

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 February 16, 2024, 12:00 a.m., and March 01, 2024, 11:59 p.m. are included in this, the March 15, 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 April 15, 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 July 15, 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: Amendment		
Rule or Section Number:	R68-30	Filing ID: 56334

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Building:	TSOB South Bldg, Floor2	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R68-30. Independent Cannabis Testing Laboratory
3. Purpose of the new rule or reason for the change:
Changes are needed to allow medical cannabis waste to be used by a medical cannabis research licensee.
4. Summary of the new rule or change:
The changes to this rule add a definition for medical cannabis research license in Section R68-30-3.
The rule has also been updated to add additional language related to the disposal of medical cannabis waste to Subsections R68-30-9(10) and R68-30-9(11) to allow for the waste to be used by a medical cannabis research licensee and includes labeling, testing, and sample retention requirements.
Additional small changes have been made to make this rule more consistent with the Rulewriting Manual for Utah requirements.

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

There is no anticipated impact on the state budget because allowing waste to be transferred to a research licensee does not impact the Department of Agriculture and Food's (Department) management of the cannabis program.

B) Local governments:

This rule does not impact local governments because they are not medical cannabis licensees.

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

This rule change will not impact small businesses because the clarifications only relate to research licensees which are not small businesses.

In Section 4-41a-901, only research universities may be licensed to conduct medical cannabis research. None of Utah's research universities qualify as a small business.

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

The changes will not impact non-small businesses because the clarifications allowing research licensees to use medical cannabis waste does not impact the costs to participate in the medical cannabis 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**):

The changes will not impact other persons because the amendments do not change the cost to participate in the program.

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

Compliance costs and Department medical cannabis fees will not 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 4-41a-103(5)	Subsection 4-41a-302(3)(b)(ii)	Subsection 4-41a-404(3)
Subsection 4-41a-405(2)(b)(iv)	Subsection 4-41a-701(3)	Subsection 4-41a-801(1)

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:	04/15/2024
9. This rule change MAY become effective on:	04/22/2024

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:	02/27/2024
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R68. Agriculture and Food, Plant Industry.**R68-30. Independent Cannabis Testing Laboratory.****R68-30-1. Authority and Purpose.**

Pursuant to Subsections 4-41a-103(5), 4-41a-302(3)(b)(ii), 4-41a-404(3), 4-41a-405(2)(b)(iv), 4-41a-701(3), 4-41a-801(1), and 4-2-103(1)(i), this rule establishes the application process, qualifications, and requirements to obtain and maintain an independent cannabis testing laboratory license.

R68-30-2. Definitions.

(1) "Applicant" means any person or business entity who applies for a cannabis processing facility license.

(2) "Batch" means a quantity of:

(a) cannabis extract produced on a particular date and time, following clean up until the next clean up during which lots of cannabis are used;

(b) cannabis product produced on a particular date and time, following clean up until the next clean up during which cannabis extract is used; or

(c) cannabis flower packaged on a particular date and time, following clean up until the next clean up during which lots of cannabis are being used.

(3) "Cannabis" means any part of a marijuana plant.

(4) "Cannabis cultivation facility" means a person that:

(a) possesses cannabis;

(b) grows or intends to grow cannabis; and

(c) sells or intends to sell cannabis to a cannabis cultivation facility or to a cannabis processing facility.

(5) "Cannabis processing facility" means a person that:

(a) acquires or intends to acquire cannabis from a cannabis production establishment or a holder of an industrial hemp processor license under Title 4 Chapter 41, Hemp and Cannabinoid Act;

(b) possesses cannabis with the intent to manufacture a cannabis product;

(c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and

(d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or the state central fill medical cannabis pharmacy.

(6) "Cannabis production establishment agent registration card" means a registration card that the department issues that:

(a) authorizes an individual to act as a cannabis production establishment agent; and

(b) designates the type of cannabis production establishment for which an individual may act as an agent.

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

(8) "Independent cannabis testing laboratory" means a person who:

(a) conducts a chemical or other analysis of cannabis or a cannabis product; or

(b) acquires, possesses, and transports cannabis or a cannabis product with the intent to conduct a chemical or other analysis of the cannabis or cannabis product.

(9) "Independent cannabis testing laboratory agent" means an individual who:

(a) is an employee of an independent cannabis testing laboratory; and

(b) holds a valid cannabis production establishment agent registration card.

(10) "Lot" means the quantity of:

(a) flower produced on a particular date and time, following clean up until the next clean up during which the same materials are used; or

(b) trim, leaves, or other plant matter from cannabis plants produced on a particular date and time, following clean up until the next clean up.

(11) "Medical cannabis research licensee" means a person who holds a license to perform academic medical cannabis research pursuant to Section 4-41a-901 and Rule R68-35.

R68-30-3. Independent Testing Laboratory License.

(1) An independent testing laboratory license allows the licensee to receive cannabis from a licensed cannabis cultivation facility to conduct testing as required by Subsection 4-41a-701(2) and Rule R68-29.

(2) An independent testing laboratory license allows the licensee to receive cannabis from a licensed cannabis processing facility to conduct testing as required by Subsection 4-41a-701(2) and Rule R68-29.

(3) An independent testing laboratory license allows the licensee to receive cannabis from a licensed cannabis cultivation facility and a cannabis processing facility to conduct the additional test as requested.

(4) A complete application shall include the required fee, statements, forms, diagrams, operation plans, and other applicable documents required in the application packet to be accepted and processed by the department.

(5) Before approving an application, the department may contact any applicant and request additional supporting documentation or information.

(6) Before issuing a license, the department shall inspect the proposed premises to determine if the applicant complies with state laws and rules.

(7) The department may conduct face-to-face interviews with an applicant if needed to determine the best-qualified applicant for the number of licenses needed.

(8) The license shall expire 12 months from the date on which the license is issued.

(9) An application for renewals shall be submitted to the department no later than 30 days before the license expiration date.

(10) If the renewal application is not submitted 30 days before the expiration date the licensee may not continue to operate.

(11) An independent cannabis testing laboratory license is not transferable or assignable. If the ownership of an independent cannabis testing laboratory changes by 50% or more, the requirements of Subsection 4-41a-201(15) shall be followed.

R68-30-4. Independent Cannabis Testing Laboratory Requirements.

(1) An independent testing laboratory shall employ a scientific director responsible for:

(a) ensuring that the laboratory achievement and maintenance of quality standards of practice; and

(b) supervising laboratory staff.

(2) The scientific director for an independent laboratory shall have:

(a) a doctorate in chemical or biological sciences from an accredited college or university and have at least 2 years of post-degree laboratory experience;

(b) a master's degree in chemical or biological sciences from an accredited college or university and have at least 4 years of post-degree laboratory experience; or

(c) a bachelor's degree in chemical or biological sciences from an accredited college or university and have at least 6 years of post-degree laboratory experience.

(3) An independent cannabis testing laboratory shall follow validated analytical methods, such as those published by the Association of Official Agricultural Chemists (AOAC), American Herbal Pharmacopoeia, EPA, FDA, or other reputable scientific organizations or notify the department of alternative scientifically valid testing methodology the lab is following for each required test.

(4) An independent cannabis testing laboratory may not use an alternative testing method without earlier review from the department.

(5) The department shall review any monograph or analytical method followed by an independent cannabis testing laboratory to ensure the methodology produces scientifically accurate results before the use of alternative testing methods to conduct the required tests.

(6) An independent cannabis testing laboratory shall establish written standard operating procedures for each test being conducted.

(7) An independent cannabis testing laboratory shall maintain an average testing turnaround time below ten business days within any three-month period.

(8) An independent cannabis testing laboratory shall obtain and keep the International Organization for Standardization (ISO) 17025:2017 accreditation.

(9) An independent cannabis testing laboratory may be licensed before ISO 17025:2017 accreditation provided the independent cannabis testing laboratory:

(a) adopt and follow minimum good laboratory practices which satisfy the OECD Principles of Good Laboratory Practice and Compliance Monitoring published by the Organization for Economic Co-operation and Development; and

(b) becomes ISO 17025:2017 accredited within 24 months.

(10) The department incorporates the following materials by reference:

(a) Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control (2014 Revisions) published by the American Herbal Pharmacopoeia; and

(b) OECD Principles of Good Laboratory Practice and Compliance Monitoring (1997) published by the Organization for Economic Co-operation and Development.

(11) An independent cannabis testing laboratory shall have written emergency procedures to be followed in case of:

(a) fire;

(b) chemical spill; or

(c) other emergencies at the laboratory.

(12) An independent cannabis testing laboratory shall compartmentalize each area in the facility based on function and shall limit access to the compartments to the appropriate authorized agents.

R68-30-5. Security Requirements.

(1) At a minimum, a licensed independent cannabis testing laboratory shall have a security alarm system on each perimeter entry point and perimeter window.

(2) At a minimum, a licensed independent cannabis testing laboratory shall have complete video surveillance system:

(a) with minimum camera resolution of 640 x 470 pixels or pixel equivalent for analog; and

(b) that retains footage for at least 45 days[;].

(3) Cameras shall:

(a) be fixed and placement shall allow for the clear and certain identification of any person and activities in controlled areas; and

(b) record continuously.

(4) Controlled areas included:

(a) entrances and exits;

(b) any areas where cannabis or cannabis products are stored;

(c) any areas where cannabis or cannabis products are being tested; and

(d) any areas where cannabis waste is being moved, processed, stored, or destroyed.

(5) If an independent cannabis testing facility stores footage locally, the surveillance system storage device shall be secured in the facility in a lockbox, cabinet, closet, or secured in another manner to protect from employee tampering or criminal theft.

(6) If an independent cannabis testing laboratory stores footage on a remote server, access shall be restricted to protect from employee tampering.

(7) Any entry point ~~[must]~~shall be lighted in low-light conditions sufficient to record activity occurring.

(8) Any visitors to an independent cannabis testing laboratory shall be required to have a properly displayed identification badge issued by the facility at all times while on the premises of the facility.

(9) Any visitors shall be escorted by an independent cannabis facility agent at all times while in the facility.

(10) An independent cannabis testing laboratory shall keep and maintain a visitor's log showing:

(a) the full name of each visitor entering the facility;

(b) the badge number issued;

(c) the time of arrival;

(d) the time of departure; and

(e) the purpose of the visit.

(11) The independent cannabis testing laboratory shall keep the visitors log for a minimum of a year.

(12) The independent cannabis testing laboratory shall make the visitor log available to the department upon request.

R68-30-6. Inventory Control.

(1) Each test sample shall have a unique identification number in the inventory control system.

(2) Each test sample shall be traceable to the lot or batch used as the base material from the cannabis production establishment.

(3) Unique identification numbers may not be reused.

(4) Each test sample that has been issued a unique identification number shall have a physical tag placed on it with:

(a) the unique identification number;

(b) the license number and name of the lab receiving the test sample;

(c) the license number and name of the cannabis production establishment name;

(d) the date the test sample was collected; and

(e) the weight of the sample.

(5) The tag shall be legible and placed in a position that can be clearly read and shall be kept free from dirt and debris.

(6) The following shall be reconciled in the inventory control system at the close of business each day:

(a) the date and time the test sample was received;

(b) each sample used for testing and the test results;

(c) the identity of the agent conducting the test;

(d) a complete inventory of cannabis test samples;

(e) the weight and disposal of cannabis waste materials;

(f) the identity of who disposed of the cannabis waste; and

(g) the theft or loss or suspected theft or loss of test sample.

(7) An independent cannabis testing laboratory shall document in the inventory tracking system any test samples received, and any difference between the quantity specified in the transport and quantities received.

R68-30-7. Independent Cannabis Testing Laboratory Agents.

(1) A prospective independent cannabis testing laboratory agent shall apply to the department for a cannabis testing laboratory agent registration card on a form provided by the department.

(2) An application is not considered complete until the background check has been completed, the ~~[the]~~ registration fee has been paid, and the prospective agent has submitted the required training certificate.

(3) The cannabis establishment agent registration card shall contain:

(a) the agent's full name;

(b) identifying information; and

(c) a photograph of the agent.

(4) An independent cannabis testing laboratory is responsible to ensure that each agent has received any task-specific training as outlined in the operating plan submitted to the department.

(5) An independent cannabis testing agent shall have a properly displayed identification badge which has been issued by the department while on the facility premises or while engaged in the transportation of cannabis.

(6) Cannabis testing laboratory agents shall have their state-issued identification card in their possession to certify the information on their badge is correct.

(7) Each cannabis testing laboratory shall maintain a list of each employee that holds a cannabis testing laboratory agent registration card and provide the list to the department upon request.

R68-30-8. Transportation.

(1) A printed transport manifest shall accompany every transport of cannabis.

(2) The manifest shall contain the following information:

(a) the cannabis production establishment address and license number of the departure location;

(b) physical address and license number of the receiving location;

(c) strain name, quantities by weight, and unique identification numbers of each cannabis material to be transported;

(d) date and time of departure;

(e) estimated date and time of arrival; and

(f) name and signature of each agent accompanying the cannabis.

(3) The transport manifest may not be voided or changed after departing from the original cannabis production establishment.

(4) A copy of the transport manifest shall be given to the independent laboratory.

(5) The receiving independent laboratory shall ensure that the cannabis material received is as described in the transport manifest and shall record the amounts received for each strain into the inventory control system.

(6) The receiving independent laboratory shall document at the time of receipt any differences between the quantity specified in the transport manifest and the quantities received in the inventory control system.

(7) During transport an independent cannabis testing laboratory agent shall ensure the cannabis is:

- (a) shielded from the public view;
- (b) secured; and
- (c) temperature controlled if perishable.

(8) An independent cannabis testing laboratory shall contact the department within 24 hours if a vehicle transporting cannabis is involved in an accident that involves product loss.

(9) Only the registered agents of the independent cannabis testing laboratory may occupy a transporting vehicle.

R68-30-9. Cannabis Waste Disposal.

(1) Solid and liquid wastes generated during cannabis testing shall be stored, managed, and disposed of in accordance with applicable state law.

(2) Waste water generated during cannabis testing shall be disposed of in compliance with applicable state law.

(3) Cannabis waste generated from the cannabis plant, trim, and leaves are not considered hazardous waste unless it has been treated or contaminated with a solvent, or pesticide.

(4) Cannabis waste shall be made unusable before leaving the independent cannabis testing laboratory, except as provided for in Subsection R68-30-9(10) and Subsection R68-30-9(11).

(5) Cannabis waste, which is not designated as hazardous, shall be made unusable by grinding and incorporating the cannabis waste with other ground materials so the resulting mixture is at least 50% non-cannabis waste by volume or other methods approved by the department before implementation.

(6) Materials used to grind and incorporate with cannabis fall into two categories:

- (a) compostable; or
- (b) non-compostable.

(7) Compostable waste is cannabis waste to be disposed of as compost or in another organic waste method mixed with:

- (a) food waste;
- (b) yard waste; or
- (c) vegetable-based grease or oils.

(8) Non-compostable waste is cannabis waste to be disposed of in a landfill or another disposal method, such as incineration, mixed with:

- (a) paper waste;
- (b) cardboard waste;
- (c) plastic waste; or
- (d) soil.

(9) Cannabis waste includes:

(a) cannabis plant waste including roots, stalks, leaves, and stems;

(b) excess cannabis or cannabis products from any quality assurance testing;

(c) cannabis or cannabis products that fail to meet testing requirements; and

(d) cannabis or cannabis products subject to a recall.

(10) An independent cannabis testing laboratory may transfer cannabis waste material to a cannabis testing laboratory operated by the department for use by a medical cannabis research licensee if:

(a) the laboratory operated by the department agrees to accept the material;

(b) the licensee that submitted the material to the laboratory for testing allows the use of their material for medical cannabis research;

(c) the material passed all required tests or is clearly labeled "not for human consumption" and is accompanied by a list of known contaminants; and

(d) the material has met the sample retention requirements of the laboratory.

(11) The cannabis testing laboratory operated by the department may transfer any cannabis waste material to a medical cannabis research licensee if:

(a) the licensee that submitted the material to the laboratory for testing agrees to the use of their material for medical cannabis research;

(b) the material passed all required tests or is clearly labeled "not for human consumption" and is accompanied by a list of known contaminants; and

(c) the material has met the sample retention requirements of the laboratory.

R68-30-10. Change in Operation Plans.

(1) An independent cannabis testing laboratory shall submit a notice, on a form provided by the department, before making any changes to:

- (a) ownership or financial backing of the facility;
- (b) the facility's name;
- (c) a change in location;

(d) change in testing methods, equipment, remodeling, expansion, reduction or physical, non-cosmetic alteration of the lab; or

(e) change in written operating procedures.

(2) An independent cannabis testing laboratory may not implement changes to the approved operation plan without department approval.

(3) The department shall approve of requested changes unless approval would lead to a violation of the applicable laws and rules of the state.

(4) The department shall specify the reason for the denial of approval for a change to the operation plan.

R68-30-11. Renewals.

(1) An independent cannabis testing laboratory shall submit a notice of intent to renew and the licensing fee to the department by their license expiration date.

(2) If the licensing fee and intent to renew are not submitted on or before the expiration date, the licensee may not continue to operate.

(3) The department shall renew a license unless renewal would lead to a violation of the applicable laws and rules of the state.

R68-30-12. Proficiency Testing.

(1) The department shall establish a proficiency testing program for independent cannabis testing laboratories.

(2) Each independent cannabis testing laboratory shall participate in the designated proficiency testing program with satisfactory performance as determined by the Department.

R68-30-13. Violation Categories.

(1) Public Safety Violations: \$3,000- \$5,000 per violation. This category is for violations which present a direct threat to public health or safety including:

- (a) cannabis sold to an unlicensed source;
- (b) cannabis purchased from an unlicensed source;
- (c) refusal to allow inspection;
- (d) refusal to participate in proficiency testing;
- (e) failure to comply with testing requirements;
- (f) failure to report testing results;
- (g) unauthorized personnel on the premises;
- (h) permitting criminal conduct on the premises;
- (i) engaging in or permitting a violation of the Title 4,

Chapter 41a, Cannabis Production Establishments, that amounts to a public safety violation as described in this subsection.

(2) Regulatory Violations: \$1,000-\$5,000 per violation. This category is for violations involving this rule and other applicable state rules including:

- (a) failure to maintain alarm and security systems;
- (b) failure to keep and maintain records for at least two years;
- (c) failure to maintain traceability;
- (d) failure to follow transportation requirements;
- (e) failure to follow the waste and disposal requirements;

or

(f) engaging in or permitting a violation of Title 4, Chapter 41a, Cannabis Production Establishments or this rule that amounts to a regulatory violation as described in this subsection.

(3) Licensing Violations: \$500- \$5,000 per violation. This category is for violations involving licensing requirements including:

- (a) an unauthorized change to the operating plan;
- (b) failure to notify the department of changes to the operating plan;

(c) failure to notify the department of changes to financial or voting interests of greater than 2%;

(d) failure to follow the operating plan as approved by the department;

(e) engaging in or permitting a violation of this rule or Title 4, Chapter 41, Cannabis Production Establishments, that amounts to a licensing violation as described in this subsection; or

- (f) failure to respond to violations.

(4) The department shall calculate penalties based on the level of violation and the adverse effect or potential adverse effect at the time of the incidents giving rise to the violation.

KEY: cannabis laboratory, cannabis testing

Date of Last Change: ~~June 22, 2023~~ 2024

Authorizing, and Implemented or Interpreted Law: 4-41a-701(3); 4-41a-404(3); 4-41a-405(2)(b)(iv); 4-41a-103(5)

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R123-6	Filing ID: 56331
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Agency Information

1. Department:	Auditor
Agency:	Administration

Room number:	E310	
Building:	Utah State Capitol Complex, East Building	
Street address:	350 N State St	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Mandy Teerlink	801-538-1363	mteerlink@gmail.com
Seth Oveson	435-572-0440	soveson@gmail.com
Please address questions regarding information on this notice to the persons listed above.		

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

R123-6. Allocation of Money in the Property Tax Valuation Fund

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

The purpose of this filing is to improve the accurate valuation and uniform assessment levels of property in receiving counties in accordance with Section 59-2-1603.

4. Summary of the new rule or change:

This change adds requirements for receiving counties to provide GIS parcel data, as well as assessment roll data to improve compliance with the statutory requirement of mass appraisals described in Section 59-2-303.1.

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

No fiscal impact to the state budget. No state funds are used by this program.

B) Local governments:

Only counties are involved in this program.

This rule change will disqualify counties from receiving a disbursement from the multicounty assessing and collecting levy unless they meet the requirements to provide mass appraisal and GIS information to the state on an annual basis.

Revenues equal disbursements, resulting in an aggregate \$0 net fiscal impact. No other local governments are involved in this program.

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

The proposed rule change will not have a fiscal impact on small businesses.

This rule only applies to counties because they are tasked with collecting taxes for all taxing entities. This rule change does not increase or decrease the levy amount paid by taxpayers.

The changes to this rule establish requirements for counties that would like to qualify to receive a portion of the multi-county levy.

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

The proposed rule change will not have a fiscal impact on non-small businesses.

This rule only applies to counties because they are tasked with collecting taxes for all taxing entities. This rule change does not increase or decrease the levy amount paid by taxpayers.

The changes to this rule establish requirements for counties that would like to qualify to receive a portion of the multi-county levy.

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

No fiscal impact.

This change has no impact on the associated statutorily-imposed tax levy. This rule only applies to counties because they are tasked with collecting taxes for all taxing entities.

This rule change does not increase or decrease the levy amount paid by taxpayers.

The changes to the rule establish requirements for counties that would like to qualify to receive a portion of the multi-county levy.

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

No fiscal impact.

This change has no impact on the associated statutorily-imposed tax levy. This rule only applies to counties because they are tasked with collecting taxes for all taxing entities.

This rule change does not increase or decrease the levy amount paid by taxpayers.

The changes to the rule establish requirements for counties that would like to qualify to receive a portion of the multi-county levy.

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 Auditor of the Office of the State Auditor, John Dougall, 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 59-2-303.1		
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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: 04/15/2024

9. This rule change MAY become effective on: 04/22/2024

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:	Seth Oveson, Local Government Manager	Date:	02/21/2024
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R123. Auditor, Administration.**R123-6. Allocation of Money in the Property Tax Valuation Agency Fund.****R123-6-1. Authority.**

As required by Section 59-2-1603, this rule provides the formula for disbursing monies from the property tax valuation agency fund.

R123-6-2. Definitions.

1. "Combined levy" means the sum of the local levy and the multi-county levy.

2. "Local levy" means a property tax levied in accordance with [Utah Code] Subsection 59-2-1602(4).

3. "Multi-county levy" means a property tax levied in accordance with [Utah Code] Subsection 59-2-1602(2).

4. "Fund" means the Property Tax Valuation Agency Fund created in [Utah Code] Section 59-2-1602.

5. "Office" means the Office of the State Auditor.

6. "GIS parcel data" means the information specified in Subsection 63A-16-505(3)(b)(vi) for the statewide parcel layer in the State Geographic Information Database.

7. "UGRC" means the Utah Geospatial Resource Center created in Section 63A-16-505.

R123-6-3. Disbursements.

1. To receive disbursements from the Fund, a county shall:

a. Annually submit to UGRC, no later than December 31, its most recent GIS parcel data used for the property assessment for the current calendar year;

b. Provide the requested intermediate assessment book data conforming to the Assessor Data Request List for evaluation of the county's mass appraisal system by June 9 of each year; and

c. Comply with the statutory requirement of mass appraisal and in-depth review described in Section 59-2-303.1.

[+]2. Subject to Subsection ([2]3), the disbursement to eligible counties of monies held in the [f]Fund shall be determined based on the following:

a. Sixth class counties whose respective combined levy exceeds the mean of the combined levies of all counties shall receive an amount from the [f]Fund equal to 80% of the amount calculated when multiplying the county's Proposed Tax Rate Value, as calculated by Utah State Tax Commission, by the portion of their combined rate that exceeds the mean rate; ~~and~~

b. Fifth class counties whose respective combined levy exceeds the mean of the combined levies of all counties shall receive an amount from the [f]Fund equal to 50% of the amount calculated when multiplying the county's Proposed Tax Rate Value, as calculated by Utah State Tax Commission, by the portion of their combined rate that exceeds the mean rate; ~~and~~

c. Fourth class counties whose respective combined levy exceeds the mean of the combined levies of all counties shall receive an amount from the [f]Fund equal to 20% of the amount calculated when multiplying the county's Proposed Tax Rate Value, as calculated by Utah State Tax Commission, by the portion of their combined rate that exceeds the mean rate but not to exceed 0.000100[-]; and

d. a sixth class county shall not receive less than \$20,750 annually from the [f]Fund.

[2]3. If available monies held in the [f]Fund are not sufficient to cover amounts calculated in Subsection ([+]2):

a. Full distributions shall be made to sixth class counties; ~~and~~

b. Distributions to fourth and fifth class counties shall be reduced on a pro-rata basis based on monies available after the distributions in Subsection ([2]3)(a)[-]; and

c. Notwithstanding Subsection ([2]3)(b), fourth and fifth class counties who have received previous distributions shall receive distributions which minimize reductions compared to previous year distributions.

[3]4. If available monies held in the [f]Fund exceed amounts calculated in Subsection ([+]2), distributions shall be increased on a pro-rata basis.

[4]5. The Office shall authorize these disbursements on an annual basis.

KEY: counties, property tax

Date of Last Change: ~~February 18, 2022~~ 2024

Notice of Continuation: October 28, 2019

Authorizing, and Implemented or Interpreted Law: 59-2-1603

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R156-1	Filing ID: 56322
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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:
Deborah Blackburn	801-530-6628	deborahblackburn@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R156-1. General Rule of the Division of Occupational and Professional Licensing

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

The Division of Professional Licensing (Division) is filing these proposed amendments to clarify and update this rule and implement statutory changes and remove barriers to licensure in accordance with S.B. 36 passed in the 2023 General Session.

4. Summary of the new rule or change:

Section R156-1-102: Updates the definition of "cheating" for Division exams and provides that "home telephone number" in Subsection 58-1-106(3) includes a licensee's personal cell phone number, and the new Section R156-1-102b clarifies that a word formed by derivation from a defined word is subject to the definition's restrictions on use.

Section R156-1-106: Updates and clarifies procedures for persons requesting a licensee list from the Division under Section 58-1-106, including requiring opt-out provisions for licensees who receive communications, and cessation of use of licensee information upon notice from the Division; clarifies that the Division may deny a request if the requester failed to comply with terms of a previous application, and may distribute a list to a Utah nonprofit voluntary professional membership association of individuals licensed by the Division for purposes that may include advertising or soliciting association membership, and to a local health department for public health emergency or public health concern purposes.

Section R156-1-109: Requires each program contract for entry and participation in UPHP to include the written concurrence of the Division's director; and substitutes the bureau manager for the Construction Services Commission (CSC) as the presiding officer to conduct dismissal of a disciplinary proceeding for a contractor, plumber, electrician, or alarm company based upon the respondent's documented compliance.

Section R156-1-109a: S.B. 36 (2023) amended Section 58-1-109 to provide that boards of seven or more members may split into panels to serve as the fact-finding presiding officer in cases. This new section provides procedures for the director's designation of board panel members and for a petition to review a panel's recommended order.

Section R156-1-110. Clarifies that a request for a subpoena and a finding by the investigative subpoena authority is part of the investigative case file and is evidence obtained as a part of an investigation before that evidence is presented in an administrative action or criminal action (i.e., protected under GRAMA). Also requires each investigative subpoena to include a declaration of custodian of records form.

Section R156-1-301: S.B. 36 (2023) amended Subsection 58-1-301(1) to allow the Division to accept by rule "other satisfactory evidence" of an applicant's identity in lieu of a social security number. This amendment provides that other satisfactory evidence of an applicant's identity is:

- a) an Individual Taxpayer Identification Number (ITIN);
- b) an Alien Registration Number (A-number); or
- c) for an applicant who has never been issued a social security number, ITIN, or A-number:
 - i) an unexpired government-issued passport from the applicant's country of residence; and
 - ii) an intent-to-hire letter from a Utah-based employer.

Note: this amendment does NOT delete or change in any way the requirement for the Division to verify an applicant's lawful presence in the U.S. (see Section 63G-12-402).

Section R156-1-302. Clarifies that under Subsection 58-1-302(2) or (3), an applicant with one year of experience practicing under a license in the other jurisdiction is not required to have the license currently active, and that the Division may consider the time that has elapsed since an applicant's licensed or lawful practice in an evaluation of the applicant's experience under Subsection 58-1-302(3), and that unless expressly exempted in statute or rule the Division may require an applicant under Section 58-1-302 to pass one or more of the exams required to obtain licensure in the profession, such as a business and law exam, jurisprudence exam, or professional exam.

The new Section R156-1-309 establishes and updates the Division's standards and procedures for the administration of Division exams. and incorporation of reference of the Division of Professional Licensing Exam Policies and Procedures dated December 29, 2023.

Section R156-1-401 is renumbered from Section R156-1-302 and formatting changes are made throughout.

The only substantive updates clarify that the Division may consider as factors relevant to a licensing decision the current administrative status of the applicant or licensee or results from actions taken by other agencies, employers, etc. for any regulated profession (not just the same profession).

Section R156-1-501: Updates and clarifies the definition of "unprofessional conduct" to provide that unprofessional conduct includes:

- 1) surrendering licensure to an authority having jurisdiction over a licensee/applicant in any regulated profession (not just the same profession) while an investigation is in progress or after a charging document has been filed;
- 2) engaging in conduct that results in disciplinary action in any profession, if the conduct:
 - a) when considered with the functions and duties of profession bears a substantial relationship to the licensee's/applicant's ability to safely or competently practice the profession; or
 - b) would in Utah constitute grounds for denial of licensure or disciplinary proceedings under Section 58-1-401;
- 3) prohibiting or inhibiting the ability of a licensee's customer, patient, or other consumer of the licensee's goods or services from making a complaint to a licensing or regulatory authority, including through the use of a contract provision;
- 4) engaging in cheating or otherwise violating Section R156-1-309 regarding Division exams; and
- 5) as an exam candidate or as an exam proctor, grader, or administrator, failing to comply with the Division of Professional Licensing Exam Policies and Procedures dated December 29, 2023.

The amendments also update the definition of unprofessional conduct for practicing a profession through a business structure with words improperly omitted in its name.

Section R156-1-502: Eliminates as unnecessary the outdated mid-range fine schedule because Section 58-1-502 already covers these fine amounts.

Public hearing information:

A public hearing will be held on 03/27/2024 at 9:00 AM at the Heber M Wells Building, 160 E 300 S in Conference Room 475, Salt Lake City, UT.

It is also available via Google Meet. Google Meet Meeting link:
meet.google.com/jmp-sesj-him

Or join by phone:
 (US) +1 478-308-5597
 PIN: 768409146

Fiscal Information

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

A) State budget:

The Division does not expect the proposed amendments to result in any impact to the state budget as the proposed amendments simply implement statutory changes, streamline and update this rule in accordance with Executive Order No. 2021-12, and update and clarify

standards regarding Division administration of Title 58, and will not affect state practices or procedures or impose additional cost or savings beyond what was anticipated during the legislative process.

B) Local governments:

No impact is expected to local governments because these changes will not affect local government practices or procedures.

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

The proposed amendments to Section R156-1-301 that will allow the Division to accept the listed evidence of an applicant for licensure's identity in lieu of a social security number may indirectly benefit small businesses in Utah comprising establishments employing these licensees as the amendments may facilitate the ability of these businesses to hire qualified licensees.

However, the full fiscal and non-fiscal impact cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that a small business may experience from any resulting increased ability to employ qualified licensees will vary widely depending on the requirements of the small business and the individual characteristics of each employee.

The Division does not expect the remainder of the proposed amendments to result in any impact to small business as they merely streamline and update the rule in accordance with Executive Order No. 2021-12, or implement statutory changes made by S.B. 36 (2023) and not affect small business practices or procedures or impose additional costs or savings beyond what was anticipated during the legislative process.

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

The proposed amendments to Section R156-1-301 that will allow the Division to accept the listed evidence of an applicant for licensure's identity in lieu of a social security number may indirectly benefit non-small businesses in Utah comprising establishments employing these licensees as the amendments may facilitate the ability of these businesses to hire qualified licensees.

However, the full fiscal and non-fiscal impact cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that a non-small business may experience from any resulting increased ability to employ qualified licensees will vary widely depending on the requirements of the non-small business and the individual characteristics of each employee.

The Division does not expect the remainder of the proposed amendments to result in any impact to non-small business as they merely streamline and update this rule in accordance with Executive Order No. 2021-12, or implement statutory changes made by S.B. 36 (2023) and will not affect non-small business practices or procedures or impose additional costs or savings beyond what was anticipated during the legislative process.

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

The proposed amendments to Section R156-1-301 are expected to remove barriers to licensure for some applicants for licensure who do not possess a social security number, by allowing them the option of submitting alternative evidence of their identity. Please Note: These amendments do NOT delete or change in any way the requirement for the Division to verify an applicant's lawful presence in the U.S. -- see Section 63G-12-402.

However, the full fiscal and non-fiscal impact to these individuals cannot be estimated because the data necessary to determine how many of these individuals might be able to obtain licensure and then become hired is unavailable, and the benefits that each may experience from any resulting increased ability to become employed will vary depending on the employer and the individual characteristics of each licensee.

The proposed amendments to Sections R156-1-401 and R156-1-501 updating and clarifying the definitions of "unprofessional conduct" may affect Division licensees or applicants who have engaged in the defined unprofessional conduct, but no measurable fiscal impact to these persons is expected. Although a licensee or applicant who is in violation may experience a fiscal impact, it is impossible to estimate what those costs might be with any accuracy at present, both because they would apply only in cases of unforeseeable violations, and because any potential costs would depend on the unique characteristics and actions of each individual licensee or applicant. This relevant data is unavailable and the cost of acquiring any such data is prohibitively expensive.

Further, the goal of this rule is to provide a deterrent so that there is a \$0 net impact on all parties involved and minimal occasions for noncompliance, therefore for the typical licensee the amendments are expected to have no direct or indirect fiscal impact.

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

As described in Box 5E for other persons, the Division does not anticipate any compliance costs for any affected persons from these proposed amendments.

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 Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.

The Division, in concert with the Department of Commerce, Division's Act regarding general provisions relating to the Division. These proposed amendments clarify and update this rule and implement statutory changes and remove barriers to licensure passed by S.B. 36 (2023).

These proposed amendments clarify definitions that apply to all licensees, update and clarify general procedures as it relates to the Division, and to remove barriers to licensure, including proof of identity and experience.

This rule has also been updated and renumbered, where appropriate.

Further, this rule should comport with the Rulewriting Manual for Utah.

Small Businesses - less than 50 employees: The Division does not expect any foreseeable impact on small businesses and expects that the changes to prove identity may indirectly benefit small businesses and their licensees. The full fiscal and non-fiscal impacts cannot be estimated because the data is unavailable at this time. The Division does not expect the remainder of the proposed amendments to result in any impact to small businesses because they merely streamline and update this rule in accordance with Executive Order No. 2021-12 or implement statutory changes made by S.B. 36 (2023).

Regulatory Impact to Non-small Businesses - 50 or more employees: There is no fiscal or non-fiscal impact to non-small businesses, as described in the description for small businesses listed above. The amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

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 58-1-106(1)(a)	Section 58-1-308	Subsection 58-1-501(2)
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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)	Division of Professional Licensing Exam Policies and Procedures
Publisher	Division of Professional Licensing
Issue Date	December 29, 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:		04/15/2024
B) A public hearing (optional) will be held:		
Date:	Time:	Place (physical address or URL):
03/27/2024	9:00 AM	See information in Box 4 above.

9. This rule change MAY become effective on: 04/22/2024

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:	Mark B. Steinagel, Division Director	Date:	02/13/2024
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R156. Commerce, ~~[Occupational and]~~ Professional Licensing.

R156-1. General Rule of the Division of ~~[Occupational and]~~ Professional Licensing.

R156-1-101. Title - Authority - Organization of Rules.

(1) This rule is known as the "General Rule of the Division of ~~[Occupational and]~~ Professional Licensing."

(2) The Division adopts this rule under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Occupations and Professions.

(3)(a) The rules and sections in Title R156 shall, to the extent practicable, follow the numbering and organization of the chapters in Title 58, Occupations and Professions.

(b) This Rule R156-1 has general provisions for the administration and enforcement of professions regulated in Title 58, Occupations and Professions.

(c) Rule R156-46b is the Division's Utah Administrative Procedures Act Rule for Division adjudicative proceedings.

(d) The other rules in Title R156 have specific or unique provisions for specific Division professions or programs, which may supplement or alter Rule R156-1 unless expressly provided otherwise in Rule R156-1.

R156-1-102. Definitions.

[In addition to the definitions in Title 58, Occupations and Professions, as used in Title 58, Occupations or Professions or in this Title R156, Occupational and Professional Licensing, the following rule definitions supplement the statutory definitions.] Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act. In addition:

(1)(a) "Active and in good standing" means a licensure status that allows the licensee full privileges to engage in the practice of the ~~[occupation or]~~ profession subject to the scope of the licensee's license classification.

(b) A license that has been placed on probation subject to terms and conditions is not active and in good standing.

(2)(a) "Aggravating circumstances" means any consideration or factors that may justify an increase in the severity of an action to be imposed upon an applicant or licensee.

(b) "Aggravating circumstances" include the following:

([a]i) prior record of disciplinary action, unlawful conduct, or unprofessional conduct;

([b]ii) dishonest or selfish motive;

([c]iii) pattern of misconduct;

([d]iv) multiple offenses;

([e]v) obstruction of the disciplinary process by intentionally failing to comply with rules or orders of the Division;

([f]vi) submission of false evidence, false statements, or engaging in [or] other deceptive practices, [during the disciplinary process] including creating, destroying, or altering records [after an investigation has begun];

(~~[g]~~vii) refusal to acknowledge the wrongful nature of the misconduct involved, either to the client or to the Division;

(~~[h]~~viii) vulnerability of the victim;

(~~[i]~~ix) lack of good faith to make restitution or to rectify the consequences of the misconduct~~[-involved]~~;

(~~[j]~~x) illegal conduct, including the use of controlled substances; ~~[and]~~or

(~~[k]~~xi) intimidation or threats of withholding client~~[s]~~ records or other detrimental consequences if the client reports or testifies regarding the unprofessional or unlawful conduct.

(3) "Cancel" or "cancellation" means nondisciplinary action by the Division to rescind, repeal, annul, or void a license:

(a) issued to a licensee in error, such as where a license is issued to an applicant:

(i) whose payment of the required application fee is dishonored when presented for payment;

(ii) who has been issued a conditional license pending a criminal background check and the check cannot be completed due to the applicant's failure to resolve an outstanding warrant or to submit acceptable fingerprint cards; or

(iii) who has been issued the wrong classification of licensure; or

~~(iv) due to any other error in issuing a license; or~~

(b) not issued ~~[erroneously]~~in error, but ~~[where subsequently]~~the licensee fails to maintain the ongoing qualifications for licensure~~[-when such]~~ and the failure is not ~~[otherwise]~~defined as unprofessional conduct or unlawful conduct.

(4) "Charges" means the acts or omissions alleged to constitute either unprofessional or unlawful conduct or both by a licensee, that serve as the basis to consider a licensee for inclusion in the Utah Professionals Health Program authorized in Title 58, Chapter 4a, Utah Professionals Health Program.

(5)(a) "Cheating" means the use of any means or instrumentality by or for the benefit of a candidate to alter exam results to inaccurately represent the competency of a candidate with respect to the knowledge or skills about which the candidate is examined.

(b) "Cheating" includes:

(i) for a candidate during an exam:

(A) communication about the exam with another candidate inside the exam room or facility;

(B) communication about the exam with anyone outside of the exam room or facility;

(C) copying or looking at another candidate's answers;

(D) allowing another candidate to copy or look at the candidate's answers;

(E) use of any item, material, or device that is not specifically authorized for use in the exam; or

(F) unauthorized tampering with exam equipment or materials;

(ii) allowing access to exam questions or answers if not authorized by the Division;

(iii) taking or attempting to take an exam for another individual;

(iv) obtaining, using, disclosing, buying, selling, possessing, or having access to any part of a Division exam without written authorization from the Division or its contracted vendor;

(v) violating an exam confidentiality agreement; or

(vi) attesting that the candidate meets the qualifications to sit for an exam if the candidate knows or reasonable should know that the candidate does not meet the qualifications.

(c) "Cheating" is unlawful conduct under Subsection 58-1-501(1)(e) and unprofessional conduct under Subsection 58-1-501(2)(a)(viii).

(~~[5]~~6) "Conditional licensure" means an interim non-adverse licensure action, in which a license is issued to an applicant for initial, renewal, or reinstatement of licensure on a conditional basis in accordance with Section R156-1-308f, while an investigation, inspection, or audit is pending.

(~~[6]~~7) "Denial of licensure" means action by the Division refusing to issue a license to an applicant for initial licensure, renewal of licensure, reinstatement of licensure, or relicensure.

(~~[7]~~8)(a) "Disciplinary action" means adverse licensure action by the Division under the authority of Subsection~~[s]~~ 58-1-401(2)(a) or (b).

(b) "Disciplinary action" as used in Subsection 58-1-401(6):

(i) means an adverse licensure action initiated by the Division; and

(ii) does not mean an adverse licensure action taken by the Division in response to an application for licensure.

(~~[8]~~9) "Duplicate license" means a license reissued to replace a license that has been lost, stolen, or mutilated.

(~~[9]~~10) "Emergency review committee" means an emergency adjudicative proceedings review committee created by the Division under the authority of Subsection 58-1-108(2).

(~~[10]~~11) "Expire" or "expiration" means the automatic termination of a license that occurs:

(a) at the expiration date shown upon a license if the licensee fails to renew the license before the expiration date; or

(b) ~~[prior to]~~before the expiration date shown on the license:

(i) upon the death of a licensee who is a natural person;

(ii) upon the dissolution of a licensee ~~[who]~~that is a business structure such as a partnership, corporation, or other business entity; or

(iii) upon the issuance of a new license that supersedes an old license, including a license that:

(A) replaces a temporary license;

(B) replaces a student or other interim license that is limited to one or more renewals or other renewal limitation; or

(C) is issued to a licensee in an upgraded classification permitting the licensee to engage in a broader scope of practice in the licensed occupation or profession.

(12) "Home telephone number" in Section 58-1-106 or R156-1-106 includes a licensee's personal cell phone number.

(13) "Home address" in Section 58-1-106 or R156-1-106 may include a licensee's mailing address or email address.

(~~[14]~~14) "Inactive" or "inactivation" means action by the Division to place a license on inactive status in accordance with Section 58-1-305 and Section R156-1-305.

(~~[12]~~15) "Investigative subpoena authority" means~~[-except as otherwise specified in writing by the director, the Division regulatory and compliance officer, or if the Division regulatory and compliance officer is unable to so serve for any reason, a Department administrative law judge, or if both the Division regulatory and compliance officer and a Department administrative law judge are unable to so serve for any reason,] the Division assistant director or legal analyst, or an alternate designated by the director in writing.~~

(~~[13]~~16) "License" means a right or privilege to engage in the practice of a regulated ~~[occupation or]~~profession as a licensee.

(~~14~~17) "Limit" or "limitation" means nondisciplinary action placing either terms and conditions or restrictions, or both upon a license:

(a) issued to an applicant for initial licensure, renewal, or reinstatement of licensure, or relicensure; or

(b) issued to a licensee in place of the licensee's current license or disciplinary status.

(~~15~~18) "Mitigating circumstances" means any consideration or factors that may justify a reduction in the severity of an action to be imposed upon an applicant or licensee.

(a) Mitigating circumstances include:

(i) absence of prior record of disciplinary action, unlawful conduct or unprofessional conduct;

(ii) personal, mental, or emotional problems [~~provided such~~]if the problems have not posed a risk to the health, safety, or welfare of the public or clients served, such as drug or alcohol abuse while [~~engaged in work situations~~]working or similar situations where the licensee or applicant should know that they should refrain from engaging in activities that may pose such a risk;

(iii) timely and good faith effort to make restitution or rectify the consequences of the misconduct involved;

(iv) full and free disclosure to the client or Division [~~prior to~~]before the discovery of any misconduct;

(v) inexperience in the practice of the [~~occupation or~~]profession, that is not the result of failure to obtain appropriate education or consultation that the applicant or licensee should have known they should obtain [~~prior to~~]before beginning work on a particular matter;

(vi) imposition of other penalties or sanctions if the other penalties and sanctions have alleviated threats to the public health, safety, and welfare; and

(vii) remorse.

(b) The following factors may not be considered as mitigating circumstances:

(i) forced or compelled restitution;

(ii) withdrawal of complaint by client or other affected persons;

(iii) resignation [~~prior to~~]before disciplinary proceedings;

(iv) failure of injured client to complain;

(v) complainant's recommendation as to sanction; or

(vi) in an informal disciplinary proceeding brought pursuant to Subsection[s] 58-1-501(2)(~~e~~)(a)(iii), or 58-1-501(2)(~~e~~)(a)(iv), or Section R156-1-501(~~1~~) through (5):

(A) argument that a prior proceeding was conducted unfairly, contrary to law, or in violation of due process or any other procedural safeguard;

(B) argument that a prior finding or sanction was contrary to the evidence or entered without due consideration of relevant evidence;

(C) argument that a respondent was not adequately represented by counsel in a prior proceeding; and

(D) argument or evidence that former statements of a respondent made in conjunction with a plea or settlement agreement are not [~~in fact~~] true.

(~~16~~19) "Nondisciplinary action" means adverse licensure action by the Division under the authority of Subsection[s] 58-1-401(1) or 58-1-401(2)(c) or (d).

(~~17~~20) "Peer committee" mean an advisory peer committee to a board that is created by the [~~legislature~~]Legislature in Title 58, Occupations and Professions, or created by the Division under the authority of Subsection 58-1-203(1)(f).

(~~18~~21) "Probation" means disciplinary action placing terms and conditions upon a license[~~;~~];

(a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure; or

(b) issued to a licensee in place of the licensee's current license or disciplinary status.

(~~19~~22) "Public reprimand" means disciplinary action to formally reprove or censure a licensee for unprofessional or unlawful conduct, with the documentation of the action being classified as a public record.

(~~20~~23) "Regulatory authority" as used in Subsection 58-1-501(2)(~~e~~)(a)(iv) and this rule means any governmental entity [~~who~~]that licenses, certifies, registers, or otherwise regulates persons subject to its jurisdiction, or [~~who~~]grants the right to practice before or otherwise do business with the governmental entity.

(~~21~~24) "Reinstate" or "reinstatement" means to:

(a) activate an expired license; or

(b) restore a license that is restricted as defined in Subsection (~~24~~26)(b), suspended, or on probation, to a less restrictive license or an active in good standing license.

(~~22~~25) "Relicense" or "relicensure" means to license an applicant who has previously been revoked or has previously surrendered a license[~~;~~];

~~(23) "Remove or modify restrictions" means to remove or modify restrictions, as defined in Subsection (24)(a), placed on a license issued to an applicant for licensure.]~~

(~~24~~26) "Restrict" or "restriction" means disciplinary action qualifying or limiting the scope of a license:

(a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure in accordance with Section 58-1-304; or

(b) issued to a licensee in place of the licensee's current license or disciplinary status.

(~~25~~27) "Revoke" or "revocation" means disciplinary action by the Division extinguishing a license.

(~~26~~28) "Suspend" or "suspension" means disciplinary action by the Division removing the right to use a license for a period [~~of time~~]or indefinitely as indicated in the disciplinary order, with the possibility of subsequent reinstatement of the right to use the license.

(~~27~~29) "Surrender" means voluntary action by a licensee giving back or returning to the Division in accordance with Section 58-1-306, [~~all~~]the rights and privileges associated with a license issued to the licensee.

(~~28~~30) "Temporary license" or "temporary licensure" means a license issued by the Division on a temporary basis to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure in accordance with Section 58-1-303.

(~~29~~31) "Unprofessional conduct" as defined in Title 58, Occupations and Professions is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-1-501.

(~~30~~32) A "warning or final disposition letter that does not constitute disciplinary action" as used in Subsection 58-1-108(3) means a letter that does not contain findings of fact or conclusions of law and does not constitute a reprimand, but that may address one or more of the following:

(a) Division concerns;

(b) allegations upon which those concerns are based;

(c) potential for administrative or judicial action; or

(d) disposition of Division concerns.

R156-1-102a. Global Definitions of Levels of Supervision.

(1) ~~[In accordance with]~~Under Subsection 58-1-106(1)(a), except as otherwise provided by statute or rule, ~~[this section's]~~the following global definitions of levels of supervision ~~[shall]~~apply to supervision terminology ~~[used]~~in Title 58, Occupations and Professions~~[-]~~ and ~~[this]~~Title R156, and shall be referenced and used to the extent practicable in those statutes and rules to promote uniformity and consistency~~[-]~~:

~~(a) "Direct supervision" and "immediate supervision" means the supervising licensee is present and available for face-to-face communication with the person being supervised when and where professional services are being provided;~~

~~(b) "Indirect supervision" means the supervising licensee:~~

~~(i) has given either written or oral instructions to the person being supervised;~~

~~(ii) is present in the facility or located on the same premises where the person being supervised is providing services; and~~

~~(iii) is available to provide immediate face-to-face communication with the person being supervised as necessary.~~

~~(c) "General supervision" means that the supervising licensee:~~

~~(i) has authorized the work to be performed by the person being supervised;~~

~~(ii) is available for consultation with the person being supervised by personal face-to-face contact, or direct voice contact by electronic or other means, without regard to whether the supervising licensee is present in the facility or located on the same premises where the person being supervised is providing services;~~

~~(iii) can provide any necessary consultation within a reasonable time; and~~

~~(iv) personal contact is routine.~~

~~(d) "Supervising licensee" means a licensee who under statute or rule has satisfied the requirements to act as a supervisor and has agreed to supervise an unlicensed individual or a licensee in a classification or licensure status that requires supervision.~~

~~(2) Except as otherwise provided by statute or rule~~[-]~~:~~

~~(a) unlicensed personnel allowed to practice a regulated ~~[occupation or]~~profession shall practice under an appropriate level of supervision as defined in this section, as specified by the profession's licensing act or ~~[licensing act]~~rule~~[-]~~ governing that ~~occupation or profession~~.~~

~~(3) Except as otherwise provided by statute or rule~~[-]~~; and~~

~~(b) a license classification required to practice under supervision shall practice under an appropriate level of supervision as defined in this section, as specified by the profession's licensing act or ~~[licensing act]~~rule~~[-]~~ governing that ~~occupation or profession~~.~~

~~(4) Levels of supervision are defined as follows:~~

~~(a) "Direct supervision" and "immediate supervision" mean the supervising licensee is present and available for face-to-face communication with the person being supervised when and where occupational or professional services are being provided.~~

~~(b) "Indirect supervision" means the supervising licensee:~~

~~(i) has given either written or verbal instructions to the person being supervised;~~

~~(ii) is present in the facility or located on the same premises where the person being supervised is providing services; and~~

~~(iii) is available to provide immediate face-to-face communication with the person being supervised as necessary.~~

~~(c) "General supervision" means that the supervising licensee:~~

~~(i) has authorized the work to be performed by the person being supervised;~~

~~(ii) is available for consultation with the person being supervised by personal face-to-face contact, or direct voice contact by electronic or other means, without regard to whether the supervising licensee is present in the facility or located on the same premises where the person being supervised is providing services;~~

~~(iii) can provide any necessary consultation within a reasonable period of time; and~~

~~(iv) personal contact is routine.~~

~~(5) "Supervising licensee" means a licensee who has satisfied the requirements to act as a supervisor and has agreed to supervise an unlicensed individual or a licensee in a classification or licensure status that requires supervision in accordance with this chapter~~[-]~~.~~

R156-1-103. Authority - Purpose.

~~This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Occupations and Professions~~[-]~~.~~

R156-1-102b. Definitions Include Words Formed by Derivation.

~~A word formed by derivation from a word defined in Title 58, Occupations and Professions, or Title R156 is subject to the same applicable requirements, conditions, and restrictions on use. For example, an unlicensed person may not use the word architecture in a business name to avoid the prohibition against the use of the title architect under Section 58-3a-501.~~

R156-1-106. Division - ~~[Duties, Functions, and Responsibilities]~~Licensee Lists.

(1) Each person requesting a licensee list pursuant to Section 58-1-106 and this section shall apply to the Division upon a form ~~[prescribed]~~provided by the Division in which the requester:

~~(a) ~~[agrees to use the information received only for he purposes for which the requester is authorized;~~~~

~~(b) ~~agrees to not disclose the information received to other persons;~~~~

~~(c) ~~agrees not to use the information received for advertising or solicitation;~~~~

~~(d) ~~attests that the requester shall adhere to the restrictions of this section; and~~~~

~~(e) ~~[submits for Division approval a copy of the requester's proposed communications to the licensees, with a description of the proposed frequency and method of communication;~~~~

~~(b) ~~acknowledges that the information received is a ~~[DOPL]~~Division record under Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA), and that a violation of Section 58-1-106 or this section may subject the requester to criminal penalties and other remedies under GRAMA; and~~~~

~~(c) ~~agrees to:~~~~

~~(i) ~~comply with the restrictions of this section;~~~~

~~(ii) ~~use the information received only for the purposes for which the requester is authorized;~~~~

~~(iii) ~~not disclose or disseminate the information received to another person who is not the requester's agent or employee;~~~~

~~(iv) ~~not use the information received for advertising or solicitation except as allowed in this section;~~~~

~~(v) ~~only distribute to the licensees the Division-approved communications and informational material at the approved frequency and method;~~~~

(vi)(A) include with each communication a clear and conspicuous explanation of how the licensee can opt out of receiving future communications; and

(B) honor opt-out requests within five business days; and

(vii) if notified by the Division;

(A) immediately stop use of the information received and stop communications and distribution of informational material to licensees; and

(B) within 15 days, destroy the information received, and certify in writing to the Division its destruction.

(2) ~~[In accordance with]~~ Under Subsections 58-1-106(1)(k) and 58-1-106(2), the Division may provide the following requesters a list of multiple licensees, and include licensee home telephone numbers, home addresses, or email addresses:

(a) a governmental entity, including another state or territory or its regulatory agency;

(b) a government-managed corporation;

(c) a political subdivision;

(d) the federal government;

(e) a party to a prelitigation proceeding convened by the Division under Title 78B, Chapter 3, Part 4, Utah Health Care Malpractice Act;

(f) a medical reserve corps, public safety authority, host entity, unified command, or other person concurrently engaged with a person described in Subsections (2)(a) through (d), for ~~[the sole purpose of]~~ preparing for, participating in, or responding to an emergency described in Section 58-1-307;

(g) a research university or regional university in the Utah System of Higher Education, for ~~[the sole purpose of]~~ conducting research; ~~or~~

(h) a Utah nonprofit voluntary professional membership association of individuals licensed by the Division, for purposes that, notwithstanding Subsection (1)(c), may include advertising or soliciting association membership;

(i) a local health department created under Title 26A, Chapter 1, Local Health Departments or the Utah Association of Local Health Departments, for contacting health care providers who reside or work within a local health department boundary about a public health emergency or public health concern within that local health department boundary;

(j) a Division contracted vendor for accomplishing that contract, such as the Division's exams vendor for surveying licensees regarding a job analysis; or

~~[(h)(+)](k)~~ the following persons, for the sole purpose of providing licensees continuing education that meets the requirements of Title 58, Occupations and Professions, and ~~[this]~~ Title R156:

~~[(A)]i~~ ~~[an occupational or]~~ a professional association not described in Subsection (2)(h);

~~[(B)]ii~~ a non[-]profit regulatory association in which the Division holds membership;

~~[(C)]iii~~ a private continuing education organization;

~~[(D)]iv~~ a trade union; or

~~[(E)]v~~ a school of higher education and training such as a university, college, technical college, or career and technical school[;].

~~[(H)]3~~ As used in Subsection (2)(~~[g]~~k), ~~["]~~providing licensees continuing education~~["]~~ does not mean providing general information, learning opportunities, marketing, or outreach, including the following:

~~[(A)]a~~ volunteer opportunities, even if the volunteer would receive training and practical education;

~~[(B)]b~~ involvement in advocating for legislation;

~~[(C)]c~~ involvement in labor organizing issues;

~~[(D)]d~~ solicitations or recruitment for membership; or

~~[(E)]e~~ continuing education advertisements in a newsletter or other communication issued by the requester that also contains non-continuing education advertisements or other information, unless:

~~[(H)]i~~ the newsletter is issued by a Utah non[-]profit ~~[occupational or]~~ professional association or trade union; and

~~[(H)]ii~~ the Division determines the newsletter's primary focus is communicating educational articles and information about continuing education, and only incidentally contains advertisements and solicitations for membership.

~~[(3)](a) — In accordance with]~~ (4) Under Subsection 58-1-106(3)(c), proper identification of an individual who requests the address or telephone number of a licensee under Subsection 58-1-106(3)(a) shall consist of the individual's:

~~[(i)]a~~ full legal name;

~~[(i)]b~~ mailing address;

~~[(i)]c~~ email address;

~~[(i)]d~~ daytime phone number; and

~~[(i)]e~~ ~~current positive identification.~~

~~(b) "Positive identification" for this section means:~~

~~— (i) one of the following current photo identifications issued by a foreign or domestic government:~~

~~(A) driver's license;~~

~~(B) non-driver identification card;~~

~~(C) passport;~~

~~(D) military identification; or~~

~~(E) concealed weapons permit; or~~

~~(ii) if the individual does not have government-issued identification, alternative evidence of the individual's identity as determined appropriate by the Division, if the Division documents on the requester's application how the individual was positively identified.~~

~~[(e)]5~~ ~~[In accordance with Subsections 58-1-106(3)(a) and (b), the]~~ The Division may deny ~~[an individual's request for an]~~ a request under Section 58-1-106 for a licensee list or for a home address, email address, or home telephone number of a licensee if the Division determines:

~~(a) the [reason for the] request is an unwarranted invasion of privacy or a threat to the public health, safety, and welfare; or~~

~~(b) the requester, or any affiliate of the requester, failed to comply with the terms and conditions of a previous application or otherwise violated this section.~~

R156-1-107. Organization of Rules—Content, Applicability and Relationship of Rules.

~~(1) The rules and sections in this Title R156 shall, to the extent practicable, follow the numbering and organizational scheme of the chapters in Title 58, Occupations and Professions.~~

~~(2) Rule R156-1 shall contain general provisions applicable to the administration and enforcement of occupations and professions regulated in Title 58, Occupations and Professions.~~

~~(3) The other rules in this Title R156 shall contain specific or unique provisions applicable to particular occupations or professions.~~

~~(4) Specific rules in this Title R156 may supplement or alter Rule R156-1 unless expressly provided otherwise in Rule R156-1.~~

R156-1-109. Presiding Officers.

~~[In accordance with]~~ (1) This section establishes the presiding officers for the Division under Subsection 63G-4-103(1)(h) and Sections 58-1-104, 58-1-106, 58-1-109, 58-1-202, 58-1-203, 58-55-103, and 58-55-201, except as otherwise ~~[specified]~~ designated in writing by the Director, or by the Construction Services Commission under ~~[for]~~ Title 58, Chapter 55, Utah Construction Trades Licensing Act, ~~[by the Construction Services Commission, the following are designated as the Division's presiding officers:]~~.

~~[(1)]~~ ~~(a) The Division Regulatory and Compliance Officer~~ The Division or Department employee designated in writing by the Director is the presiding officer for issuance of:

~~[(i)]~~ (a) notices of agency action; and

~~[(ii)]~~ (b) notices of hearing issued concurrently with a notice of agency action or issued in response to a request for agency action.

~~[(b) If the Division Regulatory and Compliance Officer is unable to serve, an alternate presiding officer specified in writing by the Director shall serve.]~~

~~[(2) In accordance with]~~ (3) Under Subsections 58-1-109(2) and 58-1-109(4) a Department administrative law judge is the presiding officer for entering an order of default against a party and conducting further proceedings ~~[necessary]~~ to complete the adjudicative proceeding, including issuing a recommended order to the Director or Construction Services Commission determining the discipline to be imposed, licensure action to be taken, relief to be granted, or other appropriate matters.

~~[(3)]~~ (4) Except as provided in Subsection ~~[(4)]~~, the presiding officers for adjudicative proceedings before the Division are as follows:

(a) ~~[The]~~ the Director is the presiding officer for the following adjudicative proceedings, however resolved, including stipulated settlements and hearings:

(i) formal adjudicative proceedings under:

(A) Subsection R156-46b-201(1)(b), request for declaratory order conducted as a formal adjudicative proceeding;

(B) Subsection R156-46b-201(2)(a), formal disciplinary proceeding for revocation, suspension, restricted licensure, probationary licensure, cease and desist order or administrative fine not through citation, or public reprimand;

(C) Subsection R156-46b-201(2)(b), unilateral modification of disciplinary order; and

(D) Subsection R156-46b-201(2)(c), termination of diversion agreement or program contract under Section 58-4a-107; and

(ii) informal adjudicative proceedings under:

(A) Subsection R156-46b-202(1)(d), payment of approved claim against the Residence Lien Recovery Fund;

(B) Subsection R156-46b-202(1)(e)(iii), approval or denial of request for modification of a disciplinary order;

(C) Subsection R156-46b-202(1)(e)(v), approval or denial of request for correction of other than procedural or clerical mistakes;

(D) Subsection R156-46b-202(1)(h), request for declaratory order conducted as an informal adjudicative proceeding;

(E) Subsection R156-46b-202(1)(i), disciplinary sanction imposed in a stipulation or memorandum of understanding with a licensure applicant;

(F) Subsection R156-46b-202(1)(j), other requests for agency action not designated as a formal adjudicative proceeding;

(G) Subsection R156-46b-202(2)(a), nondisciplinary proceeding that results in cancellation of licensure;

(H) Subsection R156-46b-202(2)(b)(ii), disciplinary proceeding against a controlled substance licensee;

(I) Subsection R156-46b-202(2)(c), disciplinary proceeding ~~[concerning]~~ for violation of an order governing a license; and

(J) Subsection R156-46b-202(2)(d), disciplinary proceeding limited to Subsection ~~[s]~~ 58-1-501(2) ~~[(c) or (d)]~~ (a)(iii) or (iv) or Section R156-1-501 ~~[(4) through (5)]~~.

(b) ~~[The]~~ the bureau manager or program coordinator over the ~~[occupation or]~~ profession or program involved is the presiding officer for:

(i) formal adjudicative proceedings under Subsection R156-46b-201(1)(c), for determining if a request for a board of appeal is properly filed under Subsections R156-15A-210(1) through (4); and

(ii) informal adjudicative proceedings under:

(A) Subsection R156-46b-202(1)(a), approval or denial of an application for initial licensure, renewal, reinstatement, inactive or emeritus status, tax credit certificate, or criminal history determination;

(B) Subsection R156-46b-202(1)(b), favorable or unfavorable criminal history determination;

(C) Subsection R156-46b-202(1)(c)(i), approval or denial of request to surrender licensure;

(D) Subsection R156-46b-202(1)(c)(iv), approval or denial of request for correction of procedural or clerical mistakes;

(E) Subsection R156-46b-202(2)(b)(iii), disciplinary proceeding against a contract security company or armored car company for failure to replace a qualifier;

(F) Subsection R156-46b-202(2)(b)(iv), disciplinary proceeding against a hunting guide or outfitter for unprofessional conduct under Subsection ~~[s]~~ R156-79-502(12) or R156-79-502(14); and

(G) Subsection R156-46b-202(2)(e), disciplinary proceeding ~~[concerning evaluation or verification of documentation]~~ regarding renewal requirements.

~~[(iii) At the direction of a bureau manager or program coordinator, a licensing technician or program technician may sign an informal order in the technician's name if:~~

~~[(A) the bureau manager or program coordinator approves the wording in advance; and~~

~~[(B) the caption "FOR THE BUREAU MANAGER" or "FOR THE PROGRAM COORDINATOR" immediately precedes the technician's signature.]~~

~~[(e)]~~ (5) A Department administrative law judge licensed in good standing with the Utah State Bar, ~~[or a Department administrative employee licensed in good standing with the Utah State Bar as designed by a Department administrative law judge,]~~ is the presiding officer for informal citation hearings under Subsection R156-46b-202(1)(g).

~~[(d)]~~ (6)(a) The Uniform Building Code Commission is the presiding officer for formal adjudicative proceedings under Subsection R156-46b-201(1)(c) for convening a board of appeal under Subsection 15A-1-207(3), serving as fact finder at the evidentiary hearing, and entering the final order.

~~[(h)]~~ (b) A Department administrative law judge shall conduct the hearing as specified in Subsection 58-1-109(2).

~~[(e)]~~ (7) The Residence Lien Recovery Fund manager, bureau manager, or program coordinator designated in writing by the Director is the presiding officer for informal adjudicative proceedings under Subsection R156-46b-202(1)(c), for approval or denial of claims against the Residence Lien Recovery Fund.

~~[(d)]~~ (8)(a) The Utah Professionals Health Program manager or an alternate Department employee designated in writing

by the Director is the presiding officer for informal adjudicative proceedings under Title 58, Chapter 4a, Utah Professionals Health Program, including:

(~~(A)~~i) Subsection R156-46b-202(1)(e)(ii), request for entry into and participation in the Utah Professionals Health Program; and

(~~(B)~~ii) Subsection R156-46b-202(1)(f), matters relating to the Utah Professionals Health Program that do not involve termination under Section 58-4a-107.[

~~—(ii) If the Utah Professionals Health Program manager is unable to serve, an alternate presiding officer specified in writing by the Director shall serve.]~~

~~(b) Each program contract for entry into and participation in the Utah Professionals Health Program shall require the written concurrence of the Division director.~~

~~([4]2) [The presiding officers and process for adjudicative proceedings under Title 58, Chapter 55, Utah Construction Trades Licensing Act, are as follows:~~

~~—(a)—(i)(A) The Construction Services Commission is the presiding officer for adjudicative proceedings under Title 58, Chapter 55, Utah Construction Trades Licensing Act, however resolved including stipulated settlements and hearings, except as otherwise specified in this rule.~~

~~(B) Orders adopted by the Commission as presiding officer [shall] require the concurrence of the Director.~~

~~(ii) The Construction Services Commission is the presiding officer:~~

~~(A) for informal adjudicative proceedings under:~~

~~(I) Subsection R156-46b-202(1)(e)(iii), approval or denial of request for modification of a disciplinary order;~~

~~(II) Subsection R156-46b-202(1)(e)(v), approval or denial of request for correction of other than procedural or clerical mistakes;~~

~~(III) Subsection R156-46b-202(1)(h), request for declaratory order conducted as an informal adjudicative proceeding;~~

~~(IV) Subsection R156-46b-202(1)(i), disciplinary sanctions imposed in a stipulation or memorandum of understanding with a licensure applicant;~~

~~(V) Subsection R156-46b-202(1)(j), other requests for agency action not designated as a formal adjudicative proceeding;~~

~~(VI) except for dismissals under Subsection (9)(d)(vi), Subsection R156-46b-202(2)(b)(i)[,] disciplinary proceedings against a contractor, plumber, electrician, or alarm company;~~

~~(VII) Subsection R156-46b-202(2)(c), disciplinary proceedings concerning violations of an order governing a license; and~~

~~(VIII) Subsection R156-46b-202(2)(d), disciplinary proceeding limited to Subsection[s] 58-1-501(2)(~~e~~) or (~~d~~)(a)(iii) or (iv) or Section R156-1-501(~~4~~) through (~~5~~);~~

~~(B) to serve as fact finder and adopt orders in formal evidentiary hearings for adjudicative proceedings involving persons licensed or required to be licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and~~

~~(C)(I) to review recommended orders of a board, an administrative law judge, or other presiding officer who acted as the fact finder in an evidentiary hearing involving a person licensed or required to be licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act, and to adopt an order of its own; and~~

~~(II) in adopting its order, the Construction Services Commission may accept, modify, or reject the recommended order.~~

~~(iii)(A) Orders of the Construction Services Commission shall address the issues before the Construction Services Commission~~

and shall be based upon the record developed in an adjudicative proceeding conducted by the Construction Services Commission.

(B) If the Commission has designated another presiding officer to conduct an adjudicative proceeding and submit a recommended order, the record to be reviewed by the Construction Services Commission shall consist of the findings of fact, conclusions of law, and recommended order submitted by the presiding officer based upon the evidence presented in the adjudicative proceeding before the presiding officer.

(iv)(A) The Construction Services Commission or its designee shall submit an adopted order to the Director for the Director's concurrence or rejection within 30 days after it receives a recommended order or adopts an order, whichever is earlier.

(B) An adopted order is issued and becomes a final order upon the concurrence of the Director.

(v)(A) ~~[In accordance with]~~ Under Subsection 58-55-103(10), if the Director ~~[or the Director's designee]~~ refuses to concur in an adopted order, the Director ~~[or the Director's designee]~~ shall return the adopted order to the Construction Services Commission or its designee with the reasons in writing.

(B) The Construction Services Commission or its designee shall reconsider the returned adopted order and resubmit an adopted order to the Director ~~[or the Director's designee]~~, whether or not modified, within 30 days of the date of the initial or subsequent return.

(C) The Director ~~[or the Director's designee]~~ shall consider the resubmitted adopted order and either concur rendering the order final, or refuse to concur and issue a final order, within 90 days of the date of the initial recommended order.

(D) If the time frames in this subsection are followed, this subsection ~~[shall]~~ may not preclude an informal resolution such as an executive session of the Construction Services Commission or its designee with the Director ~~[or the Director's designee]~~ to resolve the reasons for the Director's refusal to concur in an adopted order.

(vi) The record of the adjudicative proceeding shall include recommended orders, adopted orders, refusals to concur in adopted orders, and final orders.

(vii) The final order issued by the Construction Services Commission and concurred in by the Director ~~[or the Director's designee]~~, or ~~[none concurred]~~ not concurred in by the Director ~~[or the Director's designee]~~ and issued by the Director ~~[or the Director's designee]~~, may be appealed by filing a request for agency review with the Executive Director ~~[or designee within the Department]~~.

(viii) The content of orders shall comply with ~~[Sections]~~ Subsection 63G-4-203(1)[,] and Sections 63G-4-208[,], and 63G-4-209.

(b) The Director ~~[or the Director's designee]~~ is the presiding officer for the concurrence role in disciplinary proceedings under Subsections R156-46b-202(2)(b)(i), R156-46b-202(2)(c), and R156-46b-202(2)(d) as required by Subsection 58-55-103(1)(b)(iv).

(c) A Department administrative law judge is the presiding officer to conduct formal adjudicative proceedings before the Construction Services Commission and its advisory boards, as specified in Subsection 58-1-109(2).

(d) The bureau manager is the presiding officer to conduct informal adjudicative proceedings under:

(i) Subsections R156-46b-202(1)(a)(i) through (1)(a)(iv), approval or denial of an application for initial licensure, renewal, reinstatement, inactive or emeritus status;

(ii) Subsection R156-46b-202(1)(a)(vi), approval or denial of an application for criminal history determination;

(iii) Subsection R156-46b-202(1)(b), favorable or unfavorable criminal history determination;

(iv) Subsection R156-46b-202(1)(e)(i), approval or denial of request to surrender licensure;

(v) Subsection R156-46b-202(1)(e)(iv), approval or denial of request for correction of procedural or clerical mistakes; ~~and~~

(vi) dismissal of a Subsection R156-46b-202(2)(b)(i) disciplinary proceeding based upon the respondent's documented compliance, such as by the respondent replacing a qualifier, providing a required bond, or obtaining necessary insurance; and

(vii) Subsection R156-46b-202(2)(e), disciplinary proceeding ~~[concerning evaluation or verification of documentation]~~ regarding renewal requirements.

~~(e) At the direction of a bureau manager, a licensing technician may sign an informal order in the name of the licensing technician if:~~

~~(i) the bureau manager approves the wording in advance; and~~

~~(ii) the caption "FOR THE BUREAU MANAGER" immediately precedes the licensing technician's signature.]~~

~~(f)(c) [Except as specified in Subsection (e), the]~~The Plumbers Licensing Board is the presiding officer to serve as the fact finder and to issue recommended orders to the Construction Services Commission in formal evidentiary hearings for adjudicative proceedings involving persons licensed as or required to be licensed as plumbers.

~~(g)(f) [Except as specified in Subsection (e), the]~~The Electricians Licensing Board is the presiding officer to serve as the fact finder and to issue recommended orders to the Construction Services Commission in formal evidentiary hearings for adjudicative proceedings involving persons licensed as or required to be licensed as electricians.

~~(h)(g) [Except as specified in Subsection (e), the]~~The Alarm System Security and Licensing Board is the presiding officer to serve as the fact finder and to issue recommended orders to the Construction Services Commission in formal evidentiary hearings for adjudicative proceedings involving persons licensed as or required to be licensed as alarm companies or agents.

(10) At the direction of a manager or program coordinator, a licensing technician or program technician may sign an informal order in the technician's name if:

(a) the manager or program coordinator approves the wording in advance; and

(b) the caption "FOR THE MANAGER" or "FOR THE PROGRAM COORDINATOR" immediately precedes the technician's signature.

R156-1-109a. Designation of Board Panel - Petition for Review of Panel Decision.

(1)(a) Under Subsection 58-1-109(3)(b) the Director may designate any odd number of board members on a case-by-case or period-of-time basis to represent a licensing board as the presiding officer.

(b) If the Director has not designated board members under Subsection (1)(a) or insufficient board members are able to serve, the bureau manager or licensing board chair may designate the board members to serve.

(2)(a) Under Subsection 58-1-109(4)(b) and Section R151-4-401, to petition the licensing board to review a recommended order issued by the designated board members, the aggrieved person shall file with the Division the petition form available from the Division

within ten calendar days after the day on which the recommended order is issued.

(b) The petition shall:

(i) be signed by the aggrieved person seeking review;

(ii) state the grounds for review and the relief requested;

(iii) state the date upon which the petition was filed with the Division; and

(iv) be concurrently served on each party and any administrative law judge who is assigned to the case.

(3) If the aggrieved person does not file a petition in accordance with Subsection (2), the designated board members' recommended order becomes the final recommended order of the licensing board.

(4)(a) As determined by the Division, a licensing board may review a properly filed petition together with the designated board members' recommended order at the licensing board's next regularly scheduled board meeting, or at a specially noticed board meeting.

(b) Under Subsection 58-1-109(4)(c), after review a licensing board may issue its recommended order by affirming the designated board members' recommended order, or modifying or rejecting all or any part of that recommended order and entering new findings of fact, conclusions of law, statement of reasons, and order.

R156-1-110. Issuance of Investigative Subpoenas.

(1)(a) A request for a subpoena in a Division investigation pursuant to Subsection 58-1-106(1)(c) shall be made in writing to the investigative subpoena authority and accompanied by ~~[an original]~~ a draft of the proposed subpoena.

(b) Each request shall contain adequate information to enable the investigative subpoena authority to make a finding of sufficient need, including:

(i) the factual basis for the request;

(ii) the relevance and necessity of the particular person and evidence to the investigation; and

(iii) an explanation of why the subpoena is directed to the person upon whom it is to be served.

(c) A request for a subpoena and each finding by the investigative subpoena authority is part of the investigative case file and is evidence obtained as a part of an investigation before that evidence is presented in an administrative action or criminal action.

(f)(2) An approved subpoena shall be issued under the seal of the Division and the signature of the investigative subpoena authority.

([2]3) The person who requests an investigative subpoena is responsible for service of the subpoena.

([3]4)(a) Service may be made:

(i) on a person upon whom a summons may be served pursuant to the Utah Rules of Civil Procedure; and

(ii) personally or on the agent of the person being served.

(b) If a party is represented by an attorney, service shall be made on the attorney.

([4]5)(a) Service may be accomplished by hand delivery or by mail to the last known address of the intended recipient.

(b) Service by mail is complete upon mailing.

(c) Service may be accomplished by electronic means.

(d) Service by electronic means is complete on transmission if transmission is completed during normal business hours at the place receiving the service, 8 a.m. to 5 p.m. on days other than Saturdays, Sundays, and state and federal holidays; otherwise, service is complete on the next business day.

(1)(a) Each investigative subpoena shall have a certificate of service.

(b) The certificate of service may be a separate form or may be ~~stamped~~ on the subpoena.

(c) The person serving the subpoena shall complete the certificate of service for both the served copy and the copy kept for the Division files.

(7) Each investigative subpoena shall have a form provided by the Division for the recipient's custodian of records to complete, sign, and return with the requested information to establish the authenticity of the information.

~~(6)(a)~~ (a) The investigative subpoena authority may quash or modify an investigative subpoena if ~~it is shown to be~~ the recipient shows the investigative subpoena is unreasonable or oppressive.

~~(a)(b)~~ (b) A recipient shall file and serve a motion to quash or modify an investigative subpoena ~~shall be filed with and served~~ upon the investigative subpoena authority no later than ten days after service of the investigative subpoena.

~~(b)(c)~~ (c) ~~[A] The Division shall file and serve its response [by the Division] to a motion to quash or modify an investigative subpoena [shall be filed with and served] upon the investigative subpoena authority and the recipient no later than five business days after receipt of [a] the motion [to quash or modify an investigative subpoena].~~

~~(e)(d)~~ (d) ~~[No final reply by the] The recipient [of an investigative subpoena who files a motion to quash or modify shall be permitted] may not file a reply to the Division's response.~~

R156-1-111. Qualifications for Tax Certificate - Definitions - Application Requirements.

(1)(a) "Psychiatrist" under Subsection 58-1-111(1)(d), includes a licensed physician who is board eligible or board certified for a psychiatry specialization recognized by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association's Bureau of Osteopathic Specialists (BOS); and

(b) "previously or currently board certified in psychiatry" in Subsection 58-1-111(1)(f)(ii)(B) means board certified for a psychiatry specialization recognized by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association's Bureau of Osteopathic Specialists (BOS).

(2) An applicant for a tax credit certificate under Section 58-1-111 shall provide to the Division:

(a) the original application made available on the Division's website, containing the signed attestation of compliance; and

(b) additional documentation that may be required by the Division to verify the applicant's representations made in the application.

R156-1-205. Peer or Advisory Committees - Executive Director to Appoint - Terms of Office - Vacancies in Office - Removal from Office - Quorum Requirements - Appointment of Chairman - Division to Provide Secretary - Compliance with Open and Public Meetings Act and Utah Administrative Procedures Act - No Per Diem and Expenses.

(1) The executive director shall appoint the members of peer or advisory committees established under ~~this~~ Title 58, Occupations and Professions, or Title R156.

(2)(a) Except for ad hoc committees whose members shall be appointed on a case-by-case basis, the term of office of peer or advisory committee members ~~shall be~~ is four years.

(b) The executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that they are staggered so that ~~approximately about~~ half of the peer or advisory committee is appointed on ~~two-year~~ two-year cycles.

(3) A peer or advisory committee member may not serve more than two full consecutive terms, and a member who ceases to serve may not serve again until after the expiration of two years from the date of cessation of service.

(4)(a) If a vacancy on a peer or advisory committee occurs, the executive director shall appoint a replacement to fill the unexpired term.

(b) After filling the unexpired term, the replacement may be appointed for only one additional full term.

(5)(a) If a peer or advisory committee member fails or refuses to fulfill the responsibilities and duties of a peer or advisory committee member, including attendance at meetings, the executive director may remove the peer or advisory committee member and replace the member in accordance with this section.

(b) After filling the unexpired term, the replacement may be appointed for only one additional full term.

(6) Committee meetings may only be convened with the approval of the appropriate board and the concurrence of the Division.

(7) Unless otherwise approved by the Division, peer or advisory committee meetings shall be held in the building occupied by the Division.

(8) A majority of the peer or advisory committee members shall constitute a quorum and may act on behalf of the peer or advisory committee.

(9)(a) Peer or advisory committees shall annually designate one of their members to serve as chair.

(b) The Division shall provide a Division employee to act as committee secretary to take minutes of committee meetings and to prepare committee correspondence.

(10) Peer or advisory committees shall comply with Title 52, Chapter 4, Open and Public Meetings Act.

(11) Peer or advisory committees shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in their adjudicative proceedings.

(12) Peer or advisory committee members shall perform their duties and responsibilities as public service and ~~shall~~ may not receive a per diem allowance, or traveling or accommodations expenses incurred in peer or advisory committees business, except as otherwise provided in Title 58, Occupations and Professions, or Title R156.

R156-1-301. License Application - Filing Date - Applicable Requirements for Licensure - Issuance Date.

(1) The filing date for an application for licensure is the postmark date of the application or the date the application is received and date stamped by the Division, whichever is earlier.

(2) Except as otherwise provided by statute, rule, or order, the requirements for licensure are the requirements in effect on the filing date of the application.

(3) The issuance date for a license is the date the approval is input into the Division's electronic licensure database.

(4) Under Subsection 58-1-301(1)(b)(ii)(B), other satisfactory evidence of an applicant's identity is:

(a) an Individual Taxpayer Identification Number (ITIN);

(b) an Alien Registration Number (A-number); or

(c) for an applicant who has never been issued a social security number, Individual Taxpayer Identification Number (ITIN), or Alien Registration Number (A-number);

(i) an unexpired government-issued passport from the applicant's country of residence; and

(ii) an intent-to-hire letter from a Utah-based employer.

R156-1-301.7. Change of Information - Notification.

(1) Notification sent by email under Section 58-1-301.7 is complete on transmission if transmission is completed during normal business hours, 8 a.m. to 5 p.m. on days other than Saturdays, Sundays, and state and federal holidays, at the place receiving the notice; otherwise, notice is complete on the next business day.

(2) Notification by email may be accomplished by attachment to the email or in the body of the email, or both.

R156-1-302. ~~[Consideration of Unlawful Conduct, Unprofessional Conduct, or Other Mental or Physical Condition.]~~ Licensure by Endorsement.

~~[(1) In accordance with Section 58-1-401, this section applies in circumstances where an applicant or licensee:~~

~~(a) is not automatically disqualified from licensure pursuant to statute; and~~

~~(b)(i) has past unlawful or unprofessional conduct; or~~

~~(ii) as described in Subsection 58-1-401(2)(d), may be unable to practice the occupation or profession with reasonable skill and safety because of an illness, a substance use disorder or a mental or physical condition that, when considered with the duties and responsibilities of the license held or to be held, demonstrates a threat or potential threat to the public health, safety, or welfare.~~

~~(2) In a circumstance described in Subsection (1), the following factors are relevant to a licensing decision:~~

~~(a) aggravating circumstances, as defined in Subsection R156-1-102(2);~~

~~(b) mitigating circumstances, as defined in Subsection R156-1-102(15);~~

~~(c) the degree of risk to the public health, safety or welfare;~~

~~(d) the degree of risk that a conduct will be repeated;~~

~~(e) the degree of risk that a condition will continue;~~

~~(f) the magnitude of the conduct or condition as it relates to the harm or potential harm;~~

~~(g) the length of time since the last conduct or condition has occurred;~~

~~(h) the current criminal probationary or parole status of the applicant or licensee;~~

~~(i) the current administrative status of the applicant or licensee;~~

~~(j) results of previously submitted applications, for any regulated profession or occupation;~~

~~(k) results from any action, taken by any professional licensing agency, criminal or administrative agency, employer, practice monitoring group, entity or association;~~

~~(l) evidence presented indicating that restricting or monitoring an individual's practice, conditions or conduct can protect the public health, safety or welfare;~~

~~(m) psychological evaluations; or~~

~~(n) any other information the Division or the board reasonably believes may assist in evaluating the degree of threat or potential threat to the public health, safety, or welfare.]~~

(1) This section is adopted by the Division under the authority of Subsection 58-1-302(6) to enable the Division to administer Section 58-1-302.

(2) An applicant for licensure by endorsement who has the required experience practicing under a license issued in the other state, district, territory, or jurisdiction is not required to have the license currently active.

(3) Under Subsection 58-1-302(4), the Division may consider in its evaluation of an applicant for licensure by endorsement's experience or other qualifications the time that has elapsed since the applicant's licensed or lawful practice.

(4) The Division may require an applicant for licensure by endorsement to pass one or more of the exams required to obtain licensure in the profession, such as a business and law exam, jurisprudence exam, or professional exam, except if expressly provided otherwise in statute or rule.

R156-1-303. Temporary Licenses in Declared Disaster or Emergency.

(1) ~~[In accordance with]~~Under Section 53-2a-1203, a person who provides services under this exemption from licensure, shall within 30 days of entry file a notice with the Division under Subsection 53-2a-1205(1) using forms ~~[posted on the Division website]~~available from the Division.

(2) ~~[In accordance with]~~Under Section 53-2a-1205 and Subsection 58-1-303(1), a person who provides services under the exemption from licensure in Section 53-2a-1203 for a declared disaster or emergency shall, after the disaster period ends and before continuing to provide services, meet the normal requirements for licensure under Title 58, Occupations and Professions, unless:

(a) ~~[prior to]~~before practicing after the declared disaster the person is issued a temporary license under Subsection 58-1-303(1)(c); or

(b) the person qualifies under another exemption from licensure.

R156-1-305. Inactive Licensure.

(1) ~~[In accordance with]~~Under Section 58-1-305, ~~[a licensee whose license is listed in Subsection (2) may apply for inactive licensure status as provided in this section.]~~

~~(2) The~~ following licenses issued under Title 58, Occupations and Professions that are active in good standing may be placed on inactive licensure status:

(a) anesthesiologist assistant;

~~(a)~~(b) architect;

~~(b)~~(c) audiologist;

~~(c)~~(d) certified public accountant emeritus;

~~(d)~~(e) state certified court reporter;

~~(e)~~(f) certified social worker;

~~(f)~~(g) chiropractic physician;

~~(g)~~(h) clinical mental health counselor;

~~(h)~~(i) clinical social worker;

~~(i)~~(j) contractor;

~~(j)~~(k) deception detection examiner;

~~(k)~~(l) deception detection intern;

~~(l)~~(m) dental hygienist;

~~(m)~~(n) dentist;

~~(n)~~(o) dispensing medical practitioner - advanced practice registered nurse;

~~(o)~~(p) dispensing medical practitioner - physician and surgeon;

~~(p)~~(q) dispensing medical practitioner - physician assistant;

~~(q)~~(r) dispensing medical practitioner - osteopathic physician and surgeon;

(~~f~~)s) dispensing medical practitioner - optometrist;
 (~~s~~)t) dispensing medical practitioner - clinic pharmacy;
 (~~t~~)u) genetic counselor;
 (~~u~~)v) health facility administrator;
 (~~v~~)w) hearing instrument specialist;
 (~~w~~)x) landscape architect;
 (~~x~~)y) licensed advanced substance use disorder counselor;
 (~~y~~)z) marriage and family therapist;
 (~~z~~)aa) naturopath-naturopathic physician;
 (~~aa~~)bb) optometrist;
 (~~bb~~)cc) osteopathic physician and surgeon;
 (~~ee~~)dd) pharmacist;
 (~~dd~~)ee) pharmacy technician;
 (~~ee~~)ff) physician assistant;
 (~~ff~~)gg) physician and surgeon;
 (~~gg~~)hh) podiatric physician;
 (~~hh~~)ii) private probation provider;
 (~~ii~~)jj) professional engineer;
 (~~jj~~)kk) professional land surveyor;
 (~~kk~~)ll) professional structural engineer;
 (~~ll~~)mm) psychologist;
 (~~mm~~)nn) radiology practical technician;
 (~~nn~~)oo) radiologic technologist;
 (~~oo~~)pp) security personnel;
 (~~pp~~)qq) speech-language pathologist;
 (~~qq~~)rr) substance use disorder counselor;
 (~~rr~~)ss) veterinarian; and
 (~~ss~~)tt) state certified veterinary technician.

(~~3~~)2(a) A licensee requesting inactive licensure shall submit a verified application in a form prescribed by the Division together with:

(i) documentation that the applicant meets the requirements for inactive licensure; and

(ii) the appropriate fee.

(b) If the licensee meets the requirements for inactive licensure, the Division shall place the license on inactive status.

(~~4~~)3) A license may remain on inactive status indefinitely except as otherwise provided in Title 58, Occupations or Professions or [~~this~~] Title R156.

(~~5~~)4) An inactive licensee may activate their license by submitting a verified application for activation in a form prescribed by the Division together with:

(a) the appropriate fee; and

(b) unless otherwise provided in Title 58, Occupations and Professions or [~~this~~] Title R156, documentation that the inactive licensee meets current renewal requirements.

(~~6~~)5) An inactive licensee whose license is activated during the last 12 months of a renewal cycle shall, upon payment of the appropriate fees, be licensed for a full renewal cycle plus the period [~~of time~~] remaining until the impending renewal date, rather than being required to immediately renew their activated license.

(~~7~~)6) A Controlled Substance license may be placed on inactive status if it is attached to a primary license [~~listed in Subsection R156-1-305(2) and the primary license is~~] placed on inactive status.

R156-1-308a. Renewal Dates.

(1) The following standard two-year renewal cycle renewal dates are established by license classification in accordance with Subsection 58-1-308(1):

[TABLE
RENEWAL DATES]

Acupuncturist	May 31	even years
Advanced Practice Registered Nurse	January 31	even years
Advanced Practice Registered Nurse-CRNA	January 31	even years
Architect	May 31	even years
Athlete Agent	September 30	even years
Athletic Trainer	May 31	odd years
Audiologist	May 31	odd years
Barber	September 30	odd years
Barber Apprentice	September 30	odd years
Barber School	September 30	odd years
Behavior Analyst and Assistant Behavior Analyst	September 30	even years
Behavior Specialist and Assistant Behavior Specialist	September 30	even years
Building Inspector	November 30	odd years
Burglar Alarm Security	March 31	odd years
C.P.A. Firm	December 31	even years
Certified Dietitian	September 30	even years
Certified Medical Language Interpreter	March 31	odd years
Certified Nurse Midwife	January 31	even years
Certified Public Accountant	December 31	even years
Certified Social Worker	September 30	even years
Chiropractic Physician	May 31	even years
Clinical Mental Health Counselor	September 30	even years
Clinical Social Worker	September 30	even years
Contractor	November 30	odd years
Controlled Substance License	Attached to primary license renewal	
Controlled Substance Precursor	May 31	odd years
Controlled Substance Handler	September 30	odd years
Cosmetologist/Barber	September 30	odd years
Cosmetologist/Barber Apprentice	September 30	odd years
Cosmetology/Barber School	September 30	odd years
Deception Detection	November 30	even years
Deception Detection Examiner, Deception Detection Intern, Deception Detection Administrator		
Dental Hygienist	May 31	even years
Dentist	May 31	even years
Direct entry Midwife	September 30	odd years
Dispensing Medical Practitioner		
Advanced Practice Registered Nurse, Optometrist, Osteopathic Physician and Surgeon, Physician Assistant	September 30	odd years
Dispensing Medical Practitioner		
Clinic Pharmacy	September 30	odd years
Electrician		
Apprentice, Journeyman, Master, Residential Journeyman, Residential Master	November 30	even years
Electrologist	September 30	odd years
Electrology School	September 30	odd years
Elevator Mechanic	November 30	even years
Environmental Health Scientist	May 31	odd years
Esthetician	September 30	odd years
Esthetician Apprentice	September 30	odd years
Esthetics School	September 30	odd years
Factory Built Housing Dealer	September 30	even years
Funeral Service Director	May 31	even years
Funeral Service Establishment	May 31	even years
Genetic Counselor	September 30	even years
Hair Designer	September 30	odd years
Hair Designer Instructor	September 30	odd years
Hair Designer School	September 30	odd years
Health Facility Administrator	May 31	odd years
Hearing Instrument Specialist	September 30	even years
Internet Facilitator	September 30	odd years
Landscape Architect	May 31	even years
Licensed Advanced Substance Use Disorder Counselor	May 31	odd years
Licensed Practical Nurse	January 31	even years
Licensed Substance Use Disorder Counselor	May 31	odd years

Marriage and Family Therapist	September 30 even years
Massage Apprentice	May 31 odd years
Massage Therapist	May 31 odd years
Master Esthetician	September 30 odd years
Master Esthetician Apprentice	September 30 odd years
Medication Aide Certified	March 31 odd years
Music Therapist	March 31 odd years
Nail Technologist	September 30 odd years
Nail Technologist Apprentice	September 30 odd years
Nail Technology School	September 30 odd years
Naturopath/Naturopathic — Physician	May 31 even years
Occupational Therapist	May 31 odd years
Occupational Therapy Assistant	May 31 odd years
Optometrist	September 30 even years
Osteopathic Physician and — Surgeon, Online Prescriber, — Restricted Associate Osteopathic — Physician	May 31 even years
Outfitter and Hunting Guide	May 31 even years
Pharmacy Class A B C D E, — Online Contract Pharmacy	September 30 odd years
Pharmacist	September 30 odd years
Pharmacy Technician	September 30 odd years
Physical Therapist	May 31 odd years
Physical Therapist Assistant	May 31 odd years
Physician Assistant	May 31 even years
Physician and Surgeon, — Online Prescriber, Restricted — Associate Physician	January 31 even years
Plumber — Apprentice, Journeyman, — Master, Residential Master, — Residential Journeyman	November 30 even years
Podiatric Physician	September 30 even years
Pre Need Funeral Arrangement — Sales Agent	May 31 even years
Private Probation Provider	May 31 odd years
Professional Engineer	March 31 odd years
Professional Geologist	March 31 odd years
Professional Land Surveyor	March 31 odd years
Professional Structural — Engineer	March 31 odd years
Psychologist	September 30 even years
Radiologic Technologist, — Radiology Practical Technician — Radiologist Assistant	May 31 odd years
Recreational Therapy — Therapeutic Recreation Technician, — Therapeutic Recreation Specialist, — Master Therapeutic — Recreation Specialist	May 31 odd years
Registered Nurse	January 31 odd years
Respiratory Care Practitioner	September 30 even years
Security Personnel	November 30 even years
Social Service Worker	September 30 even years
Speech Language Pathologist	May 31 odd years
State Certified Commercial — Interior Designer	March 31 odd years
State Certified Court Reporter	May 31 even years
State Certified Veterinary — Technician	September 30 even years
Veterinarian	September 30 even years
Vocational Rehabilitation — Counselor]	March 31 odd years

TABLE 1
Renewal Dates

<u>Acupuncturist</u>	<u>May 1 even years</u>
<u>Advanced Practice Registered Nurse</u>	<u>January 31 even years</u>
<u>Advanced Practice Registered Nurse - CRNA</u>	<u>January 31 even years</u>
<u>Anesthesiologist Assistant</u>	<u>January 31 even years</u>
<u>Architect</u>	<u>May 31 even years</u>
<u>Athlete Agent</u>	<u>September 30 even years</u>

<u>Athletic Trainer</u>	<u>May 31 odd years</u>
<u>Audiologist</u>	<u>May 31 odd years</u>
<u>Barber</u>	<u>September 30 odd years</u>
<u>Barber Apprentice</u>	<u>September 30 odd years</u>
<u>Barber School</u>	<u>September 30 odd years</u>
<u>Behavior Analyst and Assistant Behavior Analyst</u>	<u>September 30 even years</u>
<u>Behavior Specialist and Assistant Behavior Specialist</u>	<u>September 30 even years</u>
<u>Building Inspector</u>	<u>November 30 odd years</u>
<u>Burglar Alarm Security</u>	<u>March 31 odd years</u>
<u>C.P.A. Firm</u>	<u>December 31 even years</u>
<u>Certified Dietitian</u>	<u>September 30 even years</u>
<u>Certified Nurse Midwife</u>	<u>January 31 even years</u>
<u>Certified Public Accountant</u>	<u>December 31 even years</u>
<u>Certified Social Worker</u>	<u>September 30 even years</u>
<u>Chiropractic Physician</u>	<u>May 31 even years</u>
<u>Clinical Mental Health Counselor</u>	<u>September 30 even years</u>
<u>Clinical Social Worker</u>	<u>September 30 even years</u>
<u>Contractor</u>	<u>November 30 odd years</u>
<u>Controlled Substance License</u>	<u>primary license renewal</u>
<u>Controlled Substance Precursor</u>	<u>May 31 odd years</u>
<u>Controlled Substance Handler</u>	<u>September 30 odd years</u>
<u>Cosmetologist/Barber</u>	<u>September 30 odd years</u>
<u>Cosmetologist/Barber Apprentice</u>	<u>September 30 odd years</u>
<u>Cosmetology/Barber School</u>	<u>September 30 odd years</u>
<u>Deception Detection Deception Detection Examiner, Deception Detection Intern, Deception Detection Administrator</u>	<u>November 30 even years</u>
<u>Dental Hygienist</u>	<u>May 31 even years</u>
<u>Dentist</u>	<u>May 31 even years</u>
<u>Direct-entry Midwife</u>	<u>September 30 odd years</u>
<u>Dispensing Medical Practitioner Advanced Practice Registered Nurse, Optometrist, Osteopathic Physician and Surgeon, Physician and Surgeon, Physician Assistant</u>	<u>September 30 odd years</u>
<u>Dispensing Medical Practitioner Clinic Pharmacy</u>	<u>September 30 odd years</u>
<u>Dispensing Practitioner (LDP)</u>	<u>primary license renewal</u>

<u>Electrician</u> <u>Apprentice, Journeyman, Master,</u> <u>Residential Journeyman,</u> <u>Residential Master</u>	<u>November 30 even</u> <u>years</u>
<u>Electrologist</u>	<u>September 30 odd</u> <u>years</u>
<u>Electrology School</u>	<u>September 30 odd</u> <u>years</u>
<u>Elevator Mechanic</u>	<u>November 30 even</u> <u>years</u>
<u>Environmental Health Scientist</u>	<u>May 31 odd years</u>
<u>Esthetician</u>	<u>September 30 odd</u> <u>years</u>
<u>Esthetician Apprentice</u>	<u>September 30 odd</u> <u>years</u>
<u>Esthetics School</u>	<u>September 30 odd</u> <u>years</u>
<u>Factory Built Housing Dealer</u>	<u>September 30 even</u> <u>years</u>
<u>Funeral Service Director</u>	<u>May 31 even years</u>
<u>Funeral Service Establishment</u>	<u>May 31 even years</u>
<u>Genetic Counselor</u>	<u>September 30 even</u> <u>years</u>
<u>Hair Designer</u>	<u>September 30 odd</u> <u>years</u>
<u>Hair Designer School</u>	<u>September 30 odd</u> <u>years</u>
<u>Health Facility Administrator</u>	<u>May 31 odd years</u>
<u>Hearing Instrument Specialist</u>	<u>September 30 even</u> <u>years</u>
<u>Landscape Architect</u>	<u>May 31 even years</u>
<u>Licensed Advanced Substance</u> <u>Use Disorder Counselor</u>	<u>May 31 odd years</u>
<u>Licensed Practical Nurse</u>	<u>January 31 even years</u>
<u>Licensed Substance Use Disorder</u> <u>Counselor</u>	<u>May 31 odd years</u>
<u>Marriage and Family Therapist</u>	<u>September 30 even</u> <u>years</u>
<u>Massage Apprentice</u>	<u>May 31 odd years</u>
<u>Massage Therapist</u>	<u>May 31 odd years</u>
<u>Massage Assistant</u>	<u>May 31 odd years</u>
<u>Master Esthetician</u>	<u>September 30 odd</u> <u>years</u>
<u>Master Esthetician Apprentice</u>	<u>September 30 odd</u> <u>years</u>
<u>Medication Aide Certified</u>	<u>March 31 odd years</u>
<u>Music Therapist</u>	<u>March 31 odd years</u>
<u>Nail Technologist</u>	<u>September 30 odd</u> <u>years</u>
<u>Nail Technologist Apprentice</u>	<u>September 30 odd</u> <u>years</u>
<u>Nail Technology School</u>	<u>September 30 odd</u> <u>years</u>
<u>Naturopath - Naturopathic Physician</u>	<u>May 31 even years</u>
<u>Occupational Therapist</u>	<u>May 31 odd years</u>
<u>Occupational Therapy Assistant</u>	<u>May 31 odd years</u>
<u>Optometrist</u>	<u>September 30 even</u> <u>years</u>

<u>Osteopathic Physician and Surgeon,</u> <u>Restricted Associate Osteopathic</u> <u>Physician</u>	<u>May 31 even years</u>
<u>Outfitter and Hunting Guide</u>	<u>May 31 even years</u>
<u>Pharmacy Class A-B-C-D-E,</u> <u>Online Contract Pharmacy</u>	<u>September 30 odd</u> <u>years</u>
<u>Pharmacist</u>	<u>September 30 odd</u> <u>years</u>
<u>Pharmacy Technician</u>	<u>September 30 odd</u> <u>years</u>
<u>Physical Therapist</u>	<u>May 31 odd years</u>
<u>Physical Therapist Assistant</u>	<u>May 31 odd years</u>
<u>Physician Assistant</u>	<u>May 31 even years</u>
<u>Physician and Surgeon,</u> <u>Restricted Associate Physician</u>	<u>January 31 even years</u>
<u>Plumber - Apprentice, Journeyman,</u> <u>Master, Residential Master,</u> <u>Residential Journeyman</u>	<u>November 30 even</u> <u>years</u>
<u>Podiatric Physician</u>	<u>September 30 even</u> <u>years</u>
<u>Preneed Funeral Arrangement Sales</u> <u>Agent</u>	<u>May 31 even years</u>
<u>Private Probation Provider</u>	<u>May 31 odd years</u>
<u>Professional Engineer</u>	<u>March 31 odd years</u>
<u>Professional Geologist</u>	<u>March 31 odd years</u>
<u>Professional Land Surveyor</u>	<u>March 31 odd years</u>
<u>Professional Structural Engineer</u>	<u>March 31 odd years</u>
<u>Psychologist</u>	<u>September 30 even</u> <u>years</u>
<u>Radiologic Technologist</u> <u>Radiology Practical Technician</u> <u>Radiologist Assistant</u>	<u>May 31 odd years</u>
<u>Recreational Therapy</u> <u>Therapeutic Recreation Technician,</u> <u>Therapeutic Recreation Specialist,</u> <u>Master Therapeutic</u> <u>Recreation Specialist</u>	<u>May 31 odd years</u>
<u>Registered Nurse</u>	<u>January 31 odd years</u>
<u>Respiratory Care Practitioner</u>	<u>September 30 even</u> <u>years</u>
<u>Security Personnel</u>	<u>November 30 even</u> <u>years</u>
<u>Social Service Worker</u>	<u>September 30 even</u> <u>years</u>
<u>Speech-Language Pathologist</u>	<u>May 31 odd years</u>
<u>State Certified Commercial Interior</u> <u>Designer</u>	<u>March 31 odd years</u>
<u>State Certified Court Reporter</u>	<u>May 31 even years</u>
<u>State Certified Veterinary Technician</u>	<u>September 30 even</u> <u>years</u>
<u>Veterinarian</u>	<u>September 30 even</u> <u>years</u>
<u>Vocational Rehabilitation Counselor</u>	<u>March 31 odd years</u>

(2) The following non-standard [~~renewal~~]license terms and renewal or extension cycles are established [~~by license classification~~] in accordance with Subsection 58-1-308(1) and [~~in accordance with~~] specific requirements of the license:

TABLE 2 Non-Standard License Terms	
PROFESSION	TERM
Associate Clinical Mental Health Counselor	3-year term - may extend.*
Associate Marriage and Family Therapist	3-year term - may extend for a period not to exceed two years past the date completed the minimum supervised experience requirement.*
Certified Advanced Substance Use Disorder Counselor	4-year term - may extend.*
Certified Advanced Substance Use Disorder Counselor Intern	6-month term, or expires earlier upon passing exam.
Certified Medical Language Interpreter Tier 1 and 2 (58-80a-304)	3-year term, renews March 31 - may renew.
Certified Substance Use Disorder Counselor	2-year term - may extend.*
Certified Substance Use Disorder Counselor Intern	6-month term, or expires earlier upon passing exam.
Funeral Service Intern (58-9-303(2))	2-year term, plus one additional 2-year term* - then may extend only for hardship.**
Hearing Instrument Intern (58-46a-303(2))	3-year term - may extend.*, **
Massage Assistant In-Training (58-47b-303, R156-47b-303)	6-month term - may extend only for hardship.*, **
Pharmacy technician trainee (58-17b-305.1, R156-17b-303a(4))	2-year term - may extend for exceptional circumstances.*
Psychology Resident (58-61-304(3)(b))	2-year term - may extend for a period not to exceed two years past the date completed the minimum supervised experience requirement.*
Type I Foreign Trained Physician-Educator (58-67-302.7)	Initial 1-year term - may renew on 2-year cycles if satisfies 58-67-302.7(2) requirements, and completes 58-37-303 CE.
Type II Foreign Trained Physician-Educator (58-67-302.7)	Initial 1-year term -- may renew annually up to four times if satisfies 58-67-302.7(3) requirements, and completes 58-67-303 CE.
*Extension allowed only if the licensee presents evidence satisfactory to the Division and board that the licensee is on a	

course reasonably expected to lead to licensure, such as making reasonable progress toward passing any qualifying examinations or completing required supervision hours.

**Extension allowed only if a circumstance of hardship arose beyond the licensee's control to prevent the completion of the licensure process, and extension is for a period proportionate to hardship.

[(a) Associate Clinical Mental Health Counselor licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division in collaboration with the board that the licensee is making reasonable progress toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure.

(b) Associate Marriage and Family Therapist licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division in collaboration with the board that the licensee is making reasonable progress toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

(c) Certified Advanced Substance Use Disorder Counselor licenses shall be issued for a period of four years and may be extended if the licensee presents satisfactory evidence to the Division in collaboration with the board that reasonable progress is being made toward completing the required hours of supervised experience necessary for the next level of licensure.

(d) Certified Advanced Substance Use Disorder Counselor Intern licenses shall be issued for a period of six months or until the examination is passed whichever occurs first.

(e)(i) Certified Medical Language Interpreter Tier 1 and 2 licenses shall be issued for a period of three years, and may be renewed.

(ii) The initial renewal date of March 31, 2017, is established for these license classifications, subject to Subsection R156-1-308e(5) to establish the length of the initial license period.

(f) Certified Substance Use Disorder Counselor licenses shall be issued for a period of two years and may be extended if the licensee presents satisfactory evidence to the Division in collaboration with the board that the licensee is making reasonable progress toward completing the required hours of supervised experience necessary for the next level of licensure.

(g) Certified Social Worker Intern licenses shall be issued for a period of six months or until the examination is passed whichever occurs first.

(h) Certified Substance Use Disorder Counselor Intern licenses shall be issued for a period of six months or until the examination is passed, whichever occurs first.

(i)(A) Pursuant to Subsections 58-9-303(1) and (2), Funeral Service Intern licenses shall be issued for a two year term, and may be issued for one additional two year term if the licensee presents satisfactory evidence to the Division in collaboration with the board that the licensee is making reasonable progress toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure.

(B) If before the expiration of the additional two year term the licensee presents satisfactory evidence to the Division and the board that the licensee is still making reasonable progress towards licensure but a circumstance of hardship arose beyond the licensee's control to prevent the completion of the licensure process, the Division may extend that term for a period not to exceed two years.

~~(j) Hearing Instrument Intern licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division in collaboration with the board that the licensee is making reasonable progress toward passing the qualifying examination, but a circumstance arose beyond the licensee's control licensee, to prevent the completion of the examination.~~

~~(k) Pharmacy technician trainee licenses shall be issued for a period of two years, and may be extended if the licensee presents satisfactory evidence to the Division in collaboration with the board that the licensee is making reasonable progress toward completing the requirements necessary for the next level of licensure.~~

~~(l) Psychology Resident licenses shall be issued for a two year term and may be extended if the licensee presents satisfactory evidence to the Division in collaboration with the board that the licensee is making reasonable progress toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure, but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.~~

~~(m) Type I Foreign Trained Physician Educator licenses shall be issued initially for a one year term and thereafter may be renewed on two year cycles.~~

~~(n) Type II Foreign Trained Physician Educator licenses shall be issued initially for a one year term and may be renewed annually up to four times if the licensee continues to satisfy the requirements in Subsection 58-67-302.7(3) and completes the continuing education requirements in Section 58-67-303.]~~

156-1-308b. Renewal Periods - Adjustment of Renewal Fees for an Extended or Shortened Renewal Period.

(1) Except as otherwise provided by statute or as required to establish or reestablish a renewal period, each renewal period shall be ~~[for a period of]~~ two years.

(2) The renewal fee for a renewal period that is extended or shortened by more than one month to establish or reestablish a renewal period may be increased or decreased proportionately.

156-1-308c. Renewal of Licensure Procedures.

~~[In accordance with]~~ (1) Under Subsection 58-1-308(3)[,] this section establishes the procedures for renewal of licensure~~[shall be as follows:]~~.

~~[(1)]~~ (2) The Division shall send a renewal notice to each licensee at least 60 days ~~[prior to]~~ before the expiration date ~~[shown on]~~ of the licensee's license.

~~[(2)]~~ (3) (a) The Division shall send ~~[a]~~ each renewal notice:

~~(a) by mail deposited in the post office with postage prepaid, addressed to the most recent mailing address provided to the Division by the licensee; or~~

~~(b) by email [sent] to the most recent email address provided to the Division by the licensee.~~

~~(b) The Division may send a renewal notice by mail deposited in the post office postage prepaid, addressed to the most recent mailing provided to the Division by the licensee.~~

~~[(3)]~~ (4) ~~[In accordance with]~~ Under Subsection 58-1-301.7(2), a notification sent to the most recent mailing address or email address provided to the Division by the licensee constitutes legal notice.

~~[(4)]~~ (5) Each renewal notice shall:

~~(a) include directions for the licensee to renew the license [via] on the Division's website;~~

(b) notify the licensee that the renewal requirements are outlined in the online renewal process, and that each licensee ~~[is required to]~~ shall document or certify that the licensee meets the renewal requirements ~~[prior to]~~ before renewal; and

(c) notify the licensee that:

~~(i) a license that is not renewed [prior to] before the license expiration date [shown on the license] automatically expires[, and that any]; and~~

~~(ii) continued practice without a license [constitutes] is a criminal offense under Subsection 58-1-501(1)(a).~~

~~[(5)]~~ (6) A licensee who is licensed during the last 12 months of a renewal cycle shall be licensed for a full renewal cycle plus the ~~[period of]~~ time remaining until the impending renewal date, ~~[rather than being]~~ and is not required to immediately renew the license.

156-1-308d. Waiver of Continuing Education Requirements - Credit for Volunteer Service.

(1) (a) ~~[In accordance with]~~ Under Subsection 58-1-203(1)(g), a licensee may request a waiver of a continuing education requirement under this title, or an extension of time to complete a requirement, if the licensee will be unable or was unable to complete the requirement due to a medical or related condition, humanitarian or ecclesiastical services, extended presence in a geographical area where continuing education is not available, or other reasonable cause.

(b) A licensee shall submit the request no later than the deadline for completing the continuing education requirement, except as allowed by the Division for good cause shown.

(c) A licensee submitting a request has the burden of proof and shall document the reason for the request to the satisfaction of the Division.

(d) A request shall include the beginning and ending dates during which the licensee is unable, or was unable, to complete the continuing education requirement and a detailed explanation of the reason that includes:

(i) the extent and duration of the impediment;

(ii) the extent to which the licensee will continue to be, or continued to be, engaged in practice of the licensee's profession;

(iii) the nature of the medical condition;

(iv) the location and nature of the humanitarian services;

(v) the geographical area where continuing education ~~[was]~~ is not available; and

(vi) other relevant information.

(e) The Division may require ~~[that]~~ a licensee to obtain a specified number of continuing education hours, courses, or both, ~~[be obtained prior to]~~ before reentering the practice of the profession or within a specified period ~~[of time]~~ after reentering the practice of the profession, as recommended by the appropriate board, to assure competent practice.

(f) (i) A licensee who receives a waiver from meeting the minimum continuing education requirements ~~[shall not be exempted]~~ is not exempt from Subsection 58-1-501(2)~~[(4)]~~ (a) (ix), which requires that the licensee provide services within the competency, abilities, and education of the licensee.

(ii) If a licensee cannot competently provide services, the waiver of meeting the continuing education requirements may be conditioned upon the licensee limiting practice to areas in which the licensee has the required competency, abilities, and education.

(2) (a) ~~[In accordance with]~~ Under Subsections 58-1-203(1)(g) and 58-55-302.5(2)(e)(i), the Division may grant continuing education credit to a licensee for volunteering as a

subject-matter expert in the review and development of licensing exams for the licensee's profession.

(b) Subject to specific limitations established by rule by the Division in collaboration with a licensing board or the Construction Services Commission, this volunteer continuing education credit shall:

(i) apply to the license period or periods during which the volunteer service was provided;

(ii) be granted on a 1:1 ratio, meaning that for each hour of attendance, the licensee may receive one hour of credit;

(iii) be ~~["core," "classroom," or "live"]~~ credit, regardless of whether the licensee attended meetings in person or electronically; and

(iv) at the licensee's discretion, the whole or part of the credit hours may be counted toward[s] law or ethics continuing education requirements.

(c) The licensee shall maintain information with respect to the licensee's volunteer services to demonstrate the services meet the requirements of this subsection.

(3) ~~[In accordance with] Under~~ Section 58-13-3, a health care professional licensee may fulfill up to 15% of the licensee's continuing education requirements by providing volunteer services at a qualified location[s] within the scope of the licensee's license, earning one hour of continuing education credit for ~~[each four documented hour accrual of volunteer services] every four documented hours of volunteer health care treatment.~~

R156-1-308e. Automatic Expiration of Licensure Upon Dissolution of Licensee.

Under Subsection 58-1-308(2), if a dissolved entity's existence has been reinstated ~~[prior to]~~ before the expiration date shown upon the entity's expired license, and the entity meets the qualifications for licensure:

(1) if the entity submits its application for reinstatement ~~[prior to]~~ before the expiration date shown on the license, the license shall be retroactively reinstated to the date of expiration of licensure; and

(2) if the entity submits its application for reinstatement after the expiration date shown on the license, the license shall be reinstated on the effective date of the approval of the application for reinstatement.

R156-1-308f. Denial of Renewal of Licensure - Classification of Proceedings - Conditional Renewal of Licensure During Adjudicative Proceedings - Conditional Initial, Renewal, or Reinstatement Licensure During Audit or Investigation.

(1) If an initial, renewal, or reinstatement applicant under Section[s] 58-1-301 or 58-1-308 is selected for audit, under investigation, or pending inspection, the Division may conditionally issue the initial license or conditionally renew or reinstate the license pending the completion of the audit, investigation, or inspection.

(2) The undetermined completion of a referenced audit, investigation, or inspection, rather than the established expiration date, shall be indicated as the expiration date of a conditionally issued, renewed, or reinstated license.

(3) A conditional issuance, renewal, or reinstatement is not an adverse licensure action.

(4) Upon completion of the audit, investigation, or inspection, the Division shall notify the applicant if the applicant's license is unconditionally issued, renewed, reinstated, denied, or partially denied or reinstated.

(5) A notice of unconditional denial or partial denial of licensure shall include:

(a) the basis for action;

(b) the Division's file or other reference number of the audit or investigation; and

(c) notice that the action is subject to agency review, and how and when the applicant may request agency review.

R156-1-308g. Reinstatement of Licensure that was Active and in Good Standing at the Time of Expiration of Licensure - Requirements.

The following requirements ~~[shall]~~ apply to reinstatement of licensure that was active and in good standing at the time of expiration of licensure:

(1) ~~[U]~~ Under Subsection 58-1-308(5), if the filing date of an application for reinstatement is between the date of the expiration of the license and 30 days after the date of the expiration of the license, the applicant shall:

(a) submit a completed renewal form furnished by the Division demonstrating compliance with requirements and conditions of license renewal; and

(b) pay the license renewal fee and a late fee.

(2) ~~[U]~~ Under Subsection 58-1-308(5), if the filing date of an application for reinstatement is between 31 days after the expiration of the license and two years after the date of the expiration of the license, the applicant shall:

(a) submit a completed renewal form ~~[furnished]~~ provided by the Division demonstrating compliance with requirements and conditions of license renewal; and

(b) pay the license renewal fee and reinstatement fee.

(3) ~~[U]~~ Under Subsection 58-1-308(6), if the filing date of an application for reinstatement is more than two years after the date the license expired:

(a) if the applicant has not been active in the licensed ~~[occupation or]~~ profession as described in Subsection 58-1-308(6)(b)~~[308k]~~, the applicant shall:

(i) submit an application for licensure complete with supporting documents as is required of an individual making an initial application for license demonstrating the applicant meets current qualifications for licensure; and

(ii) pay the license fee for a new applicant for licensure; or

(b) if the applicant has been active in the licensed ~~[occupation or]~~ profession as described in Subsection 58-1-308(6)(b), the applicant shall:

(i) provide documentation that the applicant has continuously, since the expiration of the applicant's license in Utah, been active in the licensed ~~[occupation or]~~ profession while in the full-time employ of the United States government or under license to practice that ~~[occupation or]~~ profession in any other state or territory of the United States;

(ii) provide documentation that the applicant has completed or is in compliance with any renewal qualifications;

(iii) provide documentation that the applicant's application was submitted within six months after reestablishing domicile within Utah or terminating full-time government service; and

(iv) pay the license renewal fee and the reinstatement fee.

R156-1-308i. Reinstatement of Restricted, Suspended, or Probationary Licensure After the Specified Term of Suspension of the License or After the Expiration of Licensure in a Restricted, Suspended or Probationary Status - Requirements.

Unless otherwise provided by a disciplinary order, an applicant who applies for reinstatement of a license after the specified term of suspension of the license or after the expiration of the license in a restricted, suspended, or probationary status shall:

- (1) submit an application for licensure complete with supporting documents as is required of an individual making an initial application for licensure demonstrating the applicant meets current qualifications for licensure and compliance with requirements and conditions of license reinstatement;
- (2) pay the license renewal fee and the reinstatement fee;
- (3) provide information requested by the Division and board to clearly demonstrate the applicant is currently competent to be reinstated to engage in the ~~[occupation or]~~ profession; and
- (4) pay any fines or citations owed to the Division.

R156-1-308j. Relicensure Following Revocation of Licensure - Requirements.

An applicant for relicensure following revocation of licensure shall:

- (1) submit an application for licensure complete with supporting documents as is required of an individual making an initial application for licensure demonstrating the applicant meets current qualifications for licensure and compliance with requirements and conditions of license reinstatement;
- (2) pay the license fee for a new applicant for licensure; and
- (3) provide information requested by the Division and board to clearly demonstrate the applicant is currently competent to be relicensed to engage in the ~~[occupation or]~~ profession.

R156-1-308k. Relicensure Following Surrender of Licensure - Requirements.

~~[The following requirements shall apply to relicensure applications following the surrender of licensure:]~~

- (1) An applicant who surrendered a license that was active and in good standing ~~[at the time]~~ when it was surrendered shall meet the requirements for licensure in Sections R156-1-308a through R156-1-308l.
- (2) An applicant who surrendered a license while the license was active but not in good standing as evidenced by the written agreement supporting the surrender of license shall:
 - (a) submit an application for licensure complete with supporting documents as is required of an individual making an initial application for licensure demonstrating the applicant meets ~~[at]~~ the current qualifications for licensure and compliance with requirements and conditions of license reinstatement;
 - (b) pay the license fee for a new applicant for licensure;
 - (c) provide information requested by the Division and board to clearly demonstrate the applicant is currently competent to be relicensed to engage in the ~~[occupation or]~~ profession; and
 - (d) pay any fines or citations owed to the Division.

R156-1-308l. Reinstatement of Licensure and Relicensure - Term of Licensure.

Except as otherwise governed by the terms of an order issued by the Division, a license issued to an applicant for reinstatement or relicensure ~~[issued]~~ during the last 12 months of a renewal cycle shall, upon payment of the appropriate fees, be issued

for ~~[a full renewal cycle plus the period of time remaining until the impending renewal date, rather than requiring the licensee to immediately renew their reinstated or relicensed license]~~ the rest of the current renewal cycle plus the next full renewal cycle.

R156-1-309. Division Exams.

(1) This section establishes standards for the administration of Division exams in accordance with Sections 58-1-106, 58-1-203, and 58-1-309.

(2) Upon evidence that a person has engaged in cheating:

(a) the exam administrator shall notify the Division of the circumstances in detail and the identity of each person involved; and

(b) the Division shall make an appropriate inquiry and may open an investigation to determine the facts concerning the alleged cheating.

(3) If evidence of cheating by a candidate is detected before an exam, the Division may:

(a) deny the candidate the privilege of taking the exam; or

(b)(i) before the candidate takes the exam, notify the candidate of the evidence of cheating and that the Division may determine the candidate to have failed the exam if it finds the candidate has cheated.

(4) If evidence of cheating by a candidate is detected during an exam, the exam administrator may:

(a) end the exam, request the candidate to leave the exam facility, and notify the candidate of the evidence of cheating and that the Division may determine the candidate to have failed the exam if it finds that the candidate has cheated; or

(b)(i) determine that the alleged cheating has not yet compromised the integrity of the exam, take any necessary steps to prevent cheating, and permit the candidate to continue taking the exam; and

(ii) after the exam, notify the candidate of the evidence of cheating, and that the Division may determine the candidate to have failed the exam if the Division finds that the candidate has cheated.

(5) If the Division determines that an individual has engaged in cheating or has otherwise engaged in unprofessional conduct regarding an exam, the Division may take appropriate action including one or more of the following:

(a) if the individual is an exam candidate, deny the individual the privilege of taking or retaking the exam for a period;

(b) refuse to issue the individual a license or otherwise act upon a license issued to the individual pursuant to Section 58-1-401; or

(c) establish the conditions that the individual shall meet to qualify for a license, such as meeting with the board.

(6) An exam administrator may end a candidate's exam session, or the Division may invalidate a candidate's exam results if the candidate:

(a) is engaging or appears to be engaging in cheating;

(b) reports late to the candidate's appointed exam session;

(c) fails to present required identification at the time of the exam session;

(d) creates a disturbance of any kind, including for example:

(i) engaging in behavior that the exam administrator determines is disruptive to another candidate taking the exam;

(ii) using language that might generally be considered inappropriate or offensive; or

(iii) engaging in oral or physical altercations with the exam administrator or another individual;

(e) fails to comply with the directions of the exam administrator; or

(f) reports to the exam under the influence of alcohol, drugs, or other intoxicant, to the extent that the exam administrator determines that it does, or might reasonably be considered to, impair the ability of the candidate to safely engage in the exam.

(7) Each exam subject-matter expert and each exam administrator:

(a) shall be a Utah resident;

(b) shall be 18 years of age or older;

(c) if the exam requires specific knowledge of the profession to grade or administer the exam, shall hold an active license in good standing in that profession or have satisfactory experience or an active license in good standing in a related industry as approved by the Division;

(d) shall adhere to professional ethics and codes of conduct for the profession, including this section and Subsection R156-1-501(9);

(e) shall agree in writing to not participate in any exam coaching or preparation activities for the exam for five years following their review or administration of the exam; and

(f) may not be affiliated with a person that may profit from or materially benefit from knowledge of exam content, such as an educational institution or training program.

(8)(a) The Division may invalidate exam results if it determines that there is a basis to question the validity of the exam results for any reason, notwithstanding the absence of any evidence of a candidate's personal involvement in cheating or other unprofessional conduct.

(b) Evidence of invalid results may include, for example, unusual answer patterns or score increases, or equipment failure.

R156-1-310. Application for Division Determination Regarding Criminal Conviction.

(1) This section establishes the~~[The]~~ application procedures for a Division determination ~~[pursuant to]~~ under Section 58-1-310 ~~[are clarified and established as follows:]~~.

~~[(1)]~~(2) An individual applying for a determination shall:

(a) submit the Application for Criminal History Determination form ~~[made]~~ available on the Division's website, containing a signed attestation and release;[-]

~~[(2) An individual shall-]~~

(b) submit a separate application ~~[for criminal history determination]~~ with processing fee for each license that the individual is interested in seeking[-]; and

(c) under Subsection 58-1-310(2)(e), provide any additional documentation that may be required by the Division to verify or evaluate the individual's representations made in the application.

(3) ~~[Pursuant to]~~ Under Subsection 58-1-310(2), the individual's complete criminal conviction history shall include:

(a) criminal convictions, pleas of nolo contendere, and pleas of guilty or nolo contendere that are held in abeyance pending the successful completion of probation; and

(b) current restrictions from possession, purchase, transfer, or ownership of a firearm or ammunition.

(4) ~~[Pursuant to Subsection 58-1-310(2)(e), the individual shall provide any additional documentation that may be required by the Division to verify or evaluate the individual's representations made in their application.~~

~~(5) A determination shall be~~ The Division shall make a determination based solely on the information ~~[contained]~~ in the individual's application and supporting documents.

~~[(6)]~~(5) Application review is not available for a Division order or determination ~~[for an application filed]~~ under Section 58-1-310.

R156-1-401. Consideration of Unlawful Conduct, Unprofessional Conduct, or Other Mental or Physical Condition.

(1) Under Section 58-1-401, this section applies in circumstances where an applicant or licensee:

(a) is not automatically disqualified from licensure pursuant to statute or rule; and

(b)(i) has past unlawful or unprofessional conduct; or

(ii) as described in Subsection 58-1-401(2)(d), may be unable to practice the profession with reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material, substance use disorder, or a mental or physical condition that, when considered with the duties and responsibilities of the license held or to be held, demonstrates a threat or potential threat to the public health, safety, or welfare.

(2) In a circumstance described in Subsection (1), the following factors are relevant to a licensing decision:

(a) aggravating circumstances, as defined in Subsection R156-1-102(2);

(b) mitigating circumstances, as defined in Subsection R156-1-102(17);

(c) the degree of risk to the public health, safety, or welfare;

(d) the degree of risk that a conduct will be repeated;

(e) the degree of risk that a condition will continue;

(f) the magnitude of the conduct or condition as it relates to the harm or potential harm;

(g) the length of time since the last conduct or condition has occurred;

(h) the current criminal probationary or parole status of the applicant or licensee;

(i) the current administrative status of the applicant or licensee, for any regulated profession;

(j) results of previously submitted applications, for any regulated profession;

(k) results from any action, taken by any professional licensing agency, criminal, or administrative agency, employer, practice monitoring group, entity, or association, for any regulated profession;

(l) evidence presented indicating that restricting or monitoring the individual's practice, conditions, or conduct can protect the public health, safety, or welfare;

(m) psychological evaluations; or

(n) any other information the Division and the applicable board reasonably believe may assist in evaluating the degree of threat or potential threat to the public health, safety, or welfare.

R156-1-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) surrendering licensure to any other licensing or regulatory authority having jurisdiction over the licensee or applicant in ~~[the same occupation or]~~ any regulated profession while an investigation or inquiry into allegations of unprofessional conduct or unlawful conduct is in progress, or after a charging document has been filed against the applicant or licensee alleging unprofessional conduct or unlawful conduct;

(2) practicing a regulated [~~occupation or~~]profession in, through, or with a [~~limited liability company that has omitted the words "limited company," "limited liability company," or the abbreviation "L.C." or "L.L.C."~~] in the commercial use of the name of the limited liability company;

~~(3) practicing a regulated occupation or profession in, through, or with a limited partnership that has omitted the words "limited partnership," "limited," or the abbreviation "L.P." or "Ltd." in the commercial use of the name of the limited partnership;~~

~~(4) practicing a regulated occupation or profession in, through, or with a professional corporation that has omitted the words "professional corporation" or the abbreviation "P.C." in the commercial use of the name of the professional corporation;~~

~~(5) using a DBA (doing business as name) that~~business structure or name that:

~~(a) has not been properly registered with the Division of Corporations and Commercial Code; or~~

~~(b) has not been properly licensed with the Division~~of Occupational and Professional Licensing];

(3) engaging in conduct that results in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the licensee or applicant in any profession, if the conduct:

(a) when considered with the functions and duties of the profession for which the license was issued or is to be issued, bears a substantial relationship to the licensee's or applicant's ability to safely to competently practice the profession; or

(b) would, in this state, constitute grounds for denial of licensure or disciplinary proceedings under Section 58-1-401;

(4) prohibiting or inhibiting the ability of a licensee's customer, patient, or other consumer of the licensee's goods or services from making a complaint to a licensing or regulatory authority, including through the use of a contract provision;

(5) engaging in cheating or otherwise violating Section R156-1-309 regarding Division exams;

(6) failing, as a prescribing practitioner, to follow the ["]Guidelines for the Chronic Use of Opioid Analgesics["], adopted as policy April 2017 by the Federation of State Medical Boards, which is incorporated by reference;

(7) violating a term, condition, or requirement in a Utah Professionals Health Program ["]diversion agreement["] as defined in Subsection 58-4a-102(1), or ["]program contract["] as defined in Subsection 58-4a-102(4);~~[-or]~~

(8) failing, as a health care provider, to follow the health care claims practices of Section 31A-26-313, in violation of Subsection 58-1-508(2); or

(9) as an exam candidate or as an exam proctor, grader, or administrator, failing to comply with the Division of Professional Licensing Exam Policies and Procedures, dated December 29, 2023, which is incorporated by reference.[]

R156-1-501.1. Cheating on Examinations.

(1) Policy.

The passing of an examination, when required as a condition of obtaining or maintaining a license issued by the Division, is considered to be a critical indicator that an applicant or licensee meets the minimum qualifications for licensure. Failure to pass an examination is evidence that an applicant or licensee does not meet the minimum qualifications for licensure. Accordingly, the accuracy of the examination result as a measure of an applicant's or licensee's competency must be assured. Cheating by an applicant or

licensee on any examination required as a condition of obtaining a license or maintaining a license shall be considered unprofessional conduct and shall result in imposition of an appropriate penalty against the applicant or licensee.

~~(2) Cheating Defined.~~

~~Cheating is defined as the use of any means or instrumentality by or for the benefit of an examinee to alter the results of an examination in any way to cause the examination results to inaccurately represent the competency of an examinee with respect to the knowledge or skills about which they are examined. Cheating includes:~~

~~(a) communication between examinees inside of the examination room or facility during the course of the examination;~~

~~(b) communication about the examination with anyone outside of the examination room or facility during the course of the examination;~~

~~(c) copying another examinee's answers or looking at another examinee's answers while an examination is in progress;~~

~~(d) permitting anyone to copy answers to the examination;~~

~~(e) substitution by an applicant or licensee or by others for the benefit of an applicant or licensee of another person as the examinee in place of the applicant or licensee;~~

~~(f) use by an applicant or licensee of any written material, audio material, video material or any other mechanism not specifically authorized during the examination to assist an examinee in the examination;~~

~~(g) obtaining, using, buying, selling, possession of or having access to a copy of any portion of the examination prior to administration of the examination.~~

~~(3) Action Upon Detection of Cheating.~~

~~(a) The person responsible for administration of an examination, upon evidence that an examinee is or has been cheating on an examination shall notify the Division of the circumstances in detail and the identity of the examinees involved with an assessment of the degree of involvement of each examinee.~~

~~(b) If cheating is detected prior to commencement of the examination, the examinee may be denied the privilege of taking the examination; or if permitted to take the examination, the examinee shall be notified of the evidence of cheating and shall be informed that the Division may consider the examination to have been failed by the applicant or licensee because of the cheating.~~

~~(c) If cheating is detected during the examination, the examinee may be requested to leave the examination facility and in that case the examination results shall be the same as failure of the examination; however, if the person responsible for administration of the examination determines the cheating detected has not yet compromised the integrity of the examination, such steps as are necessary to prevent further cheating shall be taken and the examinee may be permitted to continue with the examination.~~

~~(d) If cheating is detected after the examination, the Division shall make appropriate inquiry to determine the facts concerning the cheating and shall thereafter take appropriate action.~~

~~(e) Upon determination that an applicant has cheated on an examination, the applicant may be denied the privilege of retaking the examination for a reasonable period of time, and the Division may deny the applicant a license and may establish conditions the applicant shall meet to qualify for a license including the earliest date when the Division will again consider the applicant for licensure.]~~

R156-1-502. Administrative Penalties.

(1) ~~[In accordance with]~~Under Subsection 58-1-401(5) and Section 58-1-502, except as otherwise provided by a specific chapter

under Title 58, Occupations and Professions or ~~[this]~~ Title R156, ~~[the following fine schedule shall apply to citations issued under the referenced authority:]~~

TABLE
FINE SCHEDULE

FIRST OFFENSE

Violation	Fine
58-1-501(1)(a)	\$ 500.00
58-1-501(1)(e)	\$ 800.00
58-1-501(1)(g)	\$ 500.00
58-1-501(2)(a)	\$ 0 \$250.00
58-1-508(2)	\$ 250.00

SECOND OFFENSE

58-1-501(1)(a)	\$1,000.00
58-1-501(1)(e)	\$1,600.00
58-1-501(1)(g)	\$1,000.00
58-1-501(2)(a)	\$251.00 \$500.00
58-1-508(2)	\$ 500.00

THIRD OFFENSE

~~Double the amount for a second offense, with a maximum amount not to exceed the maximum fine under Subsection 58-1-502(2)(j)(iii).~~

~~Citations may not be issued for third offenses; the Division shall issue a notice of agency action instead of a citation for a third or subsequent offense, except in extraordinary circumstances approved by the investigation supervisor or chief investigator.~~

(2) Multiple offenses may be cited on the same citation, if the citation clearly indicates each offense and the fine allocated to each offense.

(3) An investigation supervisor or the chief investigator may authorize a deviation from the fine in a citation based upon the aggravating or mitigating circumstances.

(4) The presiding officer for a contested citation shall have the discretion, after a review of the evidence and any aggravating and mitigating circumstances, to increase or decrease the fine amount imposed by an investigator ~~[based upon the evidence reviewed].~~

R156-1-503. Reporting Disciplinary Action.

The Division may report disciplinary action to other state or federal governmental entities, state and federal data banks, the media, or other person who is entitled to ~~[such]~~ the information under the Government Records Access and Management Act.

R156-1-601. Suicide Prevention Video - Primary Care Providers.

(1)(a) ~~[In accordance with]~~ Under Subsection 58-1-601(3), the Division shall produce the suicide prevention videos described in Subsection 58-1-601(2) by meeting at least annually with the Division of ~~[Substance Abuse and Mental Health]~~ Integrated Healthcare to review information on existing videos~~[r]~~ and plan ~~[the creation of]~~ new videos, including:

- (i) establishing goals, specifications, and standards for the videos;
- (ii) identifying approved vendors from Utah's Best Value Cooperative Contracts list or otherwise planning requests for proposals;
- (iii) awarding contracts for creation of the videos; and
- (iv) producing the videos and providing them in effective formats.

(b) The Division shall collaborate with the Department of ~~[Technology Services]~~ Government Operations to allow primary care providers access to view the suicide prevention videos described in Subsection 58-1-601(2) on the Division's website, at no cost to the providers.

(c) A primary care provider may fulfill up to ten of their CPE hours by viewing the Division-created suicide prevention videos, as follows:

(i) for a video 25 minutes or less in length, a provider may recognize one-half CPE credit hour; and

(ii) for a video 26 minutes or longer, a provider may recognize CPE credit in 50-minute hour blocks of time.

(d) The Division's production of the suicide prevention videos may include posting Division-approved substitutes for the videos on its website, such as Counseling on Access to Lethal Means (CALM) training, or more robust in-person training CME hours from a Suicide Prevention Summit provided by the Department of Health and Human Services.

(2)(a) ~~[Pursuant to]~~ Under Subsection 58-1-601(2)(b), the Division-approved educational materials or courses related to suicide prevention shall include ~~[all educational material or courses]~~ those identified [as such] on the Division's website.

(b) The number and type of CPE credit hours allowed for completion of each ~~[specific]~~ educational material or course shall be stated on the Division's website or in the educational materials or course.

(3)(a) The Division or other provider of suicide prevention educational materials, courses, or videos may track or confirm a primary care provider's completion of the educational materials, course, or video.

(b) A primary care provider shall maintain ~~[adequate documentation as proof of compliance]~~ documentation sufficient to prove compliance with Section 58-1-601 and this ~~[S]~~ [S] section, for ~~[a period of four]~~ two years after the end of the ~~[renewal]~~ licensure cycle ~~for which the CPE is due, including[. At a minimum, the documentation shall include]:~~

- (i) title of the educational materials, course, or video;
- (ii) date completed;
- (iii) number of CE hours claimed; and
- (iv) type of CE ~~[—i.e. real time interactive distance learning, web accessibly video, etc].~~

R156-1-602. Telehealth[—Definitions].

~~[—In accordance with Section 26-60-103 and Subsection 26-60-104(1), in addition to the definitions in Title 26, Chapter 60, Telehealth Act, as used in Title 58 or this Title R156 the following rule definitions supplement the statutory definitions:~~

~~(1) "Originating site" means the same as defined in Subsection 26-60-102(3).~~

~~(2) "Patient" means the same as defined in Subsection 26-60-102(4).]~~

~~[(3)]~~ (1) Terms used in this rule are defined in Section 26B-4-704. In addition:

(a) "Patient Encounter" means any encounter where medical treatment and evaluation and management services are provided. The entire course of an inpatient stay in a healthcare facility or treatment in an emergency department is a single patient encounter.

[(4)] (b) "Provider" means the same as defined in Subsection 26-60-102(6)(b), an individual licensed under Title 58, Occupations and Professions to provide health care services, and:

(~~(a)~~i) shall include an individual exempt from licensure as defined in Section 58-1-307 who provides health care services within the individual's scope of practice under Title 58, Occupations and Professions; and

(~~(b)~~ii) may include multiple providers obtaining informed consent and providing care as a team, consistent with the standards of practice applicable to a broader practice model found in traditional health care settings.

~~(5) "Telehealth services" means the same as defined in Subsection 26-60-102(8).~~

~~(6) "Telemedicine services" means the same as defined in Subsection 26-60-102(9).~~

R156-1-603. Telehealth—Scope of Telehealth Practice.

~~(1)(a) In accordance with Subsection 26-60-103(1),~~

(2) Under Subsection 26B-4-704(2)(b), a provider offering telehealth services shall, ~~[prior to]~~before each patient encounter:

(i) verify the patient's identity and originating site;

(ii) allow the patient an opportunity to select their provider rather than being assigned a provider at random, to the extent possible; and

(iii) ensure that the online site does not restrict the patient's choice to select a specific pharmacy for pharmacy services; and

(b) ~~[prior to]~~before each initial patient encounter, ~~[and at least annual intervals,]~~obtain informed consent to the use of telehealth services by clear disclosure of:

(i) additional fees for telehealth services, if any, and how payment is to be made for those additional fees if they are charged separately;

(ii) to whom patient health information may be disclosed and for what purpose, including clear reference to any patient consent governing release of patient-identifiable information to a third-party;

(iii) the rights of the patient with respect to patient health information;

(iv) appropriate uses and limitations of the site, including emergency health situations;

(v) information affirming that the telehealth services meet industry security and privacy standards in Subsection ~~[26-60-102(9)(b)(ii)]~~26B-4-704(1)(i)(ii), and warning of potential risks to privacy regardless of the security measures;

(vi) a warning that information may be lost due to technical failures, and clearly referencing any patient consent to hold the provider harmless for such loss; and

(vii) information disclosing the website owner-operator, location, and contact information.

~~(2)3) [In accordance with Subsection 26-60-103(1)(d)]~~Under Subsection 26B-4-704(2)(d), a provider offering telehealth services shall be available to the patient for subsequent care related to the initial telemedicine services as follows:

(a) providing the patient with a clear mechanism to:

(i) access, supplement, and amend patient-provided personal health information;

(ii) contact the provider for subsequent care;

(iii) obtain upon request ~~[an electronic or hard copy of]~~the patient's medical record ~~[documenting the telemedicine services,]~~or other report containing an explanation of the treatment provided to the patient and the provider's evaluation, analysis, or diagnosis of the patient's condition, including the informed consent provided; and

(iv) request a transfer to another provider of the patient's medical record documenting the telemedicine services; and

(b) if the provider recommends that the patient be seen in person, such as if diagnosis requires a physical examination, lab work, or imaging studies:

(i) arranging to see the patient in person, or ~~[directing]~~referring the patient to the patient's ~~[regular]~~designated health care provider, or if none, to an appropriate health care provider; and

(ii) documenting the ~~[recommendation]~~referral in the patient's medical record; and

(c) ~~[upon patient request, electronically transferring to another provider the patient's medical record documenting the telemedicine services,]~~if the patient does not have a designated health care provider, consult with the patient and send a medical record or other report to the referred health care provider in the manner provided under Subsection 26B-4-704(2)(g), except the medical record or report shall be provided within a reasonable time frame allowing for timely care of the patient by that provider.

(3)4) Nothing in this section shall prohibit electronic communications consistent with standards of practice applicable in traditional health care settings, including the following:

(a) between a provider and a patient with a preexisting provider-patient relationship;

(b) between a provider and another provider concerning a patient with whom the other provider has a provider-patient relationship;

(c) in on-call or cross coverage situations when the provider has access to patient records;

(d) in broader practice models when multiple providers provide care as a team, including, for example:

(i) within an existing organization; or

(ii) within an emergency department; or

(e) in an emergency, which as used in this section means a situation when there is an occurrence posing an imminent threat of a life-threatening condition or severe bodily harm.

KEY: licensing, supervision, evidentiary restrictions

Date of Last Change: ~~March 25, 2021~~2024

Notice of Continuation: November 2, 2021

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-308; 58-1-501(2)

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R162-2e	Filing ID: 56336
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Agency Information

1. Department:	Commerce
Agency:	Real Estate
Room number:	2nd Floor
Building:	Heber M. Wells Bldg
Street address:	160 E 300 S
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 146711
City, state and zip:	Salt Lake City, UT 84114-6711

Contact persons:		
Name:	Phone:	Email:
Justin Barney	801-530-6603	justinbarney@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R162-2e. Appraisal Management Company Administrative Rules
3. Purpose of the new rule or reason for the change:
The purpose of the proposed rule amendment is to clarify and add to the definitions section; clarify and in some instances lower, Appraisal Management Company (AMC) employee requirements; and reorganize sections of the existing rule.
4. Summary of the new rule or change:
The proposed amendment will add definitions for "general criteria" and "third-party property data collector."
The updated edition of the Uniform Standards of Professional Appraisal Practice (USPAP) is incorporated into this rule by reference.
The proposed rule will require an AMC that uses a third-party data collector to disclose relevant information to the appraiser, including the identity of the collector, the date the data is collected, and other relevant information.
In addition, the proposed amendment will clarify the employee relationship of certain AMC appraisers and will lower the amount of time certain AMC staff personnel are required to spend taking a USPAP instructive course.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The Division of Real Estate (Division) has the staff and budget in place to administer the proposed rule amendment.
None of the proposed changes is expected to impact the state's budget by either increasing costs or generating savings. After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in any cost or savings to the state budget.
B) Local governments:
This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures.

Local governments are not required to comply with the AMC administrative rules.
C) Small businesses ("small business" means a business employing 1-49 persons):
The Division does not expect any foreseeable impact on small businesses.
The proposed amendments clarify and update this rule and do not create new obligations for AMCs, nor does it increase the costs associated with any existing obligation.
The Division notes that it is difficult to estimate or measure the impact at this time.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule change will not have a fiscal impact on non-small businesses, or the impact is inestimable.
Approximately 50% of the 106 AMCs operating in Utah are estimated to be non-small businesses (53 AMCs). All 106 AMCs registered in Utah are subject to the proposed rule amendment.
The fiscal impact to the 53 non-small business AMCs is estimated in Box 5(F) below,
After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal impact to non-small businesses or, if there is a fiscal impact, the impact is inestimable.
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 change does not create new obligations for persons other than small businesses, non-small businesses, state, or local government entities nor does it increase the cost associated with any existing obligation.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are 106 AMCs registered in Utah. Of these, six AMCs have a Utah address associated with their registration.
The Division estimates that approximately 50% of the 106 AMCs registered in Utah are small businesses, and 50% are non-small businesses. All 106 AMCs will be affected by the proposed rule change.
No AMC is required to offer third-party data collector appraisal assignments provided for in the proposed rule amendment. Those AMCs that choose to offer such assignments have made a business decision to do so,

presumably because of likely cost savings to the AMC for this type of assignment but also because of other possible benefits perceived by the AMC unrelated to cost savings.

The proposed rule would require an AMC that chooses to offer an appraisal assignment that includes data collected by a third-party, to communicate to the appraiser information about who collected data for use in the appraisal assignment, when the data was collected, and other relevant information. This information would already be known to the AMC. An AMC typically already discloses this information to the appraiser through a simple electronic communication or other method selected by the AMC.

The Division is unable to estimate how many appraisal assignments AMCs will choose to offer an appraiser where a third-party data collector is used. However, whatever the number, the cost of communicating the required information is estimated to be negligible or is unable to be determined.

One AMC indicates that this information is already contained in the assignment report provided to the appraiser. The AMC indicated that the disclosure required by the proposed rule amendment may be made by entering a single computer keystroke, with no way of attributing a dollar amount to the estimated cost to comply.

The proposed rule amendment reduces the education requirement for certain AMC personnel and may result in both a time savings and cost savings for affected AMCs. An AMC that has an unlicensed person who selects an appraiser for an appraisal assignment or for conducting an appraisal review will benefit from the proposed rule amendment through the reduced education requirement.

The Division is unable to estimate the cost savings to affected persons (all AMCs) because the Division cannot know how many AMCs might use, now, or in the future, an unlicensed person to select an appraiser for an assignment or for to conduct an appraisal review.

After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal impact to affected persons or, if there is a fiscal impact, the impact is inestimable. Any fiscal impact would likely be negligible and offset by a possible cost savings to the AMC.

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 Commerce, Margaret Busse, has reviewed and approved this regulatory impact analysis.

The Department of Commerce and the Division propose amendments to update and clarify Rule R162-2e. These proposed amendments clarify and update this rule regarding AMCs who use third party data collectors and their procedures.

In some instances, these changes may lower requirements for certain AMC employees which may result in a savings for them.

Further, the new language should comport with the Rulewriting Manual for Utah.

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 61-2e-103	Subsection 61-2e-305(2)	Subsection 61-2e-304(3)
Subsection 61-2e-301(3)		

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)	Uniform Standards of Professional Appraisal Practice (USPAP)
Publisher	The Appraisal Foundation, Appraisal Standards Board
Issue Date	January 1, 2024
Issue or Version	2024 Edition

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:	04/15/2024

9. This rule change MAY become effective on:	04/22/2024
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 F. Barney, Interim Division Director	Date:	02/23/2024
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R162. Commerce, Real Estate.

R162-2e. Appraisal Management Company Administrative Rules.

R162-2e-102. Definitions.

- (1) "Affiliation" means a business association:
 - (a) between:
 - (i) two individuals registered, licensed, or certified under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Practices Act ~~[Section 61-2g]~~; or
 - (ii) an individual registered, licensed, or certified under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Practices Act ~~[Section 61-2g]~~ and:
 - (A) an appraisal entity; or
 - (B) a government agency;
 - (b) for ~~[the purpose of]~~ providing an appraisal service; and
 - (c) regardless of whether an employment relationship exists between the parties.
- (2) The acronym "AMC" stands for appraisal management company.
- (3) "Business day" means a day other than:
 - (a) a Saturday;
 - (b) a Sunday; or
 - (c) a state or federal holiday.
- (4) "Client" is defined in Subsection 61-2e-102(10).

(5) "Competency statement" means a statement provided by the AMC to the appraiser that, at a minimum, requires the appraiser to attest that the appraiser:

- (a) is competent according to USPAP standards;
- (b) recognizes and agrees to comply with:
 - (i) laws and rules ~~[regulations]~~ that apply to the appraiser and to the assignment;
 - (ii) assignment conditions; and
 - (iii) the scope of work outlined by the client; and
- (c) has access, either independently or through an affiliation pursuant to Subsection (1), to the records necessary to complete a credible appraisal, including:
 - (i) multiple listing service data; and
 - (ii) county records.

(6) ~~(a)~~ For purposes of this rule, "Employee" means an individual:

~~(a)~~ ~~(i)~~ whose manner and means of work performance are subject to the right of control of, or are controlled by, another person; and

~~(b)~~ ~~(ii)~~ whose compensation for federal income tax purposes is reported, or is required to be reported, on a W-2 form issued by the controlling person.

~~(7)~~ ~~(b)~~ For purposes of this rule, "Employee" does not mean ~~[include]~~ an independent contractor who performs duties other than at the discretion of, and subject to the supervision and instruction of, another person.

~~(e)~~ For purposes of applying Subsection R162-2e-401(1)(g), an appraiser who completes an assignment is considered to be an employee of the AMC that offers the assignment if:

- ~~(i)~~ this subsection (a) describes the employment relationship between the appraiser and the AMC; or
- ~~(ii)~~ pursuant to this subsection (a), the appraiser is an employee of a company:

- ~~(A)~~ that is wholly owned by the AMC; or
- ~~(B)~~ in which the AMC owns a controlling interest.]

(8) For purposes of Section R162-2e-304 the term "general criteria" means a standard description of the factors the AMC considers when ranking or differentiating appraisers or tiers within a panel of appraisers.

~~(9)~~ ~~(7)~~ "Select" means:

(a) for purposes of composing the AMC appraiser panel, to review and evaluate the qualifications of an appraiser who applies to be included on the AMC's appraiser panel; and

(b) for purposes of assigning an appraisal activity to an appraiser:

- (i) to choose from the AMC's appraiser panel an individual appraiser or appraisal entity to complete an assignment; or
- (ii) to compile, from among the appraisers included in the AMC's appraiser panel, an electronic distribution list of appraisers to whom an assignment will be offered through email ~~[e-mail]~~.

(10) "Third-Party Property Data Collector" means a person engaged to collect relevant property data characteristics or who conducts a property site visit of the subject property for use in a valuation assignment performed by an appraiser.

~~(11)~~ ~~(8)~~ The acronym "USPAP" stands for Uniform Standards of Professional Appraisal Practice. The 2024 edition of USPAP is incorporated by reference.

R162-2e-304. Required Disclosures and Customary and Reasonable Compensation.

(1) In addition to the disclosures required by Section 61-2e-304, an AMC shall:

(a) notify the appraiser in writing when~~[at the time]~~ an appraiser is first added to an appraiser panel:

(i) of the general criteria the AMC uses to rank an appraiser on the panel; and~~[-]~~

(ii) if the AMC chooses to separate appraisers into different tiers, of the general criteria the AMC uses to distinguish one tier from another;

(b) notify the affected appraisers in writing of any changes if, after the notice provided for in S[s]subsection (1)(a), the AMC changes any of the general criteria the AMC considers relative to an appraiser's ranking, tier, or classification within the panel structure;

(c) when~~[at the time]~~ an assignment is offered, disclose to the appraiser:

(i) the total amount that the appraiser may expect to earn from the assignment:

(A) disclosed as a dollar amount; and

(B) delineating any fees or costs that will be charged by the AMC to the appraiser;

(ii)(A) the property address;

(B) the legal description; or

(C) equivalent information that would allow the appraiser to determine whether the appraiser has been involved with any service regarding the subject property within the three years preceding the date on which the assignment is offered;

(iii) the assignment conditions and scope of work requirements in sufficient detail to allow the appraiser to determine whether the appraiser is competent to complete the assignment;~~[-and]~~

(iv) for an appraisal assignment that requires the appraiser to review relevant property data characteristics provided by a third-party data collector, adequate information to enable the appraiser to determine whether credible assignment results can be produced including:

(A) the date of collection;

(B) the identity of collector; and

(C) other relevant information; and

(v) any known deadlines within which the assignment must be completed;

(d) at or before the time the appraiser accepts an assignment, obtain the appraiser's acknowledgment as to the AMC's competency statement;

(e) before requiring the appraiser to submit a completed report, disclose to the appraiser:

(i) the total fee that will be collected by the AMC for the assignment; and

(ii) the total amount that the AMC will keep~~[retain]~~ from the fee charged, disclosed as a dollar amount; and

(f) direct the appraiser who performs the real estate appraisal activity to disclose in the body of the appraisal report:

(i) the total compensation, stated as a dollar amount, paid to the appraiser or, if the appraiser is employed by an appraisal company, to the appraiser's employer; and

(ii) the total compensation kept~~[retained]~~ by the AMC in connection with the real estate appraisal activity, stated as a dollar amount.

(2) Notice to an appraiser pursuant to Subsection (1) does not require that an AMC disclose any algorithm, formula, or information about the propriety processes of the AMC.

(3)~~(2)~~ Within ten~~[40-]~~ business days of receiving a written request from an appraiser or any inquiry related to the business relationship between the appraiser and the AMC, an AMC shall reply to the appraiser in writing. An inquiry may address subjects including the AMC scorecard, appraiser panel status,

clarification on work assignments, training, or notice of the removal of an appraiser from an AMC panel as required by [Utah Code]Section 61-2e-306. If the AMC has requested appraisers send such inquiries to a specific address or email address, appraisers shall direct such inquiries as follows~~[accordingly]~~.

(a) if~~[if]~~ the AMC has determined to decrease the number of assignments to the appraiser the AMC's reply will explain the reason why the AMC has made this decision;

(b) if the AMC has determined to stop~~[cease]~~ offering assignments to the appraiser, the [the]AMC's reply will explain the reason why the AMC has made this decision; and

(c) if the AMC has determined to remove the appraiser from an appraiser panel, the AMC shall provide the appraiser notice as required by [Utah Code]Section 61-2e-306.

(4)~~(3)~~ Any written notice or reply required by this section from an AMC to an appraiser may be communicated:

(a) by email;

(b) in a written communication to the mailing address provided by the appraiser; or

(c) by posting to a private vendor website, portal, or other digital venue to which the appraiser has access for at least 30 days following posting of the notice.

~~[(4) For purposes of this Section, the term "general criteria" means a standard description of the factors the AMC considers when ranking or differentiating appraisers or tiers within a panel of appraisers. This does not require an AMC to disclose any algorithms, formulas, or information about proprietary processes.]~~

(5) In replying to a request from an appraiser, an AMC is not required to reply to subsequent or multiple requests if a request unreasonably duplicates a prior request from that person.

(6) In addition to the presumptions of compliance referenced in [Utah Code]Subsection 61-2e-304(2)(b), an AMC is presumed to be in compliance with the Utah requirement to pay appraisers a customary and reasonable fee if the AMC compensates an appraiser for a completed appraisal at a rate consistent with the fee schedule for the state [of Utah]as published by the United States Department of Veterans Affairs Denver Regional Loan Center Appraisal Fee Schedule, as the fee schedule is updated from time-to-time.

R162-2e-305. Employee Requirements.

(1) An AMC seeking registration shall demonstrate to the division that each person who selects an appraiser or conducts an appraisal review~~[reviews an appraiser's work]~~ for the AMC:

(a) is a licensed or certified appraiser in good standing; or

(b) has taken and passed a minimum of a four-hour USPAP instructive course~~[the 15-hour national USPAP course]~~.

(2) An AMC seeking renewal of the company's registration shall demonstrate to the division that each person who selects an appraiser or conducts an appraisal review~~[reviews an appraiser's work]~~ for the AMC:

(a) is a licensed or certified appraiser in good standing; or

(b) has taken and passed a minimum of a four-hour USPAP instructive~~[completed the seven-hour national USPAP update]~~ course.

R162-2e-401. Unprofessional Conduct.

(1) An entity that is registered or required to be registered with the division as an AMC pursuant to Section 61-2e-201 commits unprofessional conduct if the entity:

(a) requires an appraiser to modify any aspect of the appraisal report, unless the modification complies with Section 61-2e-307;

(b) unless first prohibited by the client or applicable law, prohibits or inhibits an appraiser from contacting:

(i) the client;

(ii) a person licensed under Title 61, Chapter 2c, Utah Residential Mortgage Practices and Licensing Act, or Title 61, Chapter 2f, Real Estate Licensing and Practices Act~~[Section 61-2e or Section 61-2f]~~; or

(iii) any other person with whom the appraiser reasonably needs to communicate ~~[in order]~~ to obtain information necessary to complete a credible appraisal report;

(c) requires the appraiser to do anything that does not comply with:

(i) USPAP; or

(ii) assignment conditions and certifications required by the client;

(d) makes any portion of the appraiser's fee or the AMC's fee contingent on a favorable outcome, including ~~[but not limited to]~~:

(i) a loan closing; or

(ii) a specific dollar amount being achieved by the appraiser in the appraisal report;

(e) requests, for ~~[the purpose of]~~ facilitating a mortgage loan transaction~~;~~[]]

(i) a broker price opinion; or

(ii) any other real property price or value estimation that does not qualify as an appraisal;

(f) charges an appraiser:

(i) for a service not ~~[actually]~~ performed; or

(ii) for a fee or cost that:

(A) is not accurately disclosed pursuant to Subsection R162-2e-304(1)(a)(ii); or

(B) exceeds the ~~[actual]~~ cost of a service provided by a ~~third-party~~^[third party];

(g) fails to pay the appraiser's fee within 45 days of completion of the appraisal assignment;

(h) uses or retains an employee to complete an appraisal assignment without first disclosing to the client that the appraiser is an employee of the company, such that the company is acting in the capacity of an appraisal firm rather than as an AMC pursuant to ~~[Utah Code]~~ Subsection 61-2e-102(4); or

(i) when acting in the capacity of an AMC pursuant to ~~[Utah Code]~~ Subsection 61-2e-102(4), uses or retains an employee appraiser to complete an appraisal assignment.

(2) An AMC commits unprofessional conduct and creates a violation by the appraiser of Subsection R162-2g-502b(1)(f) if the AMC requires the appraiser to:

(a) accept full payment; and

(b) remit a portion of the full payment back to the AMC.

(3) For purposes of applying Subsection (1)(g), an appraiser who completes an assignment is considered to be an employee of the AMC that offers the assignment if:

(a) Subsection R162-2e-102(9)(a)(i) describes the employment relationship between the appraiser and the AMC; or

(b) pursuant to Subsection R162-2e-102(9)(a)(ii), the appraiser is an employee of a company;

(i) that is wholly owned by the AMC; or

(ii) in which the AMC owns a controlling interest.

KEY: administrative proceedings, appraisal management company (AMC), conduct, AMC registry fee

Date of Last Change: 2024~~[December 12, 2018]~~

Notice of Continuation: January 15, 2020

Authorizing, and Implemented or Interpreted Law: 61-2e-102(4); 61-2e-103; 61-2e-307; 61-2e-305; 61-2e-402(1)

NOTICE OF PROPOSED RULE

TYPE OF FILING: New

Rule or Section Number:

R653-13

Filing ID: 56335

Agency Information

1. Department:	Natural Resources	
Agency:	Water Resources	
Room number:	310	
Building:	Natural Resources Building	
Street address:	1594 W North Temple, Suite 310	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146201	
City, state and zip:	Salt Lake City, UT 84114-6201	
Contact persons:		
Name:	Phone:	Email:
Carly Payne	801-538-7235	carlypayne@utah.gov
Marisa Egbert	801-538-7252	marisaegbert@utah.gov
Elizabeth Harris	385-395-0857	eharris@agutah.gov

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

General Information

2. Rule or section catchline:

R653-13. Acquisition and Disposal of Real Property Interests

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

Section 79-2-403 requires agencies within the Department of Natural Resources that buy, sell, or exchange real property to enact rules to ensure that the value of the real property is congruent with the proposed price and other terms of the purchase, sale, or exchange.

This proposed rule is to comply with the requirements of that statute.

4. Summary of the new rule or change:

This rule establishes that the Division of Water Resources (Division) may determine the fair market value of real property from a broker price opinion, a market analysis, or an appraisal.

It also identifies specific situations where these methods would not be required to establish the value.

Finally, this rule provides that in cases where the Division considers factors other than the monetary value in acquiring or disposing of property, the Division shall document the factors considered and the rationale for the purchase or sale.

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

The Division is expected to incur a small cost per property valued associated with this rule where the Division elects to obtain an appraisal to determine value, a cost that is contemplated by the statute directing the Division to establish this rule.

The exact amount cannot be estimated because it is unknown how many properties will need to be valued over the life of the rule.

However, the cost to appraise a property is expected to be small, and would have a nominal affect on the state or agency budget.

B) Local governments:

This rule will not have a financial impact on local governments.

This rule only affects how the Division values and disposes of real property interests.

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

This rule will not have a financial impact on small businesses.

This rule only affects how the Division values and disposes of real property interests.

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

This rule will not have a financial impact on non-small businesses.

This rule only affects how the Division values and disposes of real property interests.

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

No anticipated impacts to others different than to local governments and small businesses, see previous responses above.

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

The Division is expected to incur a small cost per property valued associated with this rule where the Division elects to obtain an appraisal to determine value, a cost that is contemplated by the statute directing the Division to establish this rule.

The exact amount cannot be estimated because it is unknown how many properties will need to be valued over the life of this rule.

However, the cost to appraise a property is expected to be small and would have a nominal affect on the state or agency budget.

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 79-2-403		

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:	04/15/2024

9. This rule change MAY become effective on:	04/22/20214
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:	Candice Hasenyager, Director	Date:	01/17/2024
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R653. Natural Resources, Water Resources.

R653-13. Acquisition and Disposal of Real Property Interests.

R653-13-1. Purpose and Authority.

- (1) This rule is made pursuant to Section 79-2-403.
- (2)(a) The division may acquire real property or an interest in real property through any legal means, as provided by law, to fulfill its mission and legislative mandates.
- (b) If the division determines that any real property or interest in real property is no longer necessary for the purpose for which it was acquired, the division may lease, sell, exchange, or otherwise dispose of the real property or interest in real property.
- (3) When acquiring or disposing of real property or an interest in real property, the division shall consider and weigh the various economic and social values associated with the subject property in an effort to maintain a level of congruency between the compensation for the subject property and its values.

R653-13-2. Definitions.

- For purposes of this rule:
- (1) "Appraisal" means an unbiased analysis, opinion, or conclusion, prepared by a state-certified general appraiser, that estimates the monetary market value of an identified parcel of real estate or identified real property interest at a particular point in time.
- (2) "Broker price opinion" means an unbiased estimate of value of real property or an interest in real property prepared by a state-licensed real estate broker.
- (3) "Division" means the Division of Water Resources or the Board of Water Resources.
- (4) "Director" means the Director of the Division of Water Resources.
- (5) "Value" means an opinion of the worth of an identified parcel of real property or interest therein at a specific time and may be comprised of one or more of the following values: assessed value, insurable value, use value, investment value, going-concern value, business enterprise value, market value, and public interest value.

R653-13-3. Obtaining an Opinion of Value.

- (1) When purchasing or disposing of real property or an interest in real property, except as provided in Subsection (2), the division may determine the value using one or more of the following methods:
- (a) a broker price opinion;
- (b) a market analysis, which may include an appraisal, a broker price opinion, market conditions analysis, or market demand analysis; or
- (c) an appraisal.
- (2) A broker price opinion, market analysis, or appraisal may not be required if:
- (a) the transaction involves a water right;
- (b) the division estimates the market value of the subject property is less than \$100,000;
- (c) the asking price for the real property is considerably below prevailing market conditions, as estimated by the division;
- (d) the asking price for the real property is reasonably in line with prevailing market values and conditions, but the division will lose the opportunity to purchase the property if time is taken to conduct a broker price opinion, market analysis, or appraisal before making an offer;
- (e) an appraisal has been conducted on the subject property interest within the past 12 months;
- (f) the real property interest will be transferred to or exchanged with another state agency or political subdivision and that agency or political subdivision will use the property for a public purpose;
- (g) the real property is being conveyed through an auction;
- (h) the real property interest is a right-of-way, easement, lease, or other less-than-fee interest that is not perpetual; or
- (i) where the director has determined, through a written finding, that the cost of obtaining the broker price opinion, market analysis, or appraisal is not justified or in the best interest of the state.
- (3) When values other than monetary market value are considered in addition to or in place of a broker price opinion, market analysis, or appraisal, the division shall create and keep a memo-to-file describing:
- (a) the division's consideration of said values;
- (b) the division's rationale in said consideration relative to the proposed price and other terms of the purchase, sale, or exchange; and

(c) the acquisition or disposal decision made by the division.

(4) Nothing in this rule shall be construed as requiring the division when selling or disposing of real property or an interest in real property to solicit bids, advertise its interest in selling, or otherwise use a competitive solicitation process for finding potential buyers.

KEY: acquisition and disposal of real property interests

Date of Last Change: 2024

Authorizing, and Implemented or Interpreted Law: 79-2-403

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends April 15, 2024.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through July 15, 2024, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Rule or Section Number:	R58-11	Filing ID: 56256
Date of Previous Publication:	01/01/2024	

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. Reason for this change:
The agency is removing the term "fixed" from this rule to allow establishments to utilize mobile slaughter units.
4. Summary of this change:
Since the publication of this rule change, the Department of Agriculture and Food (Department) has received public comment from various agricultural producers arguing that the requirement to operate 20,000 bird exempt facilities in a fixed establishment is unduly burdensome.
The Department previously felt that 20,000 bird exempt producers could not satisfy federally mandated sanitation requirements without a fixed facility, however, has reconsidered this position. This change in the proposed

rule removes the term "fixed establishment" in Subsection R58-11-8(4).

(EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the January 1, 2024, issue of the Utah State Bulletin, on page 9. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or expense to the state budget because the Department's costs associated with enforcement of this rule will not change.
The Department will continue to educate federally exempt producers to help them achieve compliance with this rule.
B) Local government:
Local governments will not be impacted because local governments are not involved in slaughter or inspection of slaughter facilities.
C) Small businesses ("small business" means a business employing 1-49 persons):
Small businesses will not be impacted. Compliance costs will remain the same.
Processors that were previously unable to process over 1,000 birds without a fixed facility will be able to process additional birds.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Non-small businesses will not be impacted. Compliance costs will remain the same.
Processors that were previously unable to process over 1,000 birds without a fixed facility will be able to process additional birds.
E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Other persons will not be impacted because they do not operate as poultry processors.

F) Compliance costs for affected persons:

There are no changes in compliance costs for affected persons.

The updated rule does not impact the compliance requirements of 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	\$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)

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: 04/15/2024

9. This rule change MAY become effective on: 04/22/2024

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:	02/16/2024
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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 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.

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

(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.

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

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

NOTICES OF CHANGES IN PROPOSED RULES

(9) "Farm Custom Slaughtering" means the slaughtering, skinning, and preparing of livestock and poultry by humane means for human consumption that is done at a place other than a licensed slaughtering house by a person who is not the animal owner.

(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.

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

(13) "Licensee" means a person with a valid Farm Custom Slaughtering License.

(14) "Misbranded" means 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.

(16) "Owner" means a person holding legal title to an animal.

R58-11-3. Sanitation Standards.

(1) Any person operating in an official establishment shall clean and sanitize food-contact surfaces and non-food-contact surfaces 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) Any chemicals used 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, unloading, and transportation.

(2) 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 prevent product adulteration.

(c)(i) The grounds shall be maintained to prevent the entry of rodents, insects, or animals into areas where there is product.

(ii) Each opening leading to the outside or 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.

(e) Any pest control substance used shall be safe and effective under the conditions of use and 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 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 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 running water that complies with the National Primary Drinking Water Regulations, 40 CFR 141, at a suitable temperature and under pressure as needed, 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 information available to the inspector, upon request.

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

(5) Each official establishment shall be maintained during slaughtering and processing 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 where products are processed, stored, or handled.

(7) Any person operating in an official establishment shall handle and maintain inedible material to prevent the diversion of inedible animal products into human food channels and prevent the adulteration of human food.

R58-11-4. Farm Custom Slaughtering License.

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

(2)(a) An application for a Farm Custom Slaughtering License 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 and the license number.

(3)(a) Farm Custom Slaughtering 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 change of ownership or vehicle license will require a person to file a new application with the department.

(4) The department will not recognize a Farm Custom Slaughtering Licensure 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 Legislature, before the department issues the license~~issuance~~.

R58-11-5. Equipment and Sanitation Requirements.

(1) Any vehicle or unit used for farm custom slaughtering shall be maintained consistent with the sanitation standards in Section R58-11-3.

(2)(a) Any vehicle or unit shall incorporate a tripod or rail that can lift a carcass to a height that enables the carcass to clear the ground for bleeding and evisceration.

(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 shall be of approved construction with a minimum capacity of 40 gallons.

(c) A licensee shall maintain each water system according to sanitary standards and use only potable water.

(5) A licensee shall fill a sanitation tank large enough to allow complete immersion of each tool used for slaughtering 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 with an approved chemical agent after thoroughly cleaning the equipment.

(ii) Chloramine, hypochlorite, quaternary ammonium or other approved chemical compounds may be used for this purpose, and a concentration shall be maintained sufficient 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 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) Pursuant to 9 CFR 325.13, any licensee may denature inedible product and offal with either an approved denaturing agent or 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, misbranded, or mislabeled;

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

(c) deliver carcasses to be placed under refrigeration at or below 40 degrees Fahrenheit within one hour of slaughter.

(~~f~~10) A licensee shall thoroughly clean each unit or vehicle after each daily use.

(11) A licensee shall clean and sanitize any food-contact and non-food-contact surfaces of utensils and equipment as necessary to prevent the creation of insanitary conditions and the adulteration of carcasses and parts.

(12) A licensee shall protect carcasses from adulteration during processing, handling, storage, loading, unloading, and transportation to processing establishments.

(13) A licensee shall clean and sanitize knives, scabbards, saws, and other food-contact surfaces before slaughter and as needed to prevent adulteration.

(14) A licensee shall clean and sanitize equipment after each slaughter and immediately before each slaughter.

(15) A licensee shall place and properly denature inedible in designated containers. The inedible containers shall be:

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

(ii) kept clean and properly separated from edible carcasses to prevent adulteration.

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

(17) Outer clothing a licensee wears while handling exposed carcasses shall be clean.

(18) A licensee with a communicable disease, who is a disease carrier, or who infected with boils, infected wounds, sores, or an acute respiratory infection may not participate in livestock slaughtering.

(19) A licensee shall use the hand wash facilities as needed to maintain good personal hygiene.

R58-11-6. Slaughtering Procedures of Livestock.

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

(2) If a licensee uses a slaughter area for repeated kills, the licensee shall maintain the area to prevent blood from collecting, running off onto adjacent property, or contaminating a water source.

(3) A licensee shall remove and dispose of any hides, viscera, blood, pounce material, and tissue at a rendering facility, landfill, composting, or burial as allowed by law.

(4) A licensee shall make each animal insensible to pain by a single blow, gunshot, electrical shock, or other means that is instantaneous and effective before the animal is shackled, hoisted, thrown, cast, or cut.

(5)(a) A licensee shall hoist and bleed each animal as soon after stunning as possible to utilize post-stunning heart action and to obtain complete bleeding.

(b) A licensee shall move carcasses away from the bleeding area for skinning and butchering.

(6) A licensee shall:

(a) handle the carcass and head skin without contaminating the neck tissue by leaving the ears on the hide and tying the head skin;

(b) remove the feet before the carcass is otherwise cut;

(c) except for skinning and starting skinning procedures, cut the skin from the inside outward to prevent carcass contamination with cut hair; and

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(d) carefully roll or reflect away the hair side of the hide from the carcass during skinning[–]when the carcass is moved from the skinning bed, caution should be taken to prevent exposed parts from contacting adulterating surfaces.

(7)(a) Before evisceration, a licensee shall tie the rectum, including the bladder neck, to prevent urine and fecal leakage.

(b) A licensee shall take care while opening abdominal cavities to prevent carcass or viscera contamination.

(8)(a) A licensee shall trim hair, dirt, and other accidental contamination before washing.

(b) Washing should proceed from the carcass top downward to 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) Pursuant to Section 4-24-304, it shall be unlawful for any licensee to slaughter livestock 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 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 Farm Custom slaughter identification tags from a department Brand Inspector for a fee of \$1 each.

(ii) The department requires these tags on beef, pork, and sheep.

(2)(a) The Custom Slaughter-Release Permit or Farm Custom Slaughter Tag shall include an affidavit with a signed statement that 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."

(b) In addition to this affidavit, the owner or designee will record the following information:

- (i) date;
- (ii) owner's name, address, and telephone number;
- (iii) animal description, including brands and marks;
- (iv) Farm Custom Slaughter Tag number;
- (v) location of slaughter;
- (vi) name of licensee;
- (vii) licensee permit number; and
- (viii) carcass destination.

(3) Before slaughter, the licensee shall prepare the Farm Custom Slaughter Tag with complete and accurate information.

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

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

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

(5) A 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;

(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;

(iii) only the owner or an employee performs the slaughtering or processing of the poultry;

(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 person may slaughter or process poultry belonging to another person if:

(i) local ordinances do not prohibit slaughtering or processing poultry;

(ii) the person does not engage in the business of buying or selling poultry products capable of use as human food;

(iii) the poultry is healthy when slaughtered;

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

(v) the person using a unit or vehicle for farm custom slaughtering constructs the unit or vehicle to permit maintenance according to sanitation standards; and

(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.

(b) A poultry producer or grower may slaughter no more than 1,000 birds of their 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 slaughters or processes 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, 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.

(b) A poultry producer or grower may slaughter no more than 20,000 healthy birds of their 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 slaughters or processes ~~[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 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)~~^(c) 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.

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

(i) a poultry grower who slaughters and processes poultry raised for sale directly to household consumers, restaurants, hotels, and boarding houses to be used in homes and dining rooms to prepare meals served or sold directly to customers; or

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

(c) A business may slaughter and process poultry under this exemption if:

(i) local ordinances do not prohibit slaughtering or processing poultry;

(ii) the producer or grower or other person slaughters for processing and sale direct to household consumers, restaurants,

hotels, and boarding houses for use in dining rooms or the preparation of meals sold directly to customers;

(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;

(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;

(v) the poultry products do not move in commerce;

(vi) 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 slaughters or processes 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)".

(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.

(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.

(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 limits the processing of the slaughtered poultry to the cutting up; or

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

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

(i) local ordinances do not prohibit slaughtering or processing poultry;

(ii) the business limits the processing of federal or state inspected, or exempt poultry products 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;

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(iii) the business slaughters or processes 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 is not used to slaughter or process another person's poultry; and

(v) 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)."

(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)(a) Each producer or grower shall notify the department five business days before slaughtering and processing.

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

(i) the date;

(ii) the time; and

(iii) the location.

(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 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.

(4) Producers or growers may not process on the same day as any other producer or grower.

R58-11-10. Enforcement Procedures.

(1) 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.

(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.

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

(4) A license may be suspended when:

(a) the department has reason to believe that an eminent public health hazard exists;

(b) insanitary conditions are such that carcasses would be 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.

(5)(a) The department may, pursuant to 9 CFR 500, suspend or terminate any exemption with respect to any person when 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.

(6) When a violation may have occurred, the department may send a warning letter to the licensee that specifies the violations and affords the holder a reasonable opportunity to correct them.

(7) When a licensee has been notified by the department that suspected violations have occurred or when the department suspends a license, the licensee may have an opportunity for a hearing to state their views before the department.

(8)(a) Any person whose license has been suspended may apply for reinstatement.

(b) The department may re-evaluate the applicant and conditions.

(c) The department may reinstate the license if the applicant has demonstrated to the department that they will comply with the rules.

(9) The department may detain or embargo 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 may be detained or embargoed.

(10) The department may denature or destroy meat determined to be unfit for human consumption.

KEY: food inspections, slaughter, livestock, poultry

Date of Last Change: 2024

Notice of Continuation: December 19, 2019

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

End of the Notices of Changes in 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: R23-23 Filing ID: 55143

Effective Date: 02/27/2024

Agency Information

1. Department: Government Operations

Agency: Facilities Construction and Management

Room number: 3626

Building: Taylorsville State Office Building

Street address: 4315 S 2700 W, 3rd Floor

City, state and zip: Taylorsville, UT 84129

Contact persons:

Name: Phone: Email:

Mike Kelley 801-957-7239 mkelley@agutah.gov

Michelle Adams 801-957-7240 michelledadams@agutah.gov

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

General Information

2. Rule catchline:

R23-23. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 63A-5b-607(8) explicitly requires this rule with several other agencies to:

1) establish the requirements and procedures a contractor and a subcontractor shall follow to demonstrate compliance with this section, including audits and penalties; and

2) establish a website on which shall be posted the commercially equivalent benchmark for the qualified health coverage that is provided by the Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).

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

No written comments have been received 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:

Subsection 63A-5b-607(8) continues to require this rule. Therefore, this rule should be continued

Agency Authorization Information

Agency head or designee and title: James R. Russell, Director Date: 02/27/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R384-100	Filing ID: 55895
Effective Date:	02/22/2024	

Agency Information

1. Department:	Health and Human Services	
Agency:	Population Health, Health Promotion and Prevention	
Room number:	227	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City UT 84116	
Mailing address:	PO Box 142107	
City, state and zip:	Salt Lake City, UT 84114-2107	
Contact persons:		
Name:	Phone:	Email:
Marie Nagata	385-465-5949	mnagata@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R384-100. Cancer Reporting 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:
Section 26B-1-202 and Title 26B, Chapter-227 authorize this rule.
Through routine reporting of cancer cases, trends in cancer incidence and mortality can be monitored and prevention and control measure evaluated.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This Cancer Reporting Rule is adopted to specify the reporting requirements for cases of cancer, allowing for evaluation, and prevention efforts. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/22/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R384-200	Filing ID: 50897
Effective Date:	02/22/2024	

Agency Information

1. Department:	Health and Human Services	
Agency:	Population Health, Health Promotion and Prevention	
Room number:	227	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142107	
City, state and zip:	Salt Lake City, UT 84114-2107	
Contact persons:		
Name:	Phone:	Email:
Marie Nagata	385-465-5949	mnagata@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R384-200. Cancer Control 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 26B-7-227 requires the Department of Health and Human Services (Department) to establish and operate a reasonable program to prevent, delay, and detect the onset of chronic diseases, including cancer.

Sections 26B-1-202 and 26B-7-227 authorize this rule, which governs program eligibility, benefits, and administration for the Utah Cancer Control and BeWise Programs.

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

The Department has not received any comments supporting or opposing this rule since its last five-year review.

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

The Utah Cancer Control and BeWise Programs continue to receive funding to provide screening services to women in Utah and render specific data elements to fulfill part of the funding requirements. Without continuation of this rule, those programs' eligibility, benefits, and administration would not be governed as required by statute. Therefore, this rule should be continued.

As there were no comments received in opposition to this rule, the Department did not respond to comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/22/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R384-203	Filing ID:	56021
Effective Date:	02/20/2024		

Agency Information

1. Department:	Health and Human Services	
Agency:	Population Health, Health Promotion and Prevention	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142106	
City, state and zip:	Salt Lake City, UT 84114-2106	
Contact persons:		
Name:	Phone:	Email:
Gary Mower	385-602-4171	gdmower@utah.gov

Mariah Noble	385-214-1150	mariahnoble@utah.gov
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:

R384-203. Prescription Drug Database Access

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule establishes procedures and application processes pursuant to Subsection 58-37f-301(2)(f) for the Utah Department of Health and Human Services Executive Director to allow access to the Utah Controlled Substance Database by a designated and assigned person to conduct scientific studies regarding the use or abuse of controlled substances, who is not an employee of the Department of Health and Human Services.

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

No comments have been received since the last five-year review of this rule.

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

This rule is necessary because the database is still in operation and researchers are still requesting data from it. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/20/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R432-7	Filing ID:	51050
Effective Date:	02/23/2024		

Agency Information

1. Department:	Health and Human Services		
Agency:	Health Care Facility Licensing		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		

Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R432-7. Specialty Hospital - Psychiatric Hospital Construction
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 26B-2-202 authorizes the Office of Licensing (Office) to write and enforce rules to govern licensure of health care facilities in Utah.
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 and no recommended substantive changes from the Health Care Facility Rule Committee.
Aside from recodification and the Rulewriting Manual for Utah compliance edits, there have been no comments or recommendations for changes to this rule over the past five years.
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 five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.
Statute requires the Office to write and enforce rules pertaining to the construction of psychiatric specialty hospitals. This rule ensures there is no lapse in oversight of the construction requirements for psychiatric specialty hospitals. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/20/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R432-8	Filing ID: 55382
Effective Date:	02/23/2024	

Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Facility Licensing	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R432-8. Specialty Hospital - Substance Use Disorder Construction
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 26B-2-202 authorizes the Office of Licensing (Office) to write and enforce rules to govern licensure of health care facilities in Utah.
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 and no recommended substantive changes from the Health Care Facility Rule Committee since the most recent activation of this rule.
Aside from recodification and the Rulewriting Manual for Utah compliance edits, there have been no comments or recommendations for changes to this rule over the past five years.
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 five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.

Statute requires the Office to write and enforce rules pertaining to the construction of substance use disorder specialty hospitals. This rule ensures there is no lapse in oversight of the construction requirements for substance use disorder specialty hospitals. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/20/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R432-9	Filing ID:	55932
Effective Date:	02/23/2024		

Agency Information

1. Department:	Health and Human Services		
Agency:	Health Care Facility Licensing		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Contact persons:			
Name:	Phone:	Email:	
Janice Weinman	385-321-5586	jweinman@utah.gov	
Mariah Noble	385-214-1150	mariahnoble@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R432-9. Specialty Hospital - Rehabilitation Construction 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:
Section 26B-2-202 authorizes the Office of Licensing (Office) to write and enforce rules to govern licensure of health care facilities in Utah.
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 and no recommended substantive changes from the Health Care Facility Rule Committee.

Aside from recodification and the Rulewriting Manual for Utah compliance edits, there have been no comments or recommendations for changes to this rule over the past five years.

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 five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.

Statute requires the Office to write and enforce rules pertaining to the construction of rehabilitation specialty hospitals. This rule ensures there is no lapse in oversight of the construction requirements for rehabilitation specialty hospitals. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/20/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R432-10	Filing ID:	55122
Effective Date:	02/23/2024		

Agency Information

1. Department:	Health and Human Services		
Agency:	Health Care Facility Licensing		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Contact persons:			
Name:	Phone:	Email:	
Janice Weinman	385-321-5586	jweinman@utah.gov	
Mariah Noble	385-214-1150	mariahnoble@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R432-10. Specialty Hospital - Long-Term Acute Care Construction 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:
Section 26B-2-202 authorizes the Office of Licensing (Office) to write and enforce rules to govern licensure of health care facilities in Utah.
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 and no recommended substantive changes from the Health Care Facility Rule Committee.
Aside from recodification and the Rulewriting Manual for Utah compliance edits, there have been no comments or recommendations for changes to this rule over the past five years.
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 five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.
Statute requires the Office to write and enforce rules pertaining to the construction of long-term acute care specialty hospitals. This rule ensures there is no lapse in oversight of the construction requirements for long-term acute care specialty hospitals. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/20/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R432-11	Filing ID:	55347
Effective Date:	02/23/2024		

Agency Information

1. Department:	Health and Human Services
Agency:	Health Care Facility Licensing
Building:	MASOB
Street address:	195 N 1950 W

City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R432-11. Orthopedic Hospital Construction
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 26B-2-202 authorizes the Office of Licensing (Office) to write and enforce rules to govern licensure of health care facilities in Utah.
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 and no recommended substantive changes from the Health Care Facility Rule Committee since the most recent activation of this rule.
Aside from recodification and the Rulewriting Manual for Utah compliance edits, there have been no comments or recommendations for changes to this rule over the past five years.
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 five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.
Statute requires the Office to write and enforce rules pertaining to the construction of orthopedic specialty hospitals. This rule ensures there is no lapse in oversight of the construction requirements for orthopedic specialty hospitals. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/20/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R432-12	Filing ID: 55686
Effective Date:	02/28/2024	

Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Facility Licensing	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R432-12. Small Health Care Facility-4 to 16 Beds-Construction 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:
Section 26B-2-202 authorizes the Office of Licensing (Office) to write and enforce rules to govern licensure of health care facilities in Utah.
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 and no recommended substantive changes from the Health Care Facility Rule Committee.
Aside from recodification and the Rulewriting Manual for Utah compliance edits, there have been no comments or recommendations for changes to this rule over the past five years.
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 five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.

Statute requires the Office to write and enforce rules pertaining to the construction of small (4-16 bed) healthcare facilities. This rule ensures there is no lapse in oversight of the construction requirements for small (4-16 bed) healthcare facilities. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/28/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R433-200	Filing ID: 55924
Effective Date:	02/20/2024	

Agency Information

1. Department:	Health and Human Services	
Agency:	Family Health, Maternal and Child Health	
Room number:	3032	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144610	
City, state and zip:	Salt Lake City, UT 84114-4610	
Contact persons:		
Name:	Phone:	Email:
Nickee Andjelic	801-273-2869	npalacios@utah.gov
Alexis Weight	801-273-2956	abweight@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R433-200. Pharmacist Hormonal Contraception Dispensing Authority

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 26B-4-505 authorizes this rule to establish a protocol required for standing prescription drug orders for a self-administered hormonal contraceptive.

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

No comments have been received since the last five-year review.

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 essential as it defines the stakeholder requirements that are necessary for carrying out the statute. Therefore, this rule should be continued.

The Department of Health and Human Services (Department) anticipates no amendments to this rule following the recent consolidation and recodification of the Department's statute.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/20/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R539-2	Filing ID:	55878
Effective Date:	02/28/2024		

Agency Information

1. Department:	Health and Human Services	
Agency:	Services for People with Disabilities	
Room number:	4th Floor	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 145145	
City, state and zip:	Salt Lake City, UT 84114-5145	
Contact persons:		
Name:	Phone:	Email:
Bruce Quaglia	435-669-4855	bquaglia@utah.gov

Mariah Noble	385-214-1150	mariahnoble@utah.gov
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R539-2. Service Coordination

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsections 26B-6-403(2)(b), 26B-6-403(2)(l), and 26B-6-403(2)(q) authorize and establish the Division of Services for People with Disabilities' (Division) responsibilities for service coordination.

This rule (specifically Section R539-2-4) operationalizes the needs assessment questionnaire that the Division is mandated by Subsection 26B-6-402(4)(a) to administer in rule. The needs assessment questionnaire determines who will enter services from the waiting list based upon statutory categories of severity of disability, caregiver ability, time spent waiting, and urgency of need.

Rule R539-2 further describes the process for how services are accessed once a person enters Division services, as mandated broadly by statute in Subsections 26B-6-403(2)(b), 26B-6-403(2)(l), and 26B-6-403(2)(q).

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 in support of or opposition to 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:

This rule is necessary to establish standards and procedures for administration of the Division's service system, as required by statute. Therefore, this rule should be continued.

As there were no comments received in opposition to this rule, the Department of Health and Human Services did not respond to comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/28/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R784-1	Filing ID: 52004
Effective Date:	02/16/2024	

Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Salt Lake Community College	
Room number:	211 P	
Building:	AAB	
Street address:	4600 S Redwood Road	
City, state and zip:	Taylorsville, UT 84123	
Contact persons:		
Name:	Phone:	Email:
Jen Hughes	801-957-4637	Jen.hughes@slcc.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R784-1. Government Records Access and Management Act Rules
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 63G-2-204(3) permits government entities to make rules that specify where and to whom requests for access shall be directed.

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:

Salt Lake Community College has not received any written comments since the last five-year review either in support or opposition 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 justified because Salt Lake Community College is a government entity that is subject to records requests under the Government Records Access and Management Act. Therefore, this rule should be continued.

As there were no comments received regarding this rule, no disagreements were made.

Agency Authorization Information

Agency head or designee and title:	Chris Lacombe, General Counsel	Date:	02/16/2024
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

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). 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 REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Rule Number:	R448-10	Filing ID: 51116
New Deadline Date:	08/03/2024	

Agency Information

1. Department:	Health and Human Services	
Agency:	Disease Control and Prevention, Medical Examiner	
Building:	Utah Public Health Laboratory Phase 2	
Street address:	4451 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Erik Christensen, MD	801- 816- 3850	edchristensen@utah.gov
Michael Staley, PhD	801- 816- 3860	mstaley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R448-100. Unattended Death and Reporting Requirements
3. Reason for requesting the extension:
The Department of Health and Human Services is planning to repeal this rule entirely because the contents of this rule has been put into statute, rendering Rule R448-10 redundant.
However, the current expiration date would cause this rule to expire before the repeal has sufficient time to complete its mandatory public comment and public comment review period. A five-year review extension would allow time for the repeal to be made effective and remove this rule through the proper process before this rule expires in a way that could cause confusion.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/27/2024
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Agriculture and Food

Animal Industry

No. 56244 (Repeal and Reenact) R58-7: Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons
Published: 01/01/2024
Effective: 02/14/2024

Regulatory Services

No. 56267 (Amendment) R70-410: Grading and Inspection of Small Shell Egg Producers
Published: 01/15/2024
Effective: 02/28/2024

Capitol Preservation Board (State)

Administration

No. 56243 (Amendment) R131-2: Capitol Hill Complex Facility Use
Published: 01/15/2024
Effective: 02/21/2024

Cultural and Community Engagement

Pete Suazo Utah Athletic Commission

No. 56203 (Amendment) R457-1: Pete Suazo Utah Athletic Commission Act Rule
Published: 01/01/2024
Effective: 02/20/2024

Education

Administration

No. 56284 (Amendment) R277-100: Definitions for Utah State Board of Education (Board) Rules
Published: 02/01/2024
Effective: 03/11/2024

No. 56285 (New Rule) R277-111: Board Oversight Framework
Published: 02/01/2024
Effective: 03/11/2024

No. 56286 (Amendment) R277-114: Corrective Action and Withdrawal or Reduction of Program Funds

Published: 02/01/2024
Effective: 03/11/2024

No. 56287 (Amendment) R277-304: Teacher Preparation Programs

Published: 02/01/2024
Effective: 03/11/2024

No. 56288 (Amendment) R277-716: Alternative Language Services for Utah Students

Published: 02/01/2024
Effective: 03/11/2024

Health and Human Services

Disease Control and Prevention, Immunization

No. 56044 (Amendment) R396-100: Immunization Rule for Students
Published: 11/15/2023
Effective: 02/25/2024

Data, Systems and Evaluation, Vital Records and Statistics

No. 55963 (Amendment) R436-8: Authorization for Final Disposition of Deceased Persons
Published: 11/15/2023
Effective: 02/22/2024

No. 55915 (Amendment) R436-19: Abortion Reporting

Published: 11/15/2023
Effective: 02/22/2024

Utah Public Health Laboratory Environmental Lab Certification Program

No. 56119 (Amendment) R444-1: Approval of Clinical Laboratories
Published: 11/15/2023
Effective: 02/22/2024

Ombudsman (Office of)

No. 56065 (New Rule) R500-1: Processing Complaints Regarding the Utah Division of Child and Family Services
Published: 11/15/2023
Effective: 02/22/2024

No. 56207 (New Rule) R500-2: Disabilities Ombudsman Program
Published: 12/15/2023
Effective: 02/22/2024

Aging and Adult Services

No. 56063 (Amendment) R510-302: Adult Protective Services
Published: 11/15/2023
Effective: 02/22/2024

Child Protection Ombudsman (Office of)

No. 56066 (Repeal) R515-1: Processing Complaints Regarding the Utah Division of Child and Family Services
Published: 11/15/2023
Effective: 02/22/2024

Substance Use and Mental Health

No. 56051 (Repeal) R523-1: General Provisions
Published: 11/15/2023
Effective: 02/22/2024

Juvenile Justice and Youth Services

No. 55914 (Repeal and Reenact) R547-13: Guidelines for Admission to Secure Youth Detention Facilities
Published: 11/15/2023
Effective: 02/27/2024

Insurance

Administration

No. 56266 (Repeal and Reenact) R590-167: Individual, Small Employer, and Group Health Benefit Plan Rule
Published: 01/15/2024
Effective: 02/21/2024

No. 56282 (Amendment) R590-271: Data Reporting for Consumer Quality Comparison
Published: 02/01/2024
Effective: 03/11/2024

Natural Resources

State Parks

No. 56188 (Amendment) R651-633: Special Closures or Restrictions
Published: 01/01/2024
Effective: 02/15/2024

Wildlife Resources

No. 55876 (Amendment) R657-13: Prohibited Fish List
Published: 02/01/2024
Effective: 03/13/2024

No. 56276 (Amendment) R657-33: Taking Bear
Published: 02/01/2024
Effective: 03/13/2024

No. 56281 (Amendment) R657-51: Poaching-Reported Reward Permits
Published: 02/01/2024
Effective: 03/13/2024

No. 56277 (Amendment) R657-62: Drawing Application Procedures

Published: 02/01/2024
Effective: 03/13/2024

Public Safety

Driver License

No. 55755 (Repeal and Reenact) R708-31: Ignition Interlock Systems
Published: 10/15/2023
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No. 55755 (Change in Proposed Rule) R708-31: Ignition Interlock Systems

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No. 55756 (Repeal and Reenact) R708-48: Ignition Interlock System Program

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No. 55756 (Change in Proposed Rule) R708-48: Ignition Interlock System Program

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Higher Education (Utah Board of)

Administration

No. 56252 (New Rule) R765-264: Student Religious Accommodations.
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No. 56231 (New Rule) R765-545: Prohibitions on and Disclosures of Foreign Donations to Higher Education Institutions

Published: 01/01/2024
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No. 56230 (Amendment) R765-611: Veterans Tuition Gap Program

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No. 56253 (New Rule) R765-612: Opportunity Scholarship

Published: 01/01/2024
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No. 56232 (New Rule) R765-614: Public Safety Officer Career Advancement Grant Program

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NOTICES OF RULE EFFECTIVE DATES

No. 56233 (New Rule) R765-616: Adult Learner Grant Program
Published: 01/01/2024
Effective: 02/14/2024

No. 56234 (New Rule) R765-625: International Internship Scholarship Pilot Program Fund
Published: 01/01/2024
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No. 56239 (Amendment) R765-620: Access Utah Promise Scholarship Program
Published: 01/01/2024
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No. 56235 (New Rule) R765-627: First Responder Mental Health Services Grant
Published: 01/01/2024
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No. 56240 (Amendment) R765-621: Terrell H. Bell Education Scholarship Program
Published: 01/01/2024
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No. 56236 (New Rule) R765-628: WICHE Professional Student Exchange Program
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No. 56241 (New Rule) R765-624: Utah Promise Partner Program
Published: 01/01/2024
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No. 56251 (New Rule) R765-1010: Data Breaches
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End of the Notices of Rule Effective Dates Section

