator]OCHE in providing records and information requested for any scheduled audits or program reviews[-]; and[shall]~~

(b) ~~maintain records substantiating its compliance with all terms of the institutional participation agreement for three years after the end of the award year, or until completion of a program review [has been completed]and any exceptions raised in the review have been resolved, whichever occurs first.~~

(2) ~~If at the end of the three-year retention period, an audit or program review exception is pending resolution, the institution shall [retain]keep records for the award year involved until the institution has resolved the exception[has been resolved].~~

R765-611-12. Reporting.

(1) ~~As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other scholarship information for the most recently completed fiscal year.~~

(2) ~~For each institution that does not participate in the annual institutional financial aid file submission, data shall be submitted directly to OCHE no later than June 30 each year.~~

(3) ~~OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.~~

[R765-611-11. FAFSA Training.

~~To assist eligible students with the FAFSA requirement, each institution shall ensure that:~~

(1) ~~each institution advisor encourages, to the extent practicable, each eligible student to annually complete the FAFSA; and~~

(2) ~~the staff and faculty who advise eligible students on financial aid are properly trained on the benefits of completing the FAFSA.]~~

KEY: financial aid, higher education, veterans benefits

Date of Last Change: ~~2024~~**January 20, 2022**

Notice of Continuation: May 27, 2020

Authorizing, and Implemented or Interpreted Law: 53B-13b-104(3); 53B-8-102; 53B-8-106; Pub. L. No. 110-252

NOTICE OF PROPOSED RULE

TYPE OF FILING: New

Rule or Section Number:

R765-612

Filing ID:
56253

Agency Information

1. Department:	Higher Education (Utah Board of)
Agency:	Administration
Building:	Utah Board of Higher Education Building, The Gateway
Street address:	60 S 400 W

City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R765-612. Opportunity Scholarship
3. Purpose of the new rule or reason for the change:
The purpose of this rule is to establish procedures for the Opportunity Scholarship program.
4. Summary of the new rule or change:
This rule outlines award requirements, application procedures, and other information for the Opportunity Scholarship.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Enactment of this rule likely will not materially impact the state budget because it does not affect state revenue or expenditures.
Although the Opportunity Scholarship is funded by appropriations of the Legislature, this rule does not require any funding. This rule only establishes the criteria for participating in the scholarship program.
B) Local governments:
Enactment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
Enactment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect 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 applies only to those individuals who wish to participate in the Opportunity Scholarship program.

Enactment of this rule likely will not result in a financial burden for these individuals because it does not impose any fees on them.

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

Any compliance costs for affected persons will be limited to the time that they will expend to participate in the Opportunity Scholarship program, which is nominal.

There are no fees imposed on affected persons.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Utah Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.			

Citation Information

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

Section 53B-8-201		
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Public Notice Information

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

A) Comments will be accepted until:	01/31/2024
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9. This rule change MAY become effective on:	02/07/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	12/14/2023
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R765. Higher Education (Utah Board of), Administration.**R765-612. Opportunity Scholarship.****R765-612-1. Purpose.**

This rule outlines award requirements, application procedures, and other information for the Opportunity Scholarship.

R765-612-2. Authority.

Section 53B-8-201 authorizes this rule.

R765-612-3. Definitions.

(1) "Advanced course" means a course offered via concurrent enrollment or CE, advanced placement or AP, or international baccalaureate or IB, and identified by the Utah State Board of Education as earning core credit in the required subject area.

(2) "Board" means the Utah Board of Higher Education.

(3) "Eligible institution" means a degree-granting institution of higher education listed in Section 53B-2-102, or a Utah private, nonprofit postsecondary institution that is accredited by a regional accrediting organization recognized by the board.

(4) "Excusable neglect" means a failure to take proper steps at the proper time, not as a result of willful disregard of the scholarship application process, but as a result of some unexpected or unavoidable circumstances.

(5) "Good cause" means the applicant's failure to meet a scholarship application process requirement was due to circumstances beyond the student's control or circumstances that are compelling and reasonable.

(6) "High school" means a Utah public school established by the board or a private high school accredited by a regional accrediting body approved by the board.

(7) "Scholarship appeals committee" means a committee designated by the Commissioner of Higher Education to review appeals of Opportunity Scholarship award decisions and take final agency action regarding awards.

(8) "Scholarship award" means a scholarship awarded to each applicant who meets the eligibility requirements of Section R765-612-4.

(9) "Scholarship staff" means the employees assigned to review Opportunity Scholarship applications and make decisions awarding the scholarships.

(10) "Substantial compliance" means the applicant, in good faith, demonstrated clear intent to comply with the scholarship application requirements and has demonstrated likely eligibility, but failed to precisely comply with the application specifics.

R765-612-4. Award Requirements.

(1) To qualify for the Opportunity Scholarship, the applicant shall satisfy the following criteria:

(a) graduate from a Utah high school with a minimum, non-weighted GPA of 3.3;

(b) complete one advanced Mathematics course;

(c) complete one advanced Language Arts course;

(d) complete one advanced Science course; and

(e) complete and submit either the Free Application for Federal Student Aid or the alternative financial form approved by the board.

(2) Under Section 63G-12-402, verification of lawful presence in the United States is not required to be eligible for a scholarship under this rule.

(3) A student who graduated from a Utah high school in 2022 may alternatively qualify for the Opportunity Scholarship if the student satisfies the following criteria:

(a) graduate from a Utah high school with a minimum, non-weighted GPA of 3.3;

(b) complete four credits of English;

(c) complete four credits of math, including one course of advanced math;

(d) complete three credits of lab-based biology, chemistry, and physics;

(e) complete two credits of world languages;

(f) complete three credits of social science; and

(g) complete and submit either the Free Application for Federal Student Aid or the scholarship alternative financial form available.

(4) For purposes of Subsections R765-612-4(1)(b) and R765-612-4(3)(c), advanced mathematics means any of the

following courses: pre-calculus, calculus, statistics, AP calculus AB, AP calculus BC, AP statistics, college courses Math 1030 and higher, IB Math SL, HL, and Further Math.

(5) The following requirements apply only to a student who graduated from a Utah high school in 2022:

(a) Each student must apply for the Opportunity Scholarship using the eligibility criteria in either Subsection R765-612-4(1) or Subsection R765-612-4(2) exclusively.

(b) The student may not qualify for the Opportunity Scholarship by mixing courses from both sets of criteria in Subsections R765-612-4(1) and R765-612-4(2).

(c) Because the courses listed in Subsections R765-612-4(1) and R765-612-4(2) are not always analogous, each student who graduated in 2022 shall confirm the courses the student is completing meet the eligibility requirements under the subsection through which the student elects to apply.

(6) An award recipient shall enroll at an eligible institution full time, as defined by the institution, beginning with the fall semester after high school graduation.

(7) The institution which the student attends shall verify the recipient has met the enrollment requirements before disbursing payment.

R765-612-5. Application Procedures.

(1) Each applicant shall submit an official scholarship application no later than February 1 of the year that the student graduates from high school.

(2) The board may establish a priority deadline each year.

(3)(a) The scholarship staff may give each applicant who meets the priority deadline first priority or consideration for the scholarship.

(b) Subject to funding, the scholarship staff may consider each student based on the date the student completed and submitted the student's application.

(c) Additional criteria to prioritize awarding may be established by the board.

(4) Each applicant shall submit the following documents:

(a) the online Opportunity Scholarship application;

(b) a completed online Free Application for Federal Student Aid or the board approved financial form; and

(c) if graduating from a private high school in Utah, an official high school transcript.

(5) If there is an error with the student's transcript, the student shall work with the student's high school or district to rectify the information to complete the application.

R765-612-6. Award Amounts and Ongoing Eligibility.

(1) The board shall determine eligibility criteria and maximum award amounts annually, based on legislative appropriations and the number of eligible applicants.

(2) Each student who meets the eligibility criteria shall receive up to a four-semester scholarship award.

(3) Each institution shall determine individual recipient award amounts in accordance with Subsection 53B-8-201(3).

(4) If a student receives an award disbursement, the recipient must enroll at an eligible institution full time and maintain satisfactory academic progress as defined by the institution to remain eligible for any future disbursement.

(5) Each institution shall verify the recipient has met the requirements of Subsection (3).

(6) Each recipient who does not maintain eligibility shall forfeit any remaining award amount.

R765-612-7. Time Limitations and Deferrals.

(1) Each recipient may only receive scholarship funds:

(a) for five years after the recipient's high school graduation date; or

(b) for academic semesters that begin within five years after the recipient's high school graduation date.

(2) Each recipient who will not enroll as a student shall apply for a deferral or leave of absence with the recipient's institution.

(3) An approved deferral or leave of absence may not extend the time limits of the scholarship.

(4) A recipient who elects to attend a USHE technical college may defer the Opportunity Scholarship during that period of enrollment subject to the time limitations of Subsection R765-612-7(1).

R765-612-8. Transfers.

(1) Each recipient may transfer to another eligible institution and keep the scholarship award.

(2) Each recipient who transfers to another eligible institution and who desires to keep the scholarship award shall inform the institution from which the recipient transfers and the institution to which the recipient is transferring of the recipient's intent to transfer.

(3) Each institution shall:

(i) coordinate the transfer of scholarship funds and information; and

(ii) report this information to the Office of the Commissioner of Higher Education.

R765-612-9. Appeals.

(1) Each applicant shall have the right to appeal an adverse decision.

(2) When the scholarship staff denies eligibility, they shall issue a written determination that includes instructions on how to file an appeal.

(3) The applicant shall submit a written appeal to the scholarship appeals committee within 30 days of the date on which the scholarship staff's adverse decision was issued.

(4) In the appeal, the applicant shall provide:

(a) the applicant's contact information;

(b) the high school that the applicant attended;

(c) a statement of the reason for the appeal; and

(d) all information or evidence that supports the appeal.

(5) The scholarship appeals committee may not consider an appeal filed before the applicant receives official notification from the scholarship staff of their decision.

(6) If an applicant fails to file the appeal on time, the scholarship appeals committee shall notify the applicant of the late filing and give the applicant an opportunity to provide a written explanation of the reasons for failing to file the appeal by the deadline.

(7) The scholarship appeals committee may not have jurisdiction to consider the merits of an appeal that is filed beyond the deadline unless it determines the applicant established excusable neglect.

(8) The scholarship appeals committee shall review the appeal to determine if the scholarship staff's decision was made in error, or if the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.

(9) If the scholarship appeals committee determines the applicant has shown by a preponderance of the evidence that the scholarship staff's decision was made in error, the scholarship appeals committee shall either reverse the decision or remand it back to the scholarship staff for further review in accordance with the scholarship appeals committee's instructions.

(10) If the scholarship appeals committee determines the applicant has shown by a preponderance of the evidence that the applicant demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the scholarship appeals committee may grant the applicant a reasonable period to complete the remaining requirements and to resubmit the completed application to the scholarship staff for a redetermination or grant the application eligibility for an award.

(11) The scholarship appeals committee's decision shall be in writing and contain:

(a) the scholarship appeals committee's findings of facts, reasoning, and conclusions of law; and

(b) notice of the applicant's right to judicial review.

(12) The scholarship appeals committee's decision represents the final agency action.

(13) An applicant who disagrees with the scholarship appeal committee's decision may seek judicial review in accordance with Section 63G-4-402.

R765-612-10. Reporting.

(1) As specified by the Office of the Commissioner of Higher Education, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other technical education scholarship information for the most recently completed fiscal year.

(2) The Office of the Commissioner of Higher Education or the board may, at any time, request additional documentation or data related to the Opportunity Scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

KEY: Utah Board of Higher Education, Opportunity Scholarship Program, Student Financial Aid

Date of Last Change: 2024

Authorizing, and Implemented or Interpreted Law: 53B-8-201

NOTICE OF PROPOSED RULE

TYPE OF FILING: New

Rule or Section Number:	R765-614	Filing ID: 56232
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Agency Information

1. Department:	Higher Education (Utah Board of)
Agency:	Administration
Building:	Utah Board of Higher Education Building, The Gateway
Street address:	60 S 400 W
City, state and zip:	Salt Lake City, UT 84101

Contact persons:

Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R765-614. Public Safety Officer Career Advancement Grant Program

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

The purpose of this rule is to establish requirements for the administration of the Public Safety Officer Career Advancement Grant (PSOCAG) Program established under Section 53B-8-112.

4. Summary of the new rule or change:

This rule outlines the application process and procedures for the PSOCAG Program.

Fiscal Information

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

A) State budget:

Enactment of this rule likely will not materially impact the state budget because it does not affect state revenue or expenditures.

Although the PSOCAG Program is funded by appropriations of the Legislature, this rule does not require any funding.

This rule only establishes the criteria for participating in the grant program.

B) Local governments:

Enactment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect 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**):

Enactment of this rule likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because it applies only to those individuals who wish to benefit from the PSOCAG Program.

Even in those cases, this rule only establishes the criteria for participating in the grant program.

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

Any compliance costs imposed on affected persons are limited to the completion of forms that are required to be eligible to participate in the PSOCAG Program and is nominal.

There are no fees imposed on affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Utah Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 53B-8-112.		
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Public Notice Information

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

A) Comments will be accepted until:	01/31/2024
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9. This rule change MAY become effective on: 02/07/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	11/30/2023
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R765. Higher Education (Utah Board of), Administration.
R765-614. Public Safety Officer Career Advancement Grant Program.

R765-614-1. Purpose.

This rule outlines the application process and procedures for the Public Safety Officer Career Advancement Grant Program.

R765-614-2. Authority.

Section 53B-8-112 authorizes this rule.

R765-614-3. Definitions.

(1) "FAFSA" means the Free Application for Federal Student Aid.

(2) "Post-Secondary Degree" means an associate, bachelor's, master's, or doctoral degree.

(3) "PSOCAG" means the Public Safety Officer Career Advancement Grant Program.

(4) "PSOCAR" means the Public Safety Officer Career Advancement Reimbursement Program.

R765-614-4. Qualifications.

(1) To qualify for PSOCAG, an applicant shall be:

(a) a certified peace officer;

(b) currently employed by a Utah law enforcement agency; and

(c) seeking a post-secondary degree in a criminal justice-related program from a USHE institution.

(2) Institutions shall annually revise and publish eligibility criteria in all publications referencing the grant.

(3) A student who receives the Karen Mayne Public Safety Officer Scholarship Program, as described in Section 53B-8-112.5, is not eligible to participate in PSOCAG for the same degree.

R765-614-5. Application Process.

(1) Each institution shall establish processes for receiving and reviewing applications and distributing awards consistent with this policy and shall set application deadlines that accommodate both full-time and part-time students.

(2) The application described in Subsection (1) shall include:

(a) information about other means an applicant may finance the applicant's education; and

(b) a notice to students that the amount of the award is subject to available funding and may be reduced.

(3) Each applicant must complete and submit:

(a) the FAFSA in accordance with Board Policy R623, Free Application for Federal Student Aid;

(b) the application; and

(c) include all required documentation requested by the institution.

R765-614-6. Grant Amounts.

(1) Subject to funding, each institution may grant each qualified applicant up to the cost of tuition and fees with a maximum of \$5,000 each academic year.

(2) A student may participate in PSOCAG for a maximum of four academic years.

R765-614-7. Distribution of Funds to Institutions.

The board shall allocate 50% of program funds to eligible institutions equally and allocate the remaining 50% of program funds in proportion to each eligible institution's percentage of total

PSOCAR or PSOCAG awards by all participating institutions in the most recently completed award year.

R765-614-8. Appeals.

An applicant has the right to appeal an adverse decision. Upon the applicant's request, the institution shall provide an opportunity that aligns with institutional policy for the student to appeal an adverse decision.

R765-614-9. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other scholarship information for the most recently completed fiscal year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

KEY: Utah Board of Higher Education, Public Safety Officer Career Advancement Grant Program, Student Financial Aid
Date of Last Change: 2024

Authorizing, and Implemented or Interpreted Law: 53B-8-112

NOTICE OF PROPOSED RULE

TYPE OF FILING: New

Rule or Section Number:	R765-616	Filing ID: 56233
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Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R765-616. Adult Learner Grant Program

3. Purpose of the new rule or reason for the change:
The purpose of this rule is to provide financial assistance for adult learners pursuing an online degree in a field of industry need.
4. Summary of the new rule or change:
This rule establishes the criteria for being eligible to participate in the Adult Learner Grant Program.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Enactment of this rule likely will not materially impact the state budget because it does not affect state revenue or expenditures.
Although the Adult Learner Grant Program is funded by appropriations of the Legislature, this rule does not require any funding.
This rule only establishes the criteria for participating in the grant program.
B) Local governments:
Enactment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
Enactment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Enactment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect 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):
Enactment of this rule likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because it applies only to those individuals who wish to benefit from the Adult Learner Grant Program.

Even in those cases, this rule only establishes the criteria for participating in the grant program.

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

Any compliance costs imposed on affected persons are limited to the completion of forms that are required to be eligible to participate in the Adult Learner Grant Program and is nominal.

There are no fees imposed on affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Utah State Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection
53B-13c-102(2).

Public Notice Information

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

A) Comments will be accepted until: 01/31/2024

9. This rule change MAY become effective on: 02/07/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	11/30/2023
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R765. Higher Education (Utah Board of), Administration.**R765-616. Adult Learner Grant Program.****R765-616-1. Purpose.**

To provide financial assistance for adult learners pursuing an online degree in a field of industry need.

R765-616-2. Authority.

Subsection 53B-13c-102(2) authorizes this rule.

R765-616-3. Definitions.

(1) "Board" means the Utah Board of Higher Education.

(2)(a) "Cost of attendance" means the estimated costs associated with taking an online course, as established by an eligible institution in accordance with board policies.

(b) "Cost of attendance" includes tuition, costs payable to the eligible institution, and other direct educational expenses related to taking an online course.

(3) "Eligible institution" means an institution that offers a postsecondary level course of instruction using digital technology.

(4) "Eligible Student" means a student who meets the eligibility criteria established in Section R765-616-4.

(5) "Fiscal year" means the fiscal year of the state.

(6) "Institution" means an institution described in Section 53B-1-102 or a Utah private, nonprofit postsecondary institution that is accredited by a regional accrediting organization that the board recognizes.

(7) "OCHE" means the Office of the Commissioner of Higher Education.

(8) "Online course" means a postsecondary level course of instruction offered by an eligible institution using digital technology.

(9) "Program" means a sequence of online courses that lead to a certificate or other recognized educational credential that:

(a) is made up of only online courses, meaning a student can complete the program through online course offerings; and

(b) prepares students for employment in four-star or five-star jobs as defined by the Department of Workforce Services.

(10) "Tuition" means tuition and fees at the rate charged for residents of the state.

R765-616-4. Grant Eligibility.

(1) To be eligible for a grant under this section, each student shall:

(a) be 26 years or older;

(b) be enrolled in an online program at an eligible institution in a field designed to meet industry needs and leading to a certificate or other recognized educational credential;

(c) be a Utah resident as determined by the board's Policy R512;

(d) complete the Free Application for Federal Student Aid; and

(e) demonstrate financial need by being eligible for a Pell Grant.

(2) The board shall prioritize grant funding for each student who is:

(a) from a rural area of the state, as defined by the Utah Department of Health and Human Services, which includes all counties except Utah, Salt Lake, Davis & Weber;

(b) a member of a racial or ethnic minority;

(c) classified as low income; or

(d) pursuing education in degree programs aligned to four- or five- star jobs as established by the Department of Workforce Services.

R765-616-5. Process for Allocating Grant Funding to Eligible Institutions.

The Office of the Commissioner of Higher Education shall allocate the funding based on the proportional number of graduates from eligible programs at participating institutions in the most recent year for which data is available on or before July 1 of each year.

R765-616-6. Process for Awarding Grants to Eligible Students.

(1) An eligible institution that receives grant funding shall be responsible for establishing a process to award grants along with other financial aid.

(2) When establishing a process for award grants, the institution shall:

(a) award grants on an annual basis and distribute grant money on a quarter or semester basis;

(b) except as provided in Subsection R765-616-4(2)(b), award grants without regard to an applicant's race, creed, color, religion, sex, or ancestry;

(c) ensure the total sum of program grant, and financial aid from any source, do not exceed the cost of attendance for an eligible student at an eligible institution for a fiscal year;

(d) determine award amounts within the minimum and maximum award range as established annually by the board; and

(e) ensure all funds received from the grant are applied toward the cost of attendance.

R765-616-7. Process for Allocating Grant Funding to Eligible Institutions Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other scholarship information for the most recently completed fiscal year.

(2) For institutions that do not participate in the annual institutional financial aid file submission, data shall be submitted directly no later than June 30 each year.

(3) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

(4) The board shall annually report data and information collected under this section to the Higher Education Appropriations Subcommittee.

KEY: Utah Board of Higher Education, Adult Learner Grant Program, Student Financial Aid

Date of Last Change: 2024

Authorizing, and Implemented or Interpreted Law: 53B-13c-102

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R765-620	Filing ID: 56239
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Agency Information

1. Department:	Higher Education (Utah Board of)		
Agency:	Administration		
Building:	Utah Board of Higher Education Building, The Gateway		
Street address:	60 S 400 W		
City, state and zip:	Salt Lake City, UT 84101		
Contact persons:			
Name:	Phone:	Email:	
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov	
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu	
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu	

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R765-620. Access Utah Promise Scholarship Program

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

The purpose of the amendment is to update this rule.

4. Summary of the new rule or change:

This amendment updates and clarifies the requirements for the administration of the Utah Promise Program Grant.

Fiscal Information

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

A) State budget:

Enactment of this amendment likely will not materially impact the state budget because it does not affect state revenue or expenditures.

Although the Utah Promise Program Grant is funded by appropriations of the Legislature, this rule does not require any funding.

This rule only establishes the criteria for participating in the grant program.

B) Local governments:

Enactment of this amendment likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.

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

Enactment of this amendment likely will not change the regulatory burden for small businesses because it applies only to those small businesses that wish to participate in the Utah Promise Program Grant.

Even in those cases, this rule only establishes the criteria for participating in the grant program and the costs are nominal.

The amendment does not impose fees on small businesses.

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

Enactment of this amendment likely will not change the regulatory burden for non-small businesses because it applies only to those non-small businesses that wish to participate in the Utah Promise Program Grant.

Even in those cases, this rule only establishes the criteria for participating in the grant program and the costs are nominal.

The amendment does not impose fees on 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**):

Enactment of this amendment likely will not change the regulatory burden for small businesses because it applies only to those individuals and entities that wish to participate in the Utah Promise Program Grant.

Even in those cases, this rule only establishes the criteria for participating in the grant program and the costs are nominal.

The amendment does not impose fees on small businesses.

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

Any compliance costs imposed on affected persons is limited to the completion of forms that are required to be eligible to participate in the grant program and is nominal.

The amendment updates and clarifies the requirements for participating in the Utah Promise Program Grant.

No fees are imposed on affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
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Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Utah Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Title 53B, Chapter 13a		
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Public Notice Information

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

A) Comments will be accepted until: 01/31/2024

9. This rule change MAY become effective on: 02/07/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	12/01/2023
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R765. Higher Education (Utah Board of), Administration.

R765-620. [Access-]Utah Promise [Scholarship-]Program Grant.

R765-620-1. Purpose.

The purpose of this rule is to— provide the rules and procedures for implementing the [Access-]Utah Promise [Scholarship-]Program Grant.—This program provides a statewide needs-based scholarship program to expand access to postsecondary opportunities for each student who faces financial barriers in paying for college. The program provides an eligible student an award for up to full tuition and fees in qualifying circumstances.]

R765-620-2. Authority.

[This rule is authorized by Subsections 53B-8-303(8) and 53B-8-304(5)] Title 53B, Chapter 13a, Utah Promise Program Act, authorizes this rule.

R765-620-3. Definitions.

- (1) "Board" means the Utah Board of Higher Education.
- [~~_____~~ (2) "EFC" means Expected Family Contribution based on the Free Application for Federal Student Aid.]
- (2) "Cost of attendance" means the estimated costs associated with attending an institution, including costs payable to the institution for tuition and fees, other direct educational expenses, transportation, and living expenses while attending the institution.
- (3) "FAFSA" means Free Application for Federal Student Aid.
- ([3]4) "Institution" means an institution[s] of higher education [listed in] under Subsection 53B-2-101(1).
- [~~_____~~ (4) "Promise Partner" means an employer that has
 - ~~_____~~ (a) applied to the Board, and
 - ~~_____~~ (b) established a Memorandum of Understanding with the Board.]
 - (4) "OCHE" means the Office of the Commissioner of Higher Education.
 - (5) "Promise [Scholarship] grant" means [the scholarship described in Section 53B-8-303] a grant awarded under Title 53B, Chapter 13a, Utah Promise Program Act, and administered under this rule.
 - (6) "Utah Promise Program" means the grant program established under Title 53B, Chapter 13a, Utah Promise Program Act.

[R765-620-4. Scholarship Administration.

- ~~_____~~ (1) To qualify for a Promise Scholarship, an applicant must meet the following criteria:
 - ~~_____~~ (a) have a high school diploma or equivalent;
 - ~~_____~~ (b) not have previously earned an associate degree or higher postsecondary degree;
 - ~~_____~~ (c) be a resident of the state under Section 53B-8-102 and board policy R512.
 - ~~_____~~ (d) demonstrate financial need, in accordance with Subsections R765-620-4(2) and R765-620-4(7);
 - ~~_____~~ (e) accept all other grants, tuition and fee waivers, and scholarships offered to the applicant to attend the institution in which the applicant enrolls; and
 - ~~_____~~ (f) maintain academic good standing as defined by the institution at which the applicant attends.
- ~~_____~~ (2) An institution shall establish criteria to assess an applicant's financial need. The criteria shall use quantifiable, needs-based measures. For example, institutions may establish a range with a minimum and maximum EFC within which an eligible recipient's EFC must fall to be eligible for an award. An institutions shall annually revise and publish eligibility criteria by February 1 in all publications referencing the scholarship.
- ~~_____~~ (3) The institution may award an amount to each eligible recipient up to the cost of published tuition and fees.
- ~~_____~~ (4) When determining the award amount, the institution shall first apply the total value of all grants, tuition waivers, fee waivers, and scholarships the recipient has received. The institution may then award an amount not to exceed the recipient's remaining cost of tuition and fees. If, after the recipient's aid has been packaged and awarded, the recipient later receives other financial assistance of more than \$500, the institution shall appropriately reduce the amount

of financial aid disbursed to the recipient so that the total Promise Scholarship does not exceed the cost of tuition and fees.

- ~~_____~~ (5) A recipient may receive scholarship funds until the earliest of the following events occurs:
 - ~~_____~~ (a) two years after the initial award;
 - ~~_____~~ (b) the recipient uses the scholarship for four semesters;
 - ~~_____~~ (c) the recipient meets the academic qualifications for an associate degree; or
 - ~~_____~~ (d) for institutions that do not offer an associate degree, a recipient earns a cumulative total of 60 credits.
- ~~_____~~ (6) An institutions shall establish an application process that an applicant can easily access and complete. The board may require an institution to modify an application form or process that is overly cumbersome or confusing.
- ~~_____~~ (7) If an institution does not have enough appropriated Promise Scholarship funds or other funding sources to award each eligible applicant, it may establish procedures to prioritize which applicants will receive awards based on financial need.
- ~~_____~~ (8) An institution shall evaluate a recipient's knowledge, skills, and competencies acquired through formal or informal education outside the traditional postsecondary academic environment, and award appropriate credit for the recipient's prior learning.
- ~~_____~~ (9) An institutions may advertise the Promise Scholarship under another name. Any publication about the Promise Scholarship shall include disclosure that program funds are limited and subject to change.

R765-620-5. Transfers.

- ~~_____~~ (1) A recipient may transfer to another institution and retain eligibility for the scholarship, if the recipient meets the qualifications defined in Subsection R765-620-4(2) at the institution to which the recipient is transferring. The recipient is responsible to inform the financial aid office at the institution to which the recipient is transferring that the recipient is receiving the Promise Scholarship at the recipient's current institution.
- ~~_____~~ (2) Each financial aid office at the respective institutions shall coordinate the transfer of scholarship information. Upon transfer, the institution shall prioritize the award of any eligible recipient before all others awarded in accordance with Subsection R765-620-4(7). The institution to which the recipient is transferring shall make adjustments in the recipient's award in accordance with Subsection R765-620-4(3).

R765-620-6. Distribution of Award Funds to Institutions.

- ~~_____~~ (1) As a condition of program participation, an eligible institution's financial aid director shall report to the board the total dollar amount of Federal Pell Grant funds awarded to resident students at the institution for the most recently completed academic year by March 1 each year.
- ~~_____~~ (2) An institution that fails to report the total amount of Pell Grant funds by March 1 is ineligible to participate in the program for the next fiscal year.
- ~~_____~~ (3) The board shall allocate program funds to eligible institutions in proportion to each eligible institution's percentage of the total Federal Pell Grant funds received for Utah resident students in the most recently completed award year by each participating institution.

R765-620-7. Deferral or Leave of Absence.

~~(1) A recipient shall apply for a deferral or leave of absence if they do not continuously enroll and wish to continue to receive the scholarship.~~

~~(2) An institutions shall develop a process for each recipient to apply for a deferral or leave of absence, which may be granted for military service, humanitarian or religious service, documented medical reasons, and other exigent reasons.~~

R765-620-8. Utah Promise Partners.

~~(1) The board, in consultation with the Talent Ready Utah Center at the Governor's Office of Economic Development, may select employers as Promise Partners whose employees may be eligible to receive a partner award. The board shall establish a Memorandum of Understanding with any selected Promise Partner that includes requirements related to an employer providing reimbursement to an employee who receives an award. The reimbursement of a Promise Partner to a corresponding recipient employed by that Promise Partner must be applied during the eligible term of the award in accordance with Subsection R765-620-4(4).~~

~~(2) An employee is eligible to receive an award in accordance with the requirements of Subsection R765-620-4(1) in addition to any criteria and limitations established through a corresponding Memorandum of Understanding with a Promise Partner.~~

~~(3) A recipient of an award who is an employee of a Promise Partner is subject to the same conditions as any other recipient under this rule.~~

R765-620-9. Reporting.

~~(1) During the first year of the program, no later than October 1, 2019, a participating institution shall report to the board all requested data on Promise Scholarships awarded to date.~~

~~(2) Annually, the board shall distribute a Promise Scholarship performance report template to the director of financial aid of each participating institution before the end of each fiscal year. The institution shall submit the completed report by July 31 of each year.~~

~~(3) The board may, at any time, request additional documentation or data related to the Promise Scholarship and may review or formally audit an institution's compliance with this rule. The institution shall cooperate with the board in providing records and information requested for any scheduled audits or program reviews. Each participating institution shall maintain records substantiating its compliance with the program's terms for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three year retention period, an audit or program review exception is pending resolution, the institution shall retain records for the award year involved until the exception has been resolved.~~

R765-620-10. Institutional Participation Agreement.

~~(1) Each participating institution shall enter into a written agreement with the board or assigned designee agreeing to abide by the program rules, accept and disburse funds per program rules, provide the required report each year, and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the additional following terms and conditions:~~

~~(a) The institution may at its discretion use up to three percent of the allocated program funds for its student financial aid administrative expenses.~~

~~(b) The institution may not carry forward or carry back from one award year to another any of its Promise Scholarship allocation. Any exception to this rule must be approved in advance by the board. The institution shall inform the board immediately if it determines it will not be able to utilize all program funds allotted to it for an award year. Absent any exception for a carry forward amount, each institution shall return unused funds to the board. The board shall redistribute unused funds to the other eligible institutions as supplemental Promise Scholarship allocations for disbursement during the same award year. The portion of Promise Scholarship allocations budgeted for administrative expenses pursuant to Subsection (1)(a) shall not be part of any carryover.]~~

R765-620-4. Qualifications.

~~(1) To qualify for a promise grant, an applicant shall:~~

~~(a) be enrolled at an institution;~~

~~(b) be either:~~

~~(i) a resident of Utah under Section 53B-8-102 and Board Policy R512; or~~

~~(ii) qualify for resident tuition under Section 53B-8-106;~~

~~(c) demonstrate financial need, in accordance with Subsection R765-620-6;~~

~~(d) accept all other grants, tuition and fee waivers, and scholarships offered to the applicant to attend the institution in which the applicant enrolls; and~~

~~(e) maintain academic good standing as defined by the institution the applicant attends.~~

~~(2)(a) Each institution shall annually revise and publish eligibility criteria in all publications referencing the grant.~~

~~(b) Each institution shall disclose in any publications about the promise grant that program funds are limited and subject to change.~~

~~(3) Under Section 63G-12-402, verification of lawful presence in the United States may not required to be eligible for a grant under this policy.~~

R765-620-5. Application Process.

~~(1)(a) Each institution shall establish an application process consistent with this policy that applicants can easily access and complete.~~

~~(b) The board may require an institution to modify an application or process that is overly cumbersome or confusing.~~

~~(2) The institution shall set deadlines by which each applicant is required to submit all required materials.~~

~~(3) The institution shall:~~

~~(a) determine the most efficient method for issuing grant funds; and~~

~~(b) collect the information necessary for that purpose.~~

~~(4) Each applicant shall complete and submit:~~

~~(a) either~~

~~(i) the FAFSA; or~~

~~(ii) the alternative financial form approved by the board;~~

~~(b) the grant application; and~~

~~(c) any required documentation.~~

R765-620-6. Prioritization.

~~Each institution shall:~~

~~(1) prioritize grants based primarily on financial need; and~~

(2) establish criteria to assess an applicant's financial need, which shall use quantifiable, need-based measures. For example, an institution may establish a range with a minimum and maximum need index based on the FAFSA within which an eligible recipient's expected contribution must fail to be eligible for an award.

R765-620-7. Grant Award and Calculation.

(1) An institution shall use other funding sources, tuition waivers, and fee waivers, when possible, to fully fund awards.

(2) In determining awards, the institution shall consider all other loans, grants, employment, and family and individual contributions the applicant can put toward financing the cost of attendance.

(3) Each institution shall prioritize the grant based primarily on financial need as outlined in R765-620-6.

(4) The institution may award an amount to an eligible recipient up to the cost of attendance, after taking into account the total value of other financial aid the recipient receives toward the cost of attendance.

R765-620-8. Grant Duration.

Each eligible recipient may receive a promise grant until the recipient:

- (a) earns a first bachelor's degree; or
- (b) attempts 120 credit hours.

R765-620-9. Competency-based Assessment.

Each Institution shall evaluate a recipient's knowledge, skills, and competencies acquired through formal or informal education outside the traditional postsecondary academic environment, and award appropriate credit for the recipient's prior learning.

R765-620-10. Grant Transfers.

(1) A recipient may transfer to another institution and retain eligibility for the grant, if the recipient meets the qualifications defined in Section R765-620-4 at the institution to which the recipient is transferring.

(2) Each recipient shall be responsible to inform the financial aid office at the institution to which the recipient is transferring that the recipient is receiving the promise grant at the recipient's current institution.

(3) The financial aid offices at each respective institution shall coordinate the transfer of scholarship information.

(4) Upon transfer, the institution shall prioritize the award of any eligible recipient before all others awarded in accordance with Subsection R765-620-6.

(5) The institution to which the recipient is transferring shall make adjustments in a recipient's award in accordance with Section R765-620-7.

R765-620-11. Distribution of Funds to Institutions.

(1) In determining how to allocate program funds to an institution, the board shall consider:

- (a) the costs of attendance of programs offered by the institution; and
- (b) the number of eligible students who attend each institution.

(2) The board shall allocate program funds to eligible institutions in proportion to each eligible institution's percentage of the total Federal Pell Grant funds received for Utah resident students

and students who qualified for resident tuition in the most recently completed award year by all participating institutions.

R765-620-12. Grant Cancellation.

If a recipient no longer meets the eligibility requirements, the institution shall cancel the recipient's grant, and no remaining funds shall be released.

R765-620-13. Reporting.

(1) As specified by the Office of the Commissioner of Higher Education, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other promise grant award information for the most recently completed fiscal year.

(2) The Office of the Commissioner of Higher Education may, at any time, request additional documentation or data related to the program grant and may review or formally audit an institution's documentation and compliance with this rule.

(3) By March 1 of each year, any participating institution's financial aid directors shall report to the board the total dollar amount of Federal Pell Grant funds awarded to resident students and students who qualified for resident tuition under Section 53B-8-106 at the institution for the most recently completed academic year.

(4) An institution that fails to submit the required reports by the required deadlines may be ineligible to participate in the program for the next fiscal year.

R765-620-14. Administrative Costs.

The board may use up to 3% of the money appropriated for the Utah Promise Program to cover administrative costs.

R765-620-15. Funding Sources.

The board may supplement state appropriations for the program with private contributions and may name an award after the donor.

R765-620-16. Institutional Participation Agreement.

(1) Each participating institution shall enter into a written agreement with the board or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year, and retain documentation for the program to support the awards and actions taken.

(2) By accepting the funds, the participating institution agrees to the additional following terms and conditions:

(a) The institution may at its discretion use up to 3% of the funds it receives for the Utah Promise Program to cover administrative costs.

(b) The institution may not carry forward or carry back from one award year to another any of its promise grant allocation.

(c) The institution shall inform the board immediately if it determines it will not be able to utilize all program funds allotted to it for an award year.

(d) Absent any exception for a carry forward amount, each institution shall return unused funds to the board.

(e) The board shall redistribute unused program funds to the other eligible institutions as supplemental promise grant allocations for disbursement during the same award year.

(f) Promise grant allocations budgeted for administrative expenses may not be part of any carryover.

(g) There shall be no exception to these terms and conditions unless approved in advance by the board.

R765-620-17. Report to Higher Education Appropriations Subcommittee.

The board shall submit an electronic report annually to the Higher Education Appropriations Subcommittee about the Utah Promise Program

KEY: financial aid, higher education, scholarship

Date of Last Change: 2024~~[September 10, 2019]~~

Authorizing, and Implemented or Interpreted Law: ~~[53B-8-114; 53B-8-102; 53B-8-301-304; 53B-2-101(4)]~~ Title 53B, Chapter 13a, Utah Promise Program Act

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R765-621	Filing ID: 56240
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Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R765-621. Terrell H. Bell Education Scholarship Program
3. Purpose of the new rule or reason for the change:
The purpose of the amendment is to update this rule.
4. Summary of the new rule or change:
This amendment states that verification of lawful presence in the United States is not required to be eligible for this scholarship and clarifies other provisions of this rule.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

Enactment of this amendment likely will not materially impact the state budget because it does not affect state revenue or expenditures.

Although the Terrell H. Bell Education Scholarship Program is funded by appropriations of the Legislature, this rule does not require any funding.

This rule only establishes the criteria for participating in the grant program.

B) Local governments:

Enactment of this amendment likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.

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

Enactment of this amendment likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

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

Enactment of this amendment likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect 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**):

Enactment of this amendment likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because it applies only to those individuals and institutions of higher education who wish to benefit from the Terrell H. Bell Education Scholarship Program.

Even in those cases, this rule only establishes the criteria for participating in the grant program.

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

Any compliance costs imposed on affected persons are limited to the completion of forms that are required to be eligible to participate in the Terrell H. Bell Education Scholarship Program and is nominal.

The amendment only updates and clarifies the requirements for the Terrell H. Bell Education Scholarship Program and imposes no fees.

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Utah Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 53B-8-116(6).		
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Public Notice Information

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

A) Comments will be accepted until: 01/31/2024

9. This rule change MAY become effective on: 02/07/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	12/01/2023
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R765. Higher Education (Utah Board of), Administration.
R765-621. Terrell H. Bell Education Scholarship Program.
R765-621-1. Purpose.

The purpose of this rule is to provide the rules and procedures for administration of the Terrell H. Bell Teaching Education Scholarship Program, ensuring it recruits first-generation students into teaching careers, encourages outstanding students to teach in high needs areas in Utah's public schools, and to recognize teaching as a critically important career choice for the state[~~of Utah~~].

R765-621-2. Authority.

~~[This rule is authorized by]~~ Subsection 53B-8-116(6) authorizes this rule.

R765-621-3. Definitions.

(1) "Approved Program" means:

(a) a teacher preparation program that meets the education profession licensure standards described in Section 53E-6-302, and provides enhanced clinical experiences, or prepares an individual to become a speech-language pathologist or another licensed professional providing services in a public school to students with disabilities; or

(b) courses taken at Salt Lake Community College or Snow College that lead students to make reasonable progress to meet institutional criteria for admission into a program in accordance with Subsection R765-621-3(1)(a).

(2) "Average scholarship amount" means average USHE undergraduate resident tuition and general student fees for the corresponding academic year.

(~~2~~)3) "Board" means Utah Board of Higher Education.

(~~3~~)4) "Eligible institution" means a public or private institution of higher education in Utah that offers an approved program.

(~~4~~)5) "FAFSA" means the ~~[financial reporting form known as]~~ Free Application for Federal Student Aid ~~[that is administered by the U.S. Department of Education to determine the need and eligibility of a college student for financial aid].~~

([5]6) "High [~~N~~]needs [~~A~~]area" means a subject area or field in public education that has a high need for teachers or other employees, determined annually by the [~~B~~]board in consultation with the Utah State Board of Education.

([6]7) "First-generation student" means a student ~~for whom no parent or guardians attained a bachelor's degree]whose parents never completed college or beyond.~~

([7]8) "Full-time enrollment" means 12 semester hours or such other number of hours as determined by the recipient's institution.

([8]9) "Part-time enrollment" means a minimum of [~~6~~]six credits in a semester.

(9) "Average scholarship amount" means average Utah System of Higher Education undergraduate resident tuition and general student fees for the corresponding academic year.

(10) "Scholarship staff" means staff in the Office of the Commissioner of Higher Education assigned to administer state scholarships on behalf of the board.

R765-621-4. General Award Conditions.

~~[(1) Scholarship Award.~~

~~[(a) Under this program, a]~~(1) An eligible institution may award a scholarship to an individual for an amount up to the cost of resident tuition, fees, and books for the number of credit hours in which the individual is enrolled each semester.

~~[(b)]~~(2) An eligible private institution may not award a scholarship for an amount that exceeds the average scholarship amount granted by a public institution of higher education.

~~[(e)]~~(3) [~~A~~]a recipient may receive a scholarship for up to four consecutive years, or equivalent when considering institution-approved leaves of absence.

~~[(d)]~~(4) An [~~E~~]eligible institution[s] may award scholarships to any full-time or part-time enrolled student[s].

~~[(2) Application and Award Procedures.]~~

~~[(a)]~~(5) An eligible institution shall:

~~[(a)]~~ develop processes for promoting and distributing awards consistent with this rule[~~;~~]; and~~[-shall]~~

~~[(b)]~~ set application deadlines that accommodate [~~both~~]any full-time ~~[and]~~or part-time student[s].

~~[(b)]~~(6) Each [~~A~~]application[s] [~~must~~]shall require a student's declaration to earn a degree in an approved program.

~~[(3) Prioritizing Awards.]~~

~~[(a)]~~(7) Each [~~F~~]institution[s] shall prioritize scholarship awards as follows:

~~[(i)]~~a) [~~F~~]first, to first-generation students who intend to work in any area in a Utah public school[~~;~~];

~~[(ii)]~~b) [~~S~~]second, to each student[s] who [~~are~~]is not a first-generation student[s] but intends to work in a high needs area in a Utah public school[~~;~~]; and

~~[(iii)]~~c) [~~T~~]third, to each student[s] who meets the requirements in Section R765-621-5.

R765-621-5. Initial and Continuing Eligibility.

(1) To be eligible for a scholarship awarded under this rule, an applicant [~~must~~]shall do the following:

(a) declare the intent to earn a degree in an approved program and to teach in a Utah public school after graduation; and

(b) complete the FAFSA ~~[to the extent that it will benefit the student's ability to maximize financial aid opportunities, except that a student may opt out of this requirement due to:~~

~~[(i) financial ineligibility for any potential grant or other financial aid;~~

~~[(ii) personal privacy concerns; or~~

~~[(iii) advice of the institution based on its assessment of the factors that may impact the student's ability to access maximum financial aid opportunities]in accordance with Board Policy R623, Free Application for Federal Student Aid.~~

(2) To remain eligible for a scholarship awarded under this rule, each[Award] recipient[s] must:

~~[(a)]~~ maintain satisfactory academic progress in accordance with the~~[(#)]~~ recipient's institution's policies[~~;~~];

~~[(3)]~~b) [~~A recipient must~~]make reasonable progress to meet institutional criteria for admission to an approved program[~~;~~]; and~~[(Once admitted to an approved program a recipient must]~~

~~[(c)]~~ maintain reasonable progress toward[s] completion of an approved program once admitted to an approved program.

([4]3) A recipient who transfers to another eligible institution shall retain an award if they continue to meet criteria established for recipients at the receiving institution.

([5]4) After no more than four semesters of full-time, or eight semesters of part-time postsecondary course work, [~~a~~]the recipient [~~must~~]shall apply to and [~~be accepted~~]gain acceptance into an approved program at an eligible institution.

~~[(6)]~~(5) [~~A recipient who has not been accepted into an approved program at an eligible institution may be granted a temporary deferment of an award for up to two years while seeking acceptance into an approved program.]~~An eligible institution may grant a temporary deferment of an award for up to two years to a recipient who has not been accepted into an approved program, while they seek acceptance into the program.

([7]6) After providing a recipient notice and an opportunity to respond, an institution may rescind a recipient's scholarship if the dean of education or the director of financial aid determines the recipient:

(a) is failing to make reasonable progress toward completion of program requirements; or

(b) has demonstrated to a reasonable certainty that the recipient does not intend to teach at a public school in Utah after graduation.

(8) Under Section 63G-12-402, verification of lawful presence in the United States may not be required to be eligible for this scholarship.

([8]9) Upon request by the student, the institution shall provide an opportunity for the student to appeal a dean or director's determination to rescind the scholarship to a committee of at least three impartial persons.

([9]10) A recipient may seek leave of absence from attending an institution in accordance with applicable deferral policies at a corresponding eligible institution.

R765-621-6. Transfer of Award Funds.

(1) A recipient may transfer to another eligible institution and [~~retain~~]keep the scholarship if the recipient meets all requirements of the receiving institution.

(2) The recipient who is transferring shall be responsible for communicating with the recipient's college or school of education and the financial aid office at the receiving institutions well in advance.

(3) A recipient who is transferring and does not meet application deadlines or demonstrate satisfactory academic progress may have the recipient's scholarship rescinded.

(4) The receiving institution shall be responsible to make any adjustments in the transfer of a recipient's award.

R765-621-7. Distribution of Award Funds to Institutions.

(1) The [B]board shall annually distribute available funds to eligible institutions proportionally equal to the total number of teachers who graduated from [an]the eligible institution and were hired by a Utah public school district for the most recent three cohort years available, minus funds for Snow College and Salt Lake Community College allocated at the discretion of the [B]board.

(2) The board shall annually distribute amounts allocated to institutions with new programs without the required three-year history of graduates to fit in the allocation formula, who will receive a minimum allocation amount to be set by scholarship staff.

R765-621-8. Reporting.

(1) On or before June 30 each year, eligible institutions shall report to the Board the following:

- (a) any new or procedures, application materials;
- (b) the name and student identification number, first generation status, and specific enrolled program of each recipient to whom the institution awarded scholarship funds the current academic year;
- (c) the scholarship amount each recipient received; and
- (d) the number of first generation recipients.]As specified by the Office of the Commissioner of Higher Education, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other Terrell H. Bell Education Scholarship information for the most recently completed fiscal year. The board may, at any time, request additional documentation or data related to the Terrell H. Bell Education Scholarship and may review or formally audit an institution's compliance with this rule.

[R765-621-9. FAFSA Completion Requirement.

To assist students with the FAFSA requirement, each institution shall ensure that:

- (1) each institution advisor encourages, to the extent practicable, each student to annually complete the FAFSA; and
- (2) the staff and faculty who advise students on financial aid are properly trained on the benefits of completing the FAFSA.]

KEY: education, [scholarship,]teaching

Date of Last Change: 2024[July 15, 2024]

Authorizing, and Implemented or Interpreted Law: Title 53B, Chapter 8, Part 116

NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R765-624	Filing ID: 56241

Agency Information

1. Department:	Higher Education (Utah Board of)
Agency:	Administration
Building:	Utah Board of Higher Education Building, The Gateway
Street address:	60 S 400 W
City, state and zip:	Salt Lake City, UT 84101

Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R765-624. Utah Promise Partner Program
3. Purpose of the new rule or reason for the change:
This rule outlines the procedures for the Utah Promise Partner Program.
4. Summary of the new rule or change:
This rule establishes employee qualifications and the process for receiving an award under the Utah Promise Partner Program.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Enactment of this rule likely will not materially impact the state budget because it does not affect state revenue or expenditures.
Although the Utah Promise Partner Program is funded by appropriations of the Legislature, this rule does not require any funding.
This rule only establishes the criteria for participating in the grant program.
B) Local governments:
Enactment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
Enactment of this rule likely will not change the regulatory burden for small businesses because it applies only to those individuals and entities that wish to participate in the Utah Promise Partner Program.

Even in those cases, this rule only establishes the criteria for participating in the grant program.

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

Enactment of this rule likely will not change the regulatory burden for non-small businesses because it applies only to those individuals and entities that wish to participate in the Utah Promise Partner Program.

Even in those cases, this rule only establishes the criteria for participating in the grant program.

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

Enactment of this rule likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because it applies only to those individuals and entities who wish to participate in the Utah Promise Partner Program.

Even in those cases, this rule only establishes the criteria for participating in the grant program.

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

Any compliance costs imposed on affected persons is limited to the completion of forms that are required to be eligible to participate in the grant program and is nominal.

This rule only establishes the requirements for participating in the Utah Promise Partner Program.

No fees are imposed on affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Utah Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 53B-13a-106		
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Public Notice Information

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

A) Comments will be accepted until: 01/31/2024

9. This rule change MAY become effective on: 02/07/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	12/01/2023
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R765. Higher Education (Utah Board of), Administration.

R765-624. Utah Promise Partner Program.

R765-624-1. Purpose.

This rule outlines the procedures for the Utah Promise Partner Program.

R765-624-2. Authority.

This rule is authorized by Section 53B-13a-106.

R765-624-3. Definitions.

(1) "Board" means the Utah Board of Higher Education.

(2) "Eligible program" means an academic program defined by the board and the promise partner.

(3) "Institution" means an institution of higher education under Subsection 53B-2-101(1).

(4) "Promise partner award" means an award given to an eligible employee or dependent of a promise partner under this policy.

(5) "Promise partner" means an employer that has applied to, and established a memorandum of understanding with, the board.

(6) "Dependent" means a person who meets the Internal Revenue Service's qualifying child or qualifying relative test.

R765-624-4. Utah Promise Partners.

The board may select, as a promise partner, an employer who applies to the board and meets other requirements established by the board. The board may name a specific promise grant after the donating promise partner.

R765-624-5. Employee Qualifications.

(1) An employee who works for a promise partner, or who is a dependent of an employee of a promise partner, shall be eligible to receive an award under this policy if the individual:

(a) completes the application process approved by the board;

(b) is admitted to, and enrolled in or intends to enroll in and eligible program at an institution; and

(c) meets other requirements established by the Office of the Commissioner of Higher Education.

(2) The student must meet the eligibility requirements outlined in Subsection R765-621-5(1) for the full-length of time the student receives the award.

R765-624-6. Application Process.

(1) The promise partner shall establish an application process consistent with this rule that an applicant can easily access and complete.

(2) The board, in consultation with the partner, shall set deadlines by which each applicant must submit all required materials.

R765-624-7. Award.

(1) Subject to funding, the board may:

(a) give a promise partner award for the portion of tuition and fees for a program at an institution that is not covered by the promise partner;

(2) Prioritize awarding promise partner awards if an appropriation for promise partner awards is insufficient to provide a promise partner award to each eligible applicant.

R765-624-8. Award Duration.

The board may continue to award a promise partner award to an eligible recipient until the earlier of:

(1) four years after the day on which the recipient receives a promise partner award;

(2) the recipient's use of the promise partner award to attend an institution for eight semesters; or

(3) the recipient's completion of an eligible program.

KEY: Utah Board of Higher Education, Utah Promise Partner Program, student financial aid

Date of Last Change: 2024

Authorizing, and Implemented or Interpreted Law: 53B-13a-106

NOTICE OF PROPOSED RULE

TYPE OF FILING: New

Rule or Section Number:

R765-625

Filing ID: 56234

Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R765-625. International Internship Scholarship Pilot Program Fund

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

The purpose of this rule is to outline the requirements of and application process for the International Internship Scholarships Pilot Program Fund.

4. Summary of the new rule or change:

This rule establishes the criteria for eligibility to participate in the International Internship Scholarships Pilot Program Fund.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

Enactment of this rule likely will not materially impact the state budget because it does not affect state revenue or expenditures.

Although the International Internship Scholarship Pilot Program Fund is funded by appropriations of the Legislature, this rule does not require any funding.

This rule only establishes the criteria for participating in the grant program.

B) Local governments:

Enactment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect 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**):

Enactment of this rule likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because it applies only to those individuals who wish to benefit from the International Internship Scholarship Pilot Program Fund.

Even in those cases, this rule only establishes the criteria for participating in the grant program.

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

Any compliance costs imposed on affected persons is limited to the completion of forms that are required to be eligible to benefit from the International Internship Scholarships Pilot Program Fund and is nominal.

There are no fees imposed on affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Utah Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Senate Bill 3, Appropriations Adjustments (2023)		
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Public Notice Information

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

A) Comments will be accepted until:	01/31/2024
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9. This rule change MAY become effective on:	02/07/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	11/30/2023
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R765. Higher Education (Utah Board of), Administration. R765-625. International Internship Scholarship Pilot Program Fund.

R765-625-1. Purpose.

This rule outlines the requirements of and application process for International Internship Scholarships Pilot Program Fund.

R765-625-2. Authority.

Senate Bill 3, Appropriations Adjustments (2023) authorizes this rule.

R765-625-3. Definitions.

(1) "Board" means the Utah Board of Higher Education described in Section 53B-1-402.

(2) "FAFSA" means the Free Application for Federal Student Aid.

(3) "OCHE" means the Office of the Commissioner of Higher Education.

(4) "Scholarship staff" means OCHE staff assigned to administer state scholarships on behalf of the board.

(5) "USHE degree-granting institution" means a degree-granting institution of higher education within the state system of higher education, as identified in Section 53B-2-101(1).

R765-625-4. Award Requirements.

(1) To qualify for the International Internship Scholarship Program, an applicant shall:

(a) be enrolled at a USHE degree-granting institution;

(b) complete the International Internship Scholarship Program application, published by OCHE;

(c) complete and submit either the FAFSA or the alternative financial form that the board has approved; and

(d) demonstrate financial need based on the expected family contribution or student aid index from the FAFSA or equivalent from a board approved alternative.

R765-625-5. Application Process.

(1) Each applicant shall submit an official scholarship application no later than the annual deadline established by scholarship staff.

(2) Each applicant shall submit the following documents:

(a) the completed official International Internship Scholarship Program application published by scholarship staff;

(b) proof of enrollment at a USHE degree-granting institution;

(c) proof of completion of either the FAFSA or an alternative financial form the board has approved; and

(d) other documentation as outlined on the scholarship application or requested by scholarship staff.

R765-625-6. Grant Amount.

(1) Subject to available funding, OCHE shall award each qualified applicant a scholarship up to \$5,000 for the International Internship Scholarship Program.

(2) Scholarship staff shall determine award amounts based on available funding and the number of qualified applicants. A student who demonstrates greater financial need may receive a higher award.

(3) Each institution shall combine available state or federal grants, designated institution funds, internship income, student employment, and family and individual contributions toward financing the cost of the internship.

R765-625-7. Appeals Process.

(1) An applicant has the right to appeal an adverse decision.

(2) Upon request by the applicant, scholarship staff shall provide an opportunity for the applicant to appeal an adverse decision to a committee of at least three impartial persons.

(3) The applicant shall submit the appeal in writing within 30 days of notice of an adverse decision.

R765-625-8. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other scholarship information for the most recently completed fiscal year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

KEY: Utah Board of Higher Education, International Internship Scholarship Pilot Program Fund, Student Financial Aid

Date of Last Change: 2024

Authorizing, and Implemented or Interpreted Law: Senate Bill 3, Appropriations Adjustments (2023)

NOTICE OF PROPOSED RULE

TYPE OF FILING: New

Rule or Section Number:	R765-627
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Filing ID:	56235
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Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R765-627. First Responder Mental Health Services Grant
3. Purpose of the new rule or reason for the change:
The purpose of this rule is to outline the requirements of and application process for First Responder Mental Health Services Grant Program.
4. Summary of the new rule or change:
This rule establishes the criteria for participating in the First Responder Mental Health Services Grant Program.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Enactment of this rule likely will not materially impact the state budget because it does not affect state revenue or expenditures.
Although the First Responder Mental Health Services Grant Program is funded by appropriations of the Legislature, this rule does not require any funding.
This rule only establishes the criteria for participating in the grant program.

B) Local governments:

Enactment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect 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**):

Enactment of this rule likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because it applies only to those individuals who wish to benefit from the First Responder Mental Health Services Grant Program.

Even in those cases, this rule only establishes the criteria for participating in the grant program.

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

Any compliance costs imposed on affected persons are limited to the completion of forms that are required to be eligible to participate in the grant program and are nominal.

There are no fees imposed on affected persons.

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

Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Utah Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 53B-8-117		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/31/2024
9. This rule change MAY become effective on:	
02/07/2024	
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	11/30/2023
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R765. Higher Education (Utah Board of), Administration.

R765-627. First Responder Mental Health Services Grant.

R765-627-1. Purpose.

This rule outlines the requirements of and application process for First Responder Mental Health Services Grant Program.

R765-627-2. Authority.

Section 53B-8-117 authorizes this rule.

R765-627-3. Definitions.

(1) "Academic year" means the calendar year starting July 1 and ending June 30. For degree-granting institutions, this includes Fall, Summer, and Spring semesters of the corresponding academic year.

(2) "Board" means the Utah Board of Higher Education described in Section 53B-1-402.

(3) "Eligible institution" means an institution of higher education as defined in Section 53B-1-102.

(4) "OCHE" means the Office of the Commissioner of Higher Education.

(5) "Scholarship staff" means OCHE staff assigned to administer state scholarships on behalf of the board.

R765-627-4. Award Requirements.

(1) To qualify for the First Responder Mental Health Services Grant, an applicant shall:

(a) be a full-time employee or a retiree, as defined in Section 49-11-102, who is an active member of or has qualified for an allowance under the requirements of:

(i) Title 49, Chapter 14, Public Safety Contributory Retirement Act;

(ii) Title 49, Chapter 15, Public Safety Noncontributory Retirement Act;

(iii) Title 49, Chapter 16, Firefighters' Retirement Act; or

(iv) Title 49, Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act; and

(b) be seeking a post-secondary degree or certification to become a mental health therapist, as Section 58-60-102 defines that term, at an eligible institution.

R765-627-5. Application Process.

(1) Each applicant shall submit a grant application no later than June 30 before the fiscal year during which awards are made.

(2) Each applicant shall submit the following documents:

(a) the completed First Responder Mental Health Services Grant application published by OCHE;

(b) documentation demonstrating enrollment in eligible public safety retirement program, as described in Subsection R765-627-4(1)(a);

(c) a description of the applicant's mental health services career objectives;

(d) a declaration of the applicant's intention to enroll in a program that leads to certification as a mental health professional at an eligible institution; and

(e) other documents as outlined on the annual grant application or as requested by scholarship staff.

(3) The applicant may include the documents described Subsections (2)(b) through (2)(e) in the grant application described in Subsection (2)(a).

(4) Each applicant shall reapply annually to be considered for the award each year.

R765-627-6. Grant Amounts.

(1) Subject to available funding, OCHE may award each qualified applicant a grant up to the cost of tuition and fees, with a maximum award of \$6,000 each academic year.

(2) Each student may participate in First Responder Mental Health Services Grant for a maximum of four academic years.

(3) If the legislative appropriation is insufficient to cover the costs associated with the First Responder Mental Health Services Grant Program, the board may:

(a) reduce the amount of a grant; or

(b) distribute grants on a pro rata basis to all eligible applicants who submitted all application material, as described in Subsection 765-627-5(2), before the application deadline.

(4) Each institution shall combine state or federal loans or grants, internships, student employment, and family and individual contributions toward financing the cost of attendance.

(5) OCHE may reduce the grant amounts based on funding.

(6) OCHE shall disclose on the application form that the grants are subject to funding and may be reduced.

R765-627-7. Transfers.

(1) Each recipient may transfer to the same program at another eligible institution and retain grant eligibility if the recipient meets all requirements in Section R765-627-4.

(2) Each transfer student shall be responsible for communication with financial aid offices at each institution and with scholarship staff in advance of the application deadline.

R765-627-8. Appeals Process.

(1) An applicant has the right to appeal an adverse decision.

(2) Upon request by the applicant, the scholarship staff shall provide the applicant an opportunity to appeal an adverse decision to a committee of at least three impartial persons.

(3) Each appeal request shall be submitted in writing within 30 days of the notice of adverse decision.

R765-627-9. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other grant information for the most recently completed academic year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

KEY: Utah Board of Higher Education, First Responder Mental Health Services Grant, Student Financial Aid

Date of Last Change: 2024

Authorizing, and Implemented or Interpreted Law: 53B-8-117

NOTICE OF PROPOSED RULE

TYPE OF FILING: New

Rule or Section Number:	R765-628	Filing ID: 56236
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Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R765-628. WICHE Professional Student Exchange Program

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

The purpose of this rule is to outline the application requirements and funding procedures for the Western Interstate Commission for Higher Education (WICHE) Professional Student Exchange Program.

4. Summary of the new rule or change:

This rule establishes the criteria for participating in the WICHE Professional Student Exchange Program (PSEP).

Fiscal Information

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

A) State budget:

Enactment of this rule likely will not materially impact the state budget because it does not affect state revenue or expenditures.

Although the WICHE PSEP is funded by appropriations of the Legislature, this rule does not require any funding.

This rule only establishes the criteria for participating in the grant program.

B) Local governments:

Enactment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect 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**):

Enactment of this rule likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because it applies only to those individuals who wish to participate in the WICHE PSEP.

Even in those cases, this rule only establishes the criteria for participating in the grant program.

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

This rule does not create any compliance costs for affected persons because it establishes the criteria for participating in the WICHE PSEP.

There are no fees imposed on affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Utah Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 53B-4-101

Public Notice Information

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

A) Comments will be accepted until: 01/31/2024

9. This rule change MAY become effective on:	02/07/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	11/30/2023
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R765. Higher Education (Utah Board of), Administration.
R765-628. WICHE Professional Student Exchange Program.
R765-628-1. Purpose.

This rule outlines the application requirements and funding procedures for the WICHE Professional Student Exchange Program.

R765-628-2. Authority.

Section 53B-4-101 authorizes this rule.

R765-628-3. Definitions.

(1) "Certifying officer" means the designated Commissioner's Office employee who:

- (a) promotes PSEP opportunities to Utah residents;
- (b) processes certification applications for prospective students seeking to enroll through eligible PSEP programs; and
- (c) serves as the office liaison with WICHE staff for the purposes of processing funds for each student and tracking the student's academic progress through graduation.

(2) "Commissioner's Office" means the Office of the Commissioner of Higher Education.

(3) "Domicile" means the student's residence for the purpose of determining resident student status, as determined by the student's:

- (a) bodily presence;
- (b) fixed permanent home and principal establishment to which, if absent, the student intends to return; and
- (c) concurrent intent to voluntarily reside permanently in that location, and not for a special or temporary purpose.

(4) "PSEP" means the WICHE Professional Student Exchange Program, which is a regional exchange program for students pursuing certain professional healthcare degrees at participating universities in other WICHE states and territories whereby the student pays reduced tuition because the student's home state pays a fee to the enrolling institution to reduce tuition costs.

(5) "Support fee" means the agreed upon award amount set for each eligible program and academic year, as negotiated between WICHE and the cooperating programs and approved biennially, in even years, by the WICHE Commission.

(6) "WICHE" means the Western Interstate Commission for Higher Education.

R765-628-4. Application.

(1) Each new applicant shall submit the following to the certifying officer by October 15th of the year before admission to an eligible professional program:

- (a) a completed WICHE PSEP application for Utah as published by the Utah Board of Higher Education;
- (b) a signed consent and waiver form;
- (c) undergraduate college transcripts; and

(d) additional documentation to verify domicile, as requested.

(2) The certifying officer shall give each applicant who is certified as meeting the residency requirement in Subsection R765-628-4(6) one of the following certification statuses:

(a) "Certified/Incoming" when the applicant submits the application by October 15th and the applicant will be enrolling as a first-year student;

(b) "Alternate Certified/Enrolled" when the applicant submits the application by October 15th and the applicant is enrolled in 2nd year or beyond of professional program;

(c) "Alternate Late Certified/Incoming" when the applicant submits the application after October 15 and the applicant will be enrolling as a first-year student; and

(d) "Alternate Late Certified/Enrolled" when the applicant submits the application after October 15th and the applicant is enrolled in 2nd year or beyond of professional program.

(3) Each applicant shall notify the certifying officer of any admission offers to cooperating programs.

(4) Each WICHE school shall notify WICHE's central office of any offers.

(5) WICHE and the certifying officer shall monitor the number of certified applicants and each applicant's admission offers.

(6) To be eligible for certification, a student shall have established domicile in Utah for five full consecutive years before the time of application.

(7) If a student does not receive funding and wishes to recertify for the following year, the student shall reapply and submit all required documentation for Utah certification.

R765-628-5. Funding Applicants.

(1) The number of new students funded in each approved field shall be determined by available funding.

(2) The certifying officer shall give priority for funding, before new applicants are considered, to each returning PSEP student who was awarded in prior academic years and who has remained in good academic standing.

(3) WICHE shall:

- (a) track academic progress; and
- (b) report concerns to the certifying officer.

(4)(a) If insufficient funding exists to award each new applicant with an admission offer, the certifying officer shall rank each new applicant, as follows:

- (i) Certified/Incoming students shall be given first consideration;
- (ii) then Alternate Certified/Enrolled students;
- (iii) then Alternate Late Certified/Incoming, and
- (iv) lastly Alternate Late Certified/Enrolled students.

(b) If further ranking is required within the groups set forth in Subsection R765-628-4(2), the certifying officer shall rank each student by the following categories until all available funding is awarded:

- (i) student institutional rankings for Utah applicants, provided to WICHE confidentially;
- (ii) application submission date;
- (iii) cumulative undergraduate GPA; and
- (iv) length of Utah residency.

(5) If offered funding, each student shall return the following documents no later than the deadline set by the certifying officer:

(a) a signed contract accepting the funding, agreeing to the terms of funding, and acknowledging intent to return to Utah to practice their profession upon completion of the program; and

(b) a copy of the student's final acceptance letter to an approved optometry or podiatry program.

(6) If the student fails to submit the required documentation by the established deadline, the student may forfeit the student's PSEP eligibility.

(7) Each student receiving military, federal, or private scholarships or full fellowships that cover tuition shall be ineligible to receive WICHE support.

(8) The certifying officer shall consider each case in which tuition is partially covered on an individual basis.

R765-628-6. Continued Eligibility.

(1) Upon certifying and awarding a student, the Utah Board of Higher Education shall continue to provide a support fee for that student through the normal duration of the program, as defined by WICHE with the standard program in optometry and podiatry being four years in duration, and subject to:

(a) the appropriation of necessary funds; and

(b) the student being in good academic standing, as defined by the attending institution.

(2) WICHE shall:

(a) monitor academic progress annually until each degree requirement has been met; and

(b) communicate any changes in status, such as leave of absence or academic probation, with the certifying officer.

(3) The Commissioner's Office may not support any student for duplicative coursework.

(4) The certifying officer may request documentation to verify continued enrollment, Utah residency, intent to return to Utah post-graduation, or other pertinent information to remain eligible for funding.

R765-628-7. Leave of Absence.

(1) A student may request a leave of absence for unexpected or sudden circumstances that arise after the student enrolls in an eligible program.

(2) The student shall obtain an approved leave of absence from the student's enrolling program.

(3) Once institutional approval is obtained, the certifying officer may approve a leave of absence for purposes of PSEP for no more than one year at a time.

(4) The certifying officer and the enrolling program shall notify WICHE of the approved leave of absence.

(5) The certifying officer may reduce a student's funding upon return to enrollment if funding has been provided for incomplete or failed coursework.

(6) The certifying officer may require a student to reapply for PSEP funding upon return if the student's leave of absence extends for more than one year.

KEY: Utah Board of Higher Education, WICHE Professional Student Exchange Program, Student Financial Aid

Date of Last Change: 2024

Authorizing, and Implemented or Interpreted Law: 53B-4-101

NOTICE OF PROPOSED RULE

TYPE OF FILING: New

Rule or Section Number: R765-1010

Filing ID: 56251

Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R765-1010. Data Breaches

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

The purpose of this rule is to define a significant data breach as required by Section 53B-28-504 and to establish standards to protect the data of students at USHE institutions as required by Subsection 53B-28-502(5)(b)(1).

4. Summary of the new rule or change:

This rule defines "significant data breach" under Subsection 53B-28-504(1) and establishes standards for an education entity to protect student data by notifying students of significant data breaches under Subsections 53B-28-502(5)(b)(1) and 53B-28-504(1).

Fiscal Information

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

A) State budget:

Enactment of this rule likely will not materially impact the state budget because it does not affect state revenue or expenditures.

This rule defines "significant data breach," establishes standards to protect the data of students, and requires the institutions in the state system of higher education to provide notice to students of significant data breaches.

Although the cost to the institutions of providing the notices could be significant, this rule restates that requirement from Section 53B-28-504. As a result, any affect on the state budget is the result of Section 53B-28-504 and not this rule.

B) Local governments:

Enactment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect 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**):

Enactment of this rule likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because it applies only to education entities that are part of the Utah system of higher education.

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

The costs associated with notification of data breaches could be significant. However, these costs are possible without enactment of this rule since Section 53B-28-504 already requires the institutions of higher education to notify each student of a significant data breach.

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Utah Board of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 53B-28-504	Subsection 53B-28-502(5)(b) (1)	
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Public Notice Information**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2024
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9. This rule change MAY become effective on:	02/07/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	12/12/2023
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R765. Higher Education (Utah Board of), Administration. R765-1010. Data Breaches.

R765-1010-1. Purpose.

This rule defines "significant data breach" under Subsection 53B-28-504(2) and establishes standards for an education entity to protect student data by notifying students of significant data breaches under Subsections 53B-28-502(5)(b)(1) and 53B-28-504(1).

R765-1010-2. Authority.

Section 53B-28-504 authorizes this rule.

R765-1010-3. Definitions.

The definitions set forth in Section 53B-28-501 shall apply to this rule, except that the definition of "personally identifiable student data" shall not include information designated as directory information in accordance with the education entity's directory information policy, as described in 34 C.F.R. Section 99.37.

R765-1010-4. Significant Data Breaches.

(1) Except as provided in Subsection (2), a data breach shall be significant if the education entity that maintains the personally identifiable student data released, accessed, or disclosed in the breach determines that there is a moderate or high probability of substantial harm to the student based on a risk assessment considering the following factors based on the totality of the circumstances:

(a) the nature and extent of the personally identifiable student data involved, including the types of identifiers and the likelihood of re-identification;

(b) the degree to which the release, access, or disclosure of the personally identifiable student data breached could be used for unlawful purposes including subjecting an affected student to an invasion of privacy, heightened risk of unlawful discrimination, or identity theft or fraud;

(c) the unauthorized person who used the personally identifiable student data or to whom the disclosure was made;

(d) the likelihood that an unauthorized person acquired or viewed the personally identifiable student data;

(e) the extent to which the education entity has mitigated the potential harm and risk to the student;

(f) the extent to which prompt notification would allow affected students to further mitigate the harm and risk to them in addition to the actions that the education entity can take itself; and

(g) other factors that affect the likelihood that the incident is likely to result in substantial harm to the student.

(2) A data breach may not be significant to the extent that the breach involves:

(a) any inadvertent or unintentional acquisition, access, or use of personally identifiable student data by an employee or other person acting under the authority of an education entity or third-party contractor to another employee or other person acting under the authority of an education entity or third-party contractor, if such acquisition, access, or use was made in good faith and within the scope of authority and does not result in further use or disclosure in a manner not permitted under 53B, Chapter 28, Part 5, Higher Education Student Data Protection, or 34 CFR Part 99, Family Educational Rights and Privacy;

(b) a disclosure of personally identifiable student data where an education entity or third-party contractor has a good faith belief that an unauthorized person to whom the disclosure was made would not reasonably have been able to retain, use, or disclose such student data;

(c) a disclosure of personally identifiable student data where the education entity has implemented safeguards, such as encryption, which the education entity has a good faith belief that makes the personally identifiable student data unreadable or unusable;

(d) a disclosure of personally identifiable student data that the education entity lawfully published or was otherwise lawfully in the public domain before the disclosure; or

(e) a disclosure of the personally identifiable student data of fewer than 25 individuals.

R765-1010-5. Notification of Significant Data Breaches.

(1)(a) If a significant data breach occurs either at an educational entity or a third-party contractor using data disclosed by an educational entity, the educational entity shall notify each student in writing whose personally identifiable student data was disclosed.

(b) The notification shall include all components of the model data breach notification prepared under Subsection 53B-28-502(4)(b)(iii). An education entity may add additional content to the notification.

(c) The educational entity may communicate the notification by any written means that the education entity routinely uses for official communications with individual students.

(2) An education entity that provides notice of a data breach to affected individuals as required under any other law is deemed to have met the requirements of this rule with regard to the individuals so notified.

(3) For notifications regarding release, access, or disclosure of a record containing protected health information as defined in 45 CFR Part 164, Standards for Privacy of Individually Identifiable Health Information, the education entity shall comply with that part.

(4) The Office of the Commissioner of Higher Education may develop and communicate to each institution guidelines for compliance with this rule.

KEY: Utah Board of Higher Education, Data Breaches, Student Data Protection

Date of Last Change: 2024

Authorizing, and Implemented or Interpreted Law: 53B-28-504

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R909-1	Filing ID: 56223

Agency Information

1. Department:	Transportation	
Agency:	Motor Carrier	
Room number:	Administrative Suite, 1st Floor	
Building:	Calvin Rampton Building	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact persons:		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R909-1. Safety Regulations for Motor Carriers
3. Purpose of the new rule or reason for the change:
The Motor Carrier Division (Division) proposes these revisions to Rule R909-1 to adopt the Safety Regulations for Motor Carriers as of October 1, 2022, as amended by the Federal Register through June 22, 2023.
The Division adopts 49 CFR Parts 350 through 384, Part 385.4, Parts 387 through 399, and Part 40. The need to adopt this rule was required by H.B. 440 passed in the 2023 General Session, which defined a commercial motor vehicle that has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds.
H.B. 440 also required that a motor vehicle with a gross vehicle weight or gross combination weight of 26,001 or more pounds, whichever is greater, shall stop at a port-of-entry.

4. Summary of the new rule or change:

Proposed revisions to this rule:

- 1) update the definition of "intrastate commercial vehicle" to mean "having a manufacturer's gross vehicle weight rating or gross combination weight rating of 26,0001 or more pounds, whichever is greater, and revising Subsection R909-1-2(1)(c) clarify the current text;
- 2) revise Section R909-1-3 to update the citation of federal regulations to 49 CFR to October 1, 2022, as amended by the Federal Register through June 22, 2023; and
- 3) revise Subsection R909-1-4(3) to correct a current federal regulation citation to 49 CFR 171.8.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

There is no anticipated cost or savings to the state budget because this proposed change is clerical in nature and will have no impact on how the Department of Transportation functions.

B) Local governments:

This proposed rule change is not expected to have a fiscal impact on local governments' revenues or expenditures.

This rule regulates the motor carrier industry and does not affect local governments.

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

The Division does not believe this proposed rule change will impact small businesses that operate as motor carriers because it likely will not lead to direct expenditures from tax or fee changes for small businesses.

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

The Division does not believe this proposed rule change will impact non-small businesses that operate as motor carriers because it likely will not lead to direct expenditures from tax or fee changes 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**):

The Division does not believe this proposed rule change will impact persons other than small businesses, non-small businesses, state, or local government entities because it likely will not lead to direct expenditures from tax or fee changes.

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

There are no compliance costs for affected persons attributable to this proposed rule change because it likely will not lead to direct expenditures from tax or fee changes.

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

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Transportation, Carlos M. Bracerias, PE, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 72-9-103	Section 72-9-301	
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Incorporations by Reference Information

7. Incorporations by Reference:	
A) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	49 CFR Parts 350--384; 385.4; 387--399 (exc. 391.11(b)(1) and 391.49); and 40
Publisher	The Federal Register
Issue Date	June 22, 2023

Public Notice Information

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

A) Comments will be accepted until: 01/31/2024

9. This rule change MAY become effective on: 02/07/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Bracerias, PE, Executive Director	Date:	11/20/2023
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R909. Transportation, Motor Carrier.

R909-1. Safety Regulations for Motor Carriers.

R909-1-1. Authority and Purpose.

The [D]department makes this rule under Section 72-9-103 to enable the [D]department to enforce the Federal Motor Carrier Safety Regulations as contained in Title 49, Code of Federal Regulations related to the operation of a motor carrier within the state, as required by Section 72-9-301.

R909-1-2. Definitions.

(1) "Intrastate commercial vehicle" means the same as that term is defined in Section 72-9-102.~~a motor vehicle, vehicle, trailer, or semitrailer used or maintained for business, compensation, or profit to transport passengers or property on a highway only within the boundaries of this state if the commercial vehicle:~~

~~(a)(i) has a manufacturer's gross vehicle weight rating or gross combination weight rating of 26,000 or more pounds and is operated by an individual who is 18 years old or older; or~~

~~(ii) has a manufacturer's gross vehicle weight rating or gross combination weight rating of 16,001 or more pounds and is operated by an individual who is under 18 years old;~~

~~(b)(i) is designed to transport more than 15 passengers, including the driver; or~~

~~(ii) is designed to transport more than 12 passengers, including the driver, and has a manufacturer's gross vehicle weight rating or gross combination weight rating of 13,000 or more pounds; or~~
~~(c) is used to transport hazardous materials and must be placarded according to 49 CFR Part 172, Subpart F.]~~

R909-1-3. Adoption of Federal Regulations.

(1) Safety Regulations for Motor Carriers, 49 CFR Parts 350 through 384, Part 385.4, Parts 387 through 399, and Part 40, [January 2, 2020,] as amended by the Federal Register through [June 24, 2020] June 22, 2023, are incorporated by reference, except for 49 CFR Parts 391.11(b)(1) and 391.49 as they apply to intrastate drivers only. Therefore, these requirements apply to a motor carrier as defined in 49 CFR Part 390.5, and intrastate commercial motor carriers as defined in Subsection 72-9-102(3), excluding passenger vehicles designed to transport 12 or fewer passengers, including the driver, and [has] have a manufacturer's gross vehicle weight rating or gross combination weight rating of less than 13,000 pounds.

(2) An intrastate trucking operation in which the carriers operate double trailer combinations only is not required to comply with 49 CFR Part 380.203(a)(2).

(3) Exceptions to Part 391.41, Physical Qualification may be granted under the Department of Public Safety Rules, Driver's License Division, Section 53-3-303.5 for intrastate drivers under Rule R708-34.

(4) A driver involved wholly in intrastate commerce shall be at least 18 years old, unless they are transporting placarded amounts of hazardous materials or carrying 16 or more passengers, including the driver, in which case they must be at least 21 years old.

(5) A licensed childcare provider operating a passenger vehicle with a seating capacity of not more than 30 passengers, wholly in intrastate commerce, is exempt from 49 CFR Part 387 Subpart B but is subject to the minimum coverage requirements in Section 72-9-103.

R909-1-4. Insurance for Private Intrastate or Interstate Motor Carriers.

(1) "Private Motor Carrier" means a person who provides transportation of property or passengers by commercial motor vehicle and is not a for-hire motor carrier.

(2) Each intrastate private motor carrier must have a minimum amount of \$750,000 liability.

(3) Each interstate and intrastate for-hire and private motor carriers transporting any quantities of oil listed in 49 CFR 172.101; hazardous waste, hazardous material, and hazardous substances defined in [49 CFR 171.101] 49 CFR 171.8, must have a \$1,000,000 minimum level of financial responsibility, and an MCS-90 endorsement maintained at the principal place of business.

R909-1-5. Implements of Husbandry.

"Implements of Husbandry" is defined in Subsection 41-1a-102(23) and must comply with Title 41, Chapter 6a, Traffic Code. Vehicles meeting this definition are exempt from 49 CFR Part 393 - Parts and Accessories Necessary for Safe Operations.

KEY: trucks, transportation safety, implements of husbandry

Date of Last Change: 2024[January 5, 2022]

Notice of Continuation: August 14, 2021

Authorizing, and Implemented or Interpreted Law: 72-9-103; 72-9-104; 72-9-101; 72-9-301; 72-9-303; 72-9-701; 72-9-703

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number: **R156-80a** Filing ID: **50312**

Effective Date: **12/04/2023**

Agency Information

1. Department:	Commerce	
Agency:	Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Larry Marx	801-530-6628	lmarx@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R156-80a. Medical Language Interpreter 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 80a, provides for the certification and regulation of medical language interpreters.

Subsection 58-1-106(1) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58.

This rule was enacted to clarify the provisions of Title 58, Chapter 80a, with respect to medical language interpreters.

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 2019, 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 is necessary as it provides a mechanism to inform potential certificate holders of the requirements for certification as allowed under statutory authority provided in Title 58, Chapter 80a. This rule is also necessary as it provides information to ensure applicants for certification are adequately trained and meet minimum certification requirements, and provides certificate holders with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	11/14/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R527-275	Filing ID: 55565
Effective Date:	12/12/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Recovery Services	
Building:	TSOB	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 45033	
City, state and zip:	Salt Lake City, UT 84145-0033	
Contact persons:		
Name:	Phone:	Email:
Jodi Witte	801-471-7417	jwitte@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	385-310-2389	jonahshaw@utah.gov
Jordan Miera	801-538-4171	jmiera@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R527-275. Passport Release
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 26B-9-102 and 26B-9-108 give the Office of Recovery Services (ORS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law.
Federal Regulations at 22 CFR 51.60 provide detailed procedures for ORS to release a passport after it has been denied for failure to pay child support. This criteria has been adopted by ORS and incorporated by reference into 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:

There have been no comments received since the last five-year review of this rule.

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

The clarifications and procedures provided in this rule continue to be necessary for the appropriate implementation of federal regulations, which are still in effect and do not appear in state statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/11/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R746-450	Filing ID: 51980
Effective Date:	12/14/2023	

Agency Information

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

General Information

2. Rule catchline:
R746-450. Procedural and Informational Requirements for Solar Resource Solicitations and Acquisitions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 54-17-807 exempts certain solar generation facilities from competitive solicitation and selection requirements that are otherwise applicable under the

Energy Resource Procurement Act, see, e.g., Sections 54-17-201 and 54-17-302. These exemptions exist to facilitate certain customers exercising their right, under Section 54-17-802, to enter a contract with their utility whereby a customer may select renewable energy facilities and enter a contract with the utility to purchase electricity from the selected facilities for the purpose of supplying it to the customer.

Section 54-17-807 requires the utility to file an application to acquire such resources on a customer's behalf and it mandates a process the Public Service Commission (PSC) must undertake to evaluate and approve the applications. Subsection 54-17-807(11) provides that the PSC "shall adopt rules" addressing the filing and contents of such applications, establishing the solicitation process and criteria used to identify competitive market prices and to select an energy resource, and addressing other factors the PSC determines to be relevant to implement Section 54-17-807.

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

The PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.

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

The rule is required by law. Specifically, Subsection 54-17-807(11), which requires the PSC to adopt rules to implement the section. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	12/14/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R765-615	Filing ID:	53430
Effective Date:	12/15/2023		

Agency Information

1. Department:	Higher Education (Utah Board of)
Agency:	Administration
Building:	Utah Board of Higher Education Building, The Gateway

Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Alison A. Adams	801-643-5535	Alison.Adams@ushe.edu
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R765-615. Talent Development Incentive Loan Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 53B-10-205 requires the Utah Board of Higher Education (Board) to make a rule relating to the administration of the Talent Development Incentive Loan Program.
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 to summarize.
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 justified because the Talent Development Incentive Loan Program continues to be in effect and Section 53B-10-205 requires the Board to have this rule to administer the program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	12/15/2023
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR EXPIRATIONS

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

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

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

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

NOTICE OF EXPIRED RULE

Utah Admin. Code Ref (R no.):	R651-636	ID No. 51675
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Agency Information

1. Department:	Natural Resources	
Agency:	State Parks	
Street address:	1594 W North Temple	
City, state, and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):

R651-636. Procedures for Application to Receive Funds From the Zion National Park Restricted Account

3. Effective Date:	12/20/2023
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4. Summary:

The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

This program had been moved from the Division of State Parks to the Division of Outdoor Recreation (DOR). DOR became a new agency on 07/01/2022. This rule is now R650-101 under DOR.

(EDITOR'S NOTE: The new Rule R650-101 was published in the July 15, 2023, issue of the Bulletin under ID 55500 and was made effective 08/23/2023.)

End of the Notices of Notices of Five-Year Expirations Section

NOTICES OF FIVE YEAR EXPIRATIONS

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.

Alcoholic Beverage Services

Administration

No. 55828 (Amendment) R82-1: General

Published: 11/01/2023

Effective: 12/22/2023

No. 55830 (Amendment) R82-2: Administration

Published: 11/01/2023

Effective: 12/22/2023

No. 55835 (Amendment) R82-3: Disciplinary Actions and Enforcement

Published: 11/01/2023

Effective: 12/22/2023

No. 55836 (Amendment) R82-6: Specific Retail Provisions

Published: 11/01/2023

Effective: 12/22/2023

No. 55837 (Amendment) R82-9: Event Permits

Published: 11/01/2023

Effective: 12/22/2023

Commerce

Consumer Protection

No. 55843 (Amendment) R152-21: Credit Services

Organizations Act Rule

Published: 11/01/2023

Effective: 12/08/2023

No. 56105 (Repeal and Reenact) R152-34: Utah

Postsecondary Proprietary School Act Rule

Published: 11/15/2023

Effective: 01/01/2024

No. 56118 (Repeal) R152-34a: Utah Postsecondary School

State Authorization Act Rule

Published: 11/15/2023

Effective: 01/01/2024

Corporations and Commercial Code

No. 56130 (New Rule) R154-3: Decentralized Autonomous

Organization Act Rule

Published: 11/15/2023

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Professional Licensing

No. 55904 (Amendment) R156-31b: Nurse Practice Act

Rule

Published: 11/15/2023

Effective: 12/28/2023

No. 55847 (Amendment) R156-46a: Hearing Instrument

Specialist Licensing Act Rule

Published: 11/01/2023

Effective: 12/11/2023

No. 56068 (Amendment) R156-47b: Massage Therapy

Practice Act Rule

Published: 11/15/2023

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No. 55846 (Amendment) R156-69: Dentist and Dental

Hygienist Practice Act Rule

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Crime Victim Reparations

Administration

No. 55794 (Amendment) R270-1: Relocation, Funeral and

MH payment updates

Published: 11/01/2023

Effective: 12/08/2023

NOTICES OF RULE EFFECTIVE DATES

Cultural and Community Engagement

History

No. 56025 (New Rule) R455-18: Policy for Deaccessioning of Artifacts and Documentary Materials for Education and Cultural Use
Published: 11/15/2023
Effective: 12/27/2023

Education

Administration

No. 55852 (Amendment) R277-113: LEA Fiscal and Auditing Policies
Published: 11/01/2023
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No. 55853 (Amendment) R277-326: Early Learning
Published: 11/01/2023
Effective: 12/11/2023

No. 55854 (Amendment) R277-495: Electronic Devices in Public Schools
Published: 11/01/2023
Effective: 12/11/2023

No. 55855 (Amendment) R277-553: Charter School Oversight, Monitoring and Appeals
Published: 11/01/2023
Effective: 12/11/2023

No. 55856 (Amendment) R277-604: Private School, Home School, and Bureau of Indian Education (BIE) Student Participation in Public School Achievement Tests
Published: 11/01/2023
Effective: 12/11/2023

Government Operations

Finance

No. 55718 (Amendment) R25-5: Payment of Meeting Compensation (Per Diem) to Boards
Published: 10/15/2023
Effective: 12/06/2023

Governor

Criminal and Juvenile Justice (State Commission on)
No. 56026 (New Rule) R356-7: Appointing a Designee, Representative, or Proxy
Published: 11/15/2023
Effective: 12/23/2023

Economic Opportunity

No. 55838 (Amendment) R357-29: Rural County Grant Rule
Published: 10/15/2023
Effective: 11/29/2023

No. 55839 (New Rule) R357-46: Rural Communities Opportunity Grant Rule
Published: 10/15/2023
Effective: 11/29/2023

Health and Human Services

Administration

No. 55818 (New Rule) R380-600: Licensing General Provisions - Enforcement
Published: 10/15/2023
Effective: 12/19/2023

Center for Medical Cannabis

No. 55868 (Amendment) R383-1: Definitions
Published: 11/15/2023
Effective: 01/01/2024

No. 55869 (Amendment) R383-2: Electronic Verification System and Inventory Control System
Published: 11/15/2023
Effective: 01/01/2024

No. 55870 (Amendment) R383-4: Qualified Medical Providers
Published: 11/15/2023
Effective: 01/01/2024

No. 55871 (Amendment) R383-5: Dosing Guidelines
Published: 11/15/2023
Effective: 01/01/2024

No. 55872 (Repeal) R383-7: Medical Cannabis Pharmacy
Published: 11/15/2023
Effective: 01/01/2024

No. 55873 (Repeal) R383-8: Medical Cannabis Pharmacy Agent
Published: 11/15/2023
Effective: 01/01/2024

No. 55874 (Repeal) R383-9: Home Delivery and Courier
Published: 11/15/2023
Effective: 01/01/2024

No. 55875 (Repeal) R383-14: Administrative Penalties
Published: 11/15/2023
Effective: 01/01/2024

Family Health, Children with Special Health Care Needs

No. 55696 (Amendment) R398-2: Newborn Hearing Screening: Early Hearing Detection and Intervention (EHDI) Program
Published: 09/15/2023
Effective: 12/19/2023

No. 55801 (Repeal) R398-3: Children's Hearing Aid Program
Published: 10/15/2023
Effective: 12/20/2023

No. 55685 (Amendment) R398-5: Birth Defects and Critical Congenital Heart Disease Reporting
Published: 09/15/2023
Effective: 12/19/2023

No. 55680 (Repeal) R398-20: Early Intervention
Published: 09/15/2023
Effective: 12/19/2023

Family Health, Early Childhood

No. 55688 (New Rule) R402-1: Early Intervention
Published: 09/15/2023
Effective: 12/19/2023

No. 55859 (New Rule) R402-2: Early Childhood Utah
Advisory Council Membership, Duties and Procedures
Published: 11/01/2023
Effective: 12/28/2023

Family Health, WIC Services

No. 55962 (Amendment) R406-100: Special Supplemental
Nutrition Program for Women, Infants and Children
Published: 11/15/2023
Effective: 12/22/2023

Integrated Healthcare

No. 56054 (Amendment) R414-401: Nursing Care Facility
Assessment
Published: 11/15/2023
Effective: 01/01/2024

No. 56029 (Repeal and Reenact) R414-510: Intermediate
Care Facility for Persons with Intellectual Disabilities
Transition Program and Education
Published: 11/15/2023
Effective: 01/01/2024

Residential Child Care Licensing

No. 55617 (Amendment) R430-8: Exemptions from Child
Care Licensing
Published: 09/01/2023
Effective: 12/12/2023

Health Care Facility Licensing

No. 55819 (Amendment) R432-1: General Health Care
Facility Rules
Published: 10/15/2023
Effective: 12/28/2023

No. 55816 (Repeal) R432-2: General Licensing Provisions
Published: 10/15/2023
Effective: 12/12/2023

No. 55817 (Repeal) R432-3: General Health Care Facility
Rules Inspection and Enforcement
Published: 10/15/2023
Effective: 12/12/2023

No. 55595 (Amendment) R432-150: Nursing Care Facility
Published: 09/01/2023
Effective: 12/12/2023

No. 55595 (Change in Proposed Rule) R432-150: Nursing
Care Facility
Published: 10/15/2023
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No. 55687 (Repeal and Reenact) R432-152: Intermediate
Care Facility for Individuals with Intellectual Disabilities
Published: 09/15/2023
Effective: 12/19/2023

Family Health, Maternal and Child Health

No. 55860 (Repeal) R433-2: Early Childhood Utah
Advisory Council Membership, Duties and Procedures
Published: 11/01/2023
Effective: 12/28/2023

Administration (Human Services)

No. 55683 (Repeal) R495-882: Termination of Parental
Rights
Published: 09/15/2023
Effective: 12/15/2023

No. 55681 (Repeal) R495-883: Children in Care Support
Services
Published: 09/15/2023
Effective: 12/19/2023

No. 55677 (Repeal) R495-884: Kinship Locate
Published: 09/15/2023
Effective: 12/19/2023

No. 55663 (Repeal) R495-885: Employee Background
Screenings
Published: 10/15/2023
Effective: 12/28/2023

Human Services Program Licensing

No. 55820 (Repeal and Reenact) R501-1: General
Provisions for Licensing
Published: 10/15/2023
Effective: 12/19/2023

No. 55611 (Amendment) R501-20: Day Treatment
Programs
Published: 09/01/2023
Effective: 12/19/2023

Child and Family Services

No. 56038 (Amendment) R512-80: Definitions of Abuse,
Neglect, and Dependency
Published: 11/15/2023
Effective: 12/28/2023

No. 55987 (Amendment) R512-202: Child Protective
Services, General Allegation Categories
Published: 11/15/2023
Effective: 12/28/2023

No. 55989 (Amendment) R512-306: Out-of-Home
Services, Transition to Adult Living Services, Education and
Training Voucher Program
Published: 11/15/2023
Effective: 12/28/2023

NOTICES OF RULE EFFECTIVE DATES

No. 55988 (Amendment) R512-308: Out-of-Home Services, Guardianship Services and Placements
Published: 11/15/2023
Effective: 12/28/2023

Insurance

Administration

No. 55861 (Amendment) R590-230: Suitability in Annuity Transactions
Published: 11/01/2023
Effective: 12/08/2023

No. 56020 (Repeal and Reenact) R590-238: Captive Insurance Companies
Published: 11/15/2023
Effective: 12/22/2023

No. 55862 (Amendment) R590-267: Personal Injury Protection Relative Value Study Rule
Published: 11/15/2023
Effective: 01/01/2024

Labor Commission

Industrial Accidents

No. 56016 (Amendment) R612-200-6: Burial Expenses
Published: 11/15/2023
Effective: 12/27/2023

No. 56019 (Amendment) R612-300-4: General Method For Computing Medical Fees
Published: 11/15/2023
Effective: 12/27/2023

No. 56017 (Amendment) R612-400-5: Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund
Published: 11/15/2023
Effective: 12/27/2023

Natural Resources

Water Rights

No. 55705 (Repeal and Reenact) R655-5: Maps Submitted to the Division of Water Rights
Published: 09/15/2023
Effective: 12/14/2023

Tax Commission

Property Tax

No. 55866 (Amendment) R884-24P-53: 2023 Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515
Published: 11/15/2023
Effective: 12/22/2023

End of the Notices of Rule Effective Dates Section