

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed July 16, 2024, 12:00 a.m. through August 01, 2024, 11:59 p.m.

Number 2024-16  
August 15, 2024

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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Utah state bulletin.

Semimonthly.

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

KFU440.A73S7

348.792'025--DDC

85-643197

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## NOTICES OF PROPOSED RULES

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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 July 16, 2024, 12:00 a.m., and August 01, 2024, 11:59 p.m. are included in this, the August 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 September 16, 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 December 13, 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.

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**The Proposed Rules Begin on the Following Page**

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Repeal and Reenact

**Rule or Section Number:**

**R58-15**

**Filing ID: 56684**

**Agency Information**

<b>1. Title catchline:</b>	Agriculture and Food, Animal Industry	
<b>Building:</b>	Taylorsville State Office Buildings, South Bldg, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 16500	
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R58-15. Collection of Annual Fees for the Wildlife Damage Prevention Act
<b>3. Purpose of the new rule or reason for the change:</b>
Section 4-23-102 creates the Agricultural and Wildlife Damage Prevention Act to maintain agricultural production while at the same time, to promote, to protect, and preserve the wildlife resources of the state.  This rule clarifies the authority and responsibilities of the board and provides information about how and when the Department of Agriculture and Food (Department) may collect the fee to administer Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act.  This rule filing is a repeal and reenact because more than 50% of the rule was updated to align with the Rulewriting Manual for Utah and the revisions in the statute.
<b>4. Summary of the new rule or change:</b>
Since previous legislative sessions have passed bills with updates to various sections of Title 4, Chapter 23, this rule needs updates to align with statute.  The revisions include: 1) updating the title of the rule, 2) adding applicable definitions, 3) adding a section that identifies the board's responsibilities, and 4) the other revisions provide clarifying information on how and when the Department may collect the predator control fee and any exemptions.  The revisions provide clarifying information to align with Subsection 23A-11-402(2) by identifying that the Department shall collaborate with the Utah Division of Wildlife Resources (UDWR) to not duplicate predator control services and shall record payments of the fee to determine eligibility for producers for depredation compensation and predator control services.  The proposed changes clarify and align the rule with Title 4, Chapter 23, the Rulewriting Manual for Utah, and do not change the program requirements.

**Fiscal Information**

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

**A) State budget:**

The program requirements are not changing, and the proposed changes will not impact the state budget.

**B) Local governments:**

Local governments do not collect the fee and do not administer the program requirements, so this rule does not impact local governments.

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

The changes in this rule will not impact small businesses' because they do not administer the program and the requirements are not changing.

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

The changes in this rule will not impact a non-small businesses' because the program requirements are not changing.

**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 in this rule will not impact other persons because the program requirements are not changing.

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

The compliance costs for the program requirements are not changing as defined in the statute.

**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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Commissioner of the Department of Agriculture and Food, Craig 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 4-23-105(1)	Section 4-23-107	Subsection 4-2-103(1)(i)
------------------------	------------------	--------------------------

**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.)

<b>A) Comments will be accepted until:</b>	09/16/2024
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<b>9. This rule change MAY become effective on:</b>	09/23/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig Buttars, Commissioner	<b>Date:</b>	07/31/2024
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**R58. Agriculture and Food, Animal Industry.**

~~**R58-15. Collection of Annual Fees for the Wildlife Damage Prevention Act.**~~

~~**R58-15-1. Authority.**~~

- ~~\_\_\_\_\_ A. This rule is promulgated under authority of Subsection 4-2-2(1)(j) and Section 4-23-7.~~
- ~~\_\_\_\_\_ B. This rule defines the policies by which the board shall implement the collection and non-collection exemption of annual fees assessed under the Wildlife Damage Prevention Act, Section 4-23-7.~~
- ~~\_\_\_\_\_ C. This rule provides a uniform and fair method for the collection of wildlife damage fees as provided in Section 4-23-7.~~

~~**R58-15-2. Exempt Owners.**~~

~~\_\_\_\_\_ The Utah State Department of Agriculture and Food may exempt owners from payment of imposed fees when the Commissioner determines that:~~

- ~~\_\_\_\_\_ A. Livestock as defined in the Agricultural and Wildlife Damage Prevention Act are permanently confined within pens or corrals within incorporated city limits where animal damage control activity by state or federal agencies is prohibited or severely restricted.~~
- ~~\_\_\_\_\_ B. Cattle which originate in Utah and leave to another state on commuter permits are exempt.~~
- ~~\_\_\_\_\_ C. Annual fees which do not exceed \$30.00, may be allowed when the commissioner finds enough extenuating circumstances to show that the livestock owner may not receive sufficient benefits from the predator control program, or~~
- ~~\_\_\_\_\_ D. Owners may file an exemption for the portion of the fee that is used for predator control, but would still be required to pay the sheep promotion portion of the fee. All sheep owners would be required to file for the exemption annually. Proceeds collected from wool sales or brand inspections from exempt animals for predator control will be refunded to the owner provided an exemption request is filed with the department prior to December 31 of the calendar year corresponding to the exemption, and the exemption request is approved by the commissioner. Forms for submitting the exemption request can be obtained from the department.~~

~~**R58-15-3. Fees Collection.**~~

~~\_\_\_\_\_ The department will adhere to the following procedures to avoid collecting multiple fees on cattle by brand inspection.~~

- ~~\_\_\_\_\_ A. (1) Cattle that have been fee brand inspected and have a certificate indicating collection of predator control will not require further fee collection after consignment to feedlots within the state.~~
- ~~\_\_\_\_\_ (2) When cattle are produced in state, and ownership is retained by that producer at a feedlot, a predator control fee will normally be assessed when such cattle are marketed in this state.~~
- ~~\_\_\_\_\_ (3) If conditions in R58-15-3-A(2) apply, but the cattle are shipped interstate, predator control fees shall be paid on the fee brand inspection prior to shipment interstate.~~
- ~~\_\_\_\_\_ (4) Cattle which originate in another state and are brought in state for grazing will be charged a predator fee on the brand inspection certificate when exiting the state.~~
- ~~\_\_\_\_\_ B. Dairy cattle are subject to the predator control fee when those animals are consigned to a slaughter facility or auction barn. Special designated dairy replacement sales or dairy replacement auctions are exempt.~~
- ~~\_\_\_\_\_ C. Pursuant to a memorandum of understanding between the Department of Agriculture and Food and wool marketing agencies or dealers, titled "Wool Fee Collection" is available at the Predator Fee Collection, Utah Department of Agriculture and Food, P.O. Box 146500, 350 N. Redwood Road, Salt Lake City, UT 84114-6500, the collection of wool fees is hereby established. On forms provided by the department, the marketing agency will record the following information:~~
  - ~~\_\_\_\_\_ name of company~~
  - ~~\_\_\_\_\_ year and quarter~~
  - ~~\_\_\_\_\_ the name and address of the producer~~
  - ~~\_\_\_\_\_ pounds of wool~~



~~\_\_\_\_\_ number of sheep  
\_\_\_\_\_ amount deducted~~

~~Records and fee payments will be furnished to the department no later than April 30, July 30, October 30, and January 30 of each year. These dates correspond to a 30-day period following a quarterly collection of fees. (January to March; April to June; July to September; and October to December.)~~

~~D. Movement of sheep from out of state producers into Utah will be subject to fees imposed for predator control. These fees will be collected commensurate with forms delivered to such producers prior to January 1 of each calendar year, which are returned to the department no later than April 1 of each year.~~

~~E. Movement of livestock from in-state producers to other states to graze, and in cases where cattle are marketed out of state, or sheep that are shorn of wool that is marketed in other states, and which products are not subject to the collection methods described in Title 4, Chapter 23, the producers will be required to submit to the department on forms provided by the department such fees as are applicable, prior to April 1 of each calendar year.~~

#### **R58-15-4. Imposed Fees.**

~~The commissioner may determine the following fees after an owner's failure to file completed reporting forms and prior fees owed and citations may be issued to persons found not in compliance, based on the following provisions:~~

- ~~A. A minimum fee of \$25.00 for failure of owner to file the completed report as required under Section 4-23-6;  
B. A fee calculated at a rate of one percent per month (twelve percent APR) applied to the unpaid balance of the amount due that is not paid as required under Title 4, Chapter 23.  
C. A fee to compensate for costs of collection: including court costs, reasonable attorney's fees, and applicable administrative costs.~~

#### **R58-15-5. Predator Control Services.**

~~In accordance with the "Utah Animal Damage Control Program", the State Department of Agriculture and Food may elect to provide various degrees of predator control services to individual landowners, lessors, or administrators, as per separately negotiated agreements. Those who fail to pay annual fees as required under Section 4-23-7 may only receive minimal levels of service.]~~

#### **R58-15. Agricultural and Wildlife Damage Prevention.**

##### **R58-15-1. Purpose and Authority.**

- ~~(1) The authority of Subsections 4-2-103(1)(i), 4-23-105(1), and Section 4-23-107 promulgates this rule.  
(2) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act protects owners of livestock that are subject to an annual predator control fee under Section 4-23-107. This rule provides additional guidelines on the procedures for collecting that fee.~~

##### **R58-18-2. Definitions.**

~~The following definitions shall apply to the administration of this rule along with the definitions listed in Section 4-23-103.~~

- ~~(1) "Breeding Cattle" means breeding or raising cattle that reside on an agricultural property.  
(2) "Department" means Utah Department of Agriculture and Food.  
(3) "Depredation compensation" means fair market compensation for livestock lost to a predatory animal.  
(4) "Feedlot" means a confined dry-lot area for finished feeding livestock on concentrated feed with no facilities for pasturing or grazing.  
(5) "Predator Control Fee" means a fee imposed by the department to meet the annual expense of administering Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act.~~

##### **R58-15-3. Board Responsibilities.**

- ~~(1) Per Section 4-23-105, the board shall design policies regarding agricultural and wildlife damage prevention and shall maintain a copy of the policies with the department's director of animal industry and they shall include specific information for the following:  
(a) the predator control program; and  
(b) the methods for the prevention of damage including hunting, trapping, chemical toxicants, and the use of aircraft as required in Rule R58-25, Aerial Hunting Permits and Licenses.  
(3) Per Subsection 4-23-105(3)(b) the board may enter into a cooperative agreement to carry out board policies and will maintain a copy with the department. The agreement may include information related to:  
(a) coordinating with federal agencies to protect livestock and property from predators;  
(b) funding, disease management, and a plan of action regarding billable activities to protect crops and domestic livestock; or  
(c) partnerships to maintain, protect, and benefit agriculture in the state.  
(4) Per Subsection 23A-11-402(2), on behalf of the board, the department shall annually coordinate with the Utah Division of Wildlife Resources (UWDR) to meet requirements and reduce duplication of predator control efforts.~~

##### **R58-15-4. Annual Fee Collection Methods.**

- ~~(1) In accordance with Section 4-23-107, an animal owner interested in predator control shall pay an annual predator control fee for their owned animals.  
(2) The board shall determine on or before January 1 of each year the amount of the predator control fees that the department may collect on each animal category.  
(3) A livestock producer interested in predator control shall pay applicable fees between January 1, 2025, through April 1, 2025, to be eligible for predator control services between July 1, 2025, and June 30, 2026. For subsequent years:~~

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- (a) the department shall mail predator control assessments by January 1 of each year;
- (b) the livestock producer shall pay the fee on or before April 1 of each year;
- (c) receipt of payment between January 1 and April 1 will determine the eligibility of services and depredation compensation for the following fiscal year that starts July 1 and ends the following June 30 after the department has received the appropriate fee amount; and
- (d) the department may assess a late fee for eligible payments received between April 2 of each year and June 30 of the same year if a livestock producer chooses to be eligible for services starting July 1 of the same year and ending on June 30 of the following year.
- (4) The department may provide predator control services based on the department's fiscal year starting July 1 and ending June 30 of each year.
- (5) The department shall collect the fee to administer the agriculture and wildlife damage prevention policy, pay for marketing promotions, and maintain data to determine eligibility for depredation compensation per Rule R657-24 and Subsection 23A-8-201(3).
- (6) The department shall collect the predator control fee:
  - (a) from a fee imposed on brand inspected cattle when the brand inspector conducts a brand inspection per the requirements listed in Title 4, Chapter 24, Utah Livestock Brand and Anti-theft Act;
  - (b) within 30 days from a market that withheld proceeds from the sale of the cattle;
  - (c) upon the sale of fleece on or before December 31 of each year or as agreed upon in the cooperative agreement listed in Subsection 4-23-107(4); or
  - (d) by issuing a Predator Control Assessment form on or before January 1 of each year that a livestock owner shall return to the department by April 1 of each year.
- (7) The department may request a livestock producer provide the department with additional information on the Predator Control Assessment form, including:
  - (a) indicating a preference for paying applicable predator control fees;
  - (b) the name of the wool warehouse and the sold date of the wool; and
  - (c) a livestock assessment, which includes:
    - (i) type of animal;
    - (ii) number of animals; and
    - (iii) total fee amount.
- (8) Per Section 4-23-109 and Rule R65-11, Utah Sheep Marketing Order, a portion of the collected wool fee may pay for the promotion, advancement, and protection of sheep interests in the state and shall meet the requirements listed in Rule R65-11.
- (9) The department may exempt a livestock owner from paying a predator control fee for:
  - (a) livestock that an owner permanently confines all year within pens or corrals within incorporated city limits and a state or federal agency prohibits or severely restricts animal damage control activities;
  - (b) cattle that a commuter permit specifies;
  - (c) exemptions listed in Section 4-23-107, including feeder lambs and feedlot cattle permanently confined all year; or
  - (d) exemptions as listed in Title 4, Chapter 24, Utah Livestock Brand and Anti-theft Act.
- (10) A producer not eligible for an exemption through Subsection R58-15-3(9) may request an exemption by:
  - (a) submitting a written request to the department on or before April 1; and
  - (b) may qualify for minimal levels of predator control services, per the agricultural and wildlife damage prevention policy, during the department's fiscal year starting July 1 and ending June 30 after the department approves the exemption.

**KEY: administrative procedure, enforcement, livestock protection, predator control fee, damage prevention, collection methods**

Date of Last Change: ~~August 14, 1995~~ 2024

Notice of Continuation: July 21, 2020

Authorizing, and Implemented or Interpreted Law: ~~4-2-[2]103(1)(j)i~~; 4-23-107; 4-23-105(1); 23A-11-402(2)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R151-14	Filing ID: 56674

Agency Information	
1. Title catchline:	Commerce, Administration
Building:	Heber M. Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146701
City, state and zip:	Salt Lake City, UT 84114-6701

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Masuda Medcalf	801-530-7663	mmedcalf@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

### General Information

<b>2. Rule or section catchline:</b>
R151-14. New Automobile Franchise Act Rule
<b>3. Purpose of the new rule or reason for the change:</b>
H.B. 534 in the 2024 General Session, Boards and Commissions Modifications, repealed the Utah Motor Vehicle Franchise Advisory Board.  This filing updates Rule R151-14 to remove any references to the Board to comport with the H.B. 534 (2024).
<b>4. Summary of the new rule or change:</b>
In addition to removing references to the Board, this amendment clarifies the agency's adjudicative procedures involving disputes between franchise dealers and manufacturers, includes an email address as to registration applications, and generally simplifies and removes unnecessary language.

### Fiscal Information

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
In passing H.B. 534 (2024), the fiscal impact statement included an analysis of the costs and savings in removing the repealed Boards. Therefore, there is no need to complete the table in box 5G below.  Additionally, there are no costs or savings anticipated from other amendments which clarify adjudicative procedures, add an email address in the registration application, and generally simplify the language of the rule.
<b>B) Local governments:</b>
This rule will likely not result in any direct measurable impact to local governments as they are not generally involved in the agency's adjudications of disputes between franchise dealers and manufacturers.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule is not expected to affect small businesses. Even though the advisory board is repealed by H.B. 534 (2024), the agency will still adjudicate disputes between dealers and manufacturers.  As noted above, no costs or savings are anticipated from removing references to the advisory board and clarifying adjudicative procedures before the agency, adding an email address in the registration application, and simplifying the language of the rule.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
This rule is not expected to affect non-small businesses. Even though the advisory board is repealed by H.B. 534 (2024), the agency will still adjudicate disputes between dealers and manufacturers.  As noted above, no costs or savings are anticipated from removing references to the advisory board and clarifying adjudicative procedures before the agency, adding an email address in the registration application, and simplifying the language of the rule.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):

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This rule is not expected to affect persons other than small businesses, non-small businesses, state or local governments. Even though the advisory board is repealed by H.B. 534 (2024), the agency will still adjudicate disputes between dealers and manufacturers.

As noted above, no costs or savings are anticipated from removing references to the advisory board and clarifying adjudicative procedures before the agency, adding an email address in the registration application, and simplifying the language of the rule.

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

This rule is not expected to result in direct measurable costs for affected persons. Even though the advisory board is repealed by H.B. 534 (2024), the agency will still adjudicate disputes between dealers and manufacturers.

As noted above, no costs or savings are anticipated from removing references to the advisory board and clarifying adjudicative procedures before the agency, adding an email address in the registration application, and simplifying the language of the 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	FY2025	FY2026	FY2027
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2025	FY2026	FY2027
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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 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 13-14-104

**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:** 09/16/2024

**9. This rule change MAY become effective on:** 10/01/2024

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

<b>Agency head or designee and title:</b>	Margaret W. Busse, Executive Director	<b>Date:</b>	07/22/2024
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**R151. Commerce, Administration.****R151-14. New Automobile Franchise Act Rule.****R151-14-1. Title.**

This rule shall be known as the "New Automobile Franchise Act Rule[<sup>2</sup>]."

**R151-14-2. Authority - Purpose.**

In accordance with the New Automobile Franchise Act, Title 13, Chapter 14, this rule governs adjudicative proceedings before the [~~Utah Motor Vehicle Franchise Advisory Board and the~~] executive director of the Department of Commerce, and is adopted under the authority of Subsection 13-14-104(2).

**R151-14-3. Adjudicative Proceedings.**

(1) An adjudicative proceeding[s] before [~~the board and~~] the executive director [~~are~~] is designated as an informal adjudicative proceeding[s].

(2) In addition to Title 63G, Chapter 4, Utah Administrative Procedures Act, an[y] adjudicative proceeding[s] under the New Automobile Franchise Act shall be conducted in accordance with this rule and with the Department of Commerce Administrative Procedures Act Rule, R151-4.

(3) [~~In accordance with Subsection 63G-4-103(1)(h), the executive director of the department may upon the executive director's own motion substitute an administrative law judge as the presiding officer to conduct certain aspects of the adjudicative proceedings before the board if the executive director determines that fairness to the parties would not be compromised by such substitution. The substitution order shall give any party who feels that such substitution would compromise fairness an opportunity to request the executive director to reconsider the substitution by submitting written objections and supporting arguments to the executive director. Upon reconsideration, the executive director may leave the order intact or make such other orders as the executive director deems appropriate.~~]

(4) Except as otherwise expressly required or permitted in this rule or in the New Automobile Franchise Act, a [~~Utah Motor Vehicle Franchise Advisory Board at~~] executive director of the [~~Utah~~] Department of Commerce or designee.

(~~5~~)(4)(a) A notice of agency action by the agency shall comply with the requirements of the Utah Administrative Procedures Act, Subsection 63G-4-201(2).

(b)(i) A request to commence an adjudicative proceeding pursuant to Subsection 13-14-107(1), shall be a pleading headed "BEFORE THE DEPARTMENT OF COMMERCE[~~, UTAH MOTOR VEHICLE FRANCHISE ADVISORY BOARD~~]" and captioned "Request for Agency Action."

(ii) The pleading shall substantially comply with the Utah Administrative Procedures Act, Subsection 63G-4-201(3), and [~~the Department of Commerce Administrative Procedures Act Rule, Sections R151-4-201 t[~~e~~] through R151-4-201[~~5~~].~~]

(~~6~~)(5) If the presiding officer determines that an answer to a [~~ny~~] notice of agency action or request for agency action would be helpful to the proceeding[s], the presiding officer may order a party [~~to the proceedings~~] to file an answer.

(~~7~~)(6)(a) An evidentiary hearing [~~before the board~~] shall be held for a matter brought under:

(i) Section 13-14-202 Sale or transfer of ownership;

(ii) Section 13-14-203 Succession to franchise;

(iii) Section 13-14-301 Termination or noncontinuance of franchise; or

(iv) Section 13-14-302 Issuance of additional franchises -relocation of existing franchisees.

(b)(i) Pursuant to Subsection 63G-4-203(1), discovery is prohibited, but the presiding officer may issue subpoenas requiring the appearance of witnesses at an evidentiary hearing or the production of documents.

(ii) Any subpoena issued shall conform with the requirements in Section R151-4-513; and

(iii) The party requesting a subpoena shall comply with the requirements in Section R151-4-712.

(c) The parties to the action may submit memoranda, exhibits, expert opinions, and affidavits to support their positions in accordance with any scheduling order entered by the presiding officer.

(7)(a) An adjudication requested under any section not listed in [~~this~~] Subsection R151-14-3(~~7~~)(a)(~~6~~)(a) shall be conducted without an evidentiary hearing[~~, as follows~~].

(~~i~~)(b) [~~t~~](b) The parties to the action may submit [~~to the executive director or the executive director's designee briefs,~~] memoranda, exhibits, written expert opinions, and affidavits in support of their positions[~~s~~] in accordance with any scheduling order entered by the presiding officer.

(~~ii~~) if it appears to the executive director or the executive director's designee that the matter raises issues of fact, the board shall convene to act as the fact finder;

(~~iii~~) a meeting of the board that is convened pursuant to this Subsection R151-14-3(7)(b)(ii) may be live or electronic, according to the sole discretion of the executive director or the executive director's designee;

(~~iv~~) the parties may appear at a meeting of the board that is convened pursuant to this Subsection R151-14-3(7)(b)(ii) and may answer questions of the board and the parties may not engage in oral argument; and

(~~v~~) the board deliberations shall be conducted according to Subsection R151-4-703(2).

NOTICES OF PROPOSED RULES

- ~~(8)(a) Pursuant to Subsection 63G-4-203(1), discovery is prohibited, but the presiding officer may issue subpoenas requiring the appearance of witnesses at an evidentiary hearing before the board or the production of documents;~~
- ~~(b) Any subpoena issued shall conform with the requirements set forth in Utah Admin Code Section R151-4-513; and~~
- ~~(c) The party requesting a subpoena shall comply with the requirements set forth in Section R151-4-712.~~
- ~~(9) If the presiding officer determines that written arguments would be helpful to the proceedings, the presiding officer may order the parties to submit memoranda in accordance with any scheduling order entered by the presiding officer.~~
- ~~(10) Any request for records of the proceedings before the board and the executive director will be governed by the Government Records Access and Management Act (GRAMA), Section 63G-2-101 et seq. Any schedule of records classifications maintained by the department shall be made available to the parties upon request.]~~

**R151-14-4. Registration.**

- (1) Each ~~[newly formed or otherwise not previously registered-]~~franchisor or franchisee doing business in this state shall submit an application for registration on a registration form available on the department's website~~[request an initial registration form from the department].~~
- (2) ~~[The department shall provide a renewal form to each registered franchisor and franchisee at least 30 and not more than 60 days prior to the expiration of the current registration.~~
- ~~(3) ]~~A registrant may use the form ~~[provided by]~~available on the department's website as its initial or renewal ~~[to renew its]~~ registration or may submit a registration or renewal request in another format so long as that request contains the following information:
  - (a) the name of the dealership or manufacturer;
  - (b) the address of the dealership or manufacturer;
  - (c) the names of any owners or stockholders with 5% or more ownership interest in the company and the percentage of their interest;
  - (d) the line-makes manufactured, distributed, or sold;
  - (e) if applicable, the dealer number;~~[-and]~~
  - (f) the name and address of the person designated for receiving notices or process pursuant to the New Automobile Franchise Act;
- and
- (g) the email address where the department may send renewal applications and certificates of registration.
- ~~([4]3)~~ The processing of an application for registration by the department may be delayed for a reasonable time to give the registrant an opportunity to cure technical defects in an application for registration.

**KEY: adjudicative proceedings, automobiles, motor vehicles, franchises**  
**Date of Last Change: 2024**~~[September 20, 2024]~~  
**Notice of Continuation: October 21, 2020**  
**Authorizing, and Implemented or Interpreted Law: 13-14-101 et seq.**

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R151-35</b>	<b>Filing ID: 56675</b>

**Agency Information**

<b>1. Title catchline:</b>	Commerce, Administration	
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 E 300 S	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 146701	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6701	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Masuda Medcalf	801-530-7663	mmedcalf@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R151-35. Powersport Vehicle Franchise Act Rule

<p><b>3. Purpose of the new rule or reason for the change:</b></p> <p>H.B. 534 in the 2024 General Session, Boards and Commissions Modifications, repealed the Utah Powersport Vehicle Franchise Advisory Board.</p> <p>This filing updates Rule R151-35 to remove any references to the Board to comport with the H.B. 534 amendments.</p>
<p><b>4. Summary of the new rule or change:</b></p> <p>In addition to removing references to the Board, this amendment clarifies the agency's adjudicative procedures involving disputes between franchise dealers and manufacturers, includes an email address as to registration applications, and generally simplifies and removes unnecessary language.</p>

**Fiscal Information**

<p><b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b></p>
<p><b>A) State budget:</b></p> <p>In passing H.B. 534 (2024), the fiscal impact statement included an analysis of the costs and savings in removing the repealed Boards. Therefore, there is no need to complete the table in box 5G below.</p> <p>Additionally, there are no costs or savings anticipated from other amendments which clarify adjudicative procedures, add an email address in the registration application, and generally simplify the language of this rule.</p>
<p><b>B) Local governments:</b></p> <p>This rule will likely not result in any direct measurable impact to local governments as they are not generally involved in the agency's adjudications of disputes between franchise dealers and manufacturers.</p>
<p><b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>This rule is not expected to affect small businesses. Even though the advisory board is repealed by H.B. 534 (2024), the agency will still adjudicate disputes between dealers and manufacturers.</p> <p>As noted above, no costs or savings are anticipated from removing references to the advisory board and clarifying adjudicative procedures before the agency, adding an email address in the registration application, and simplifying the language of this rule.</p>
<p><b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>This rule is not expected to affect non-small businesses. Even though the advisory board is repealed by H.B. 534 (2024), the agency will still adjudicate disputes between dealers and manufacturers.</p> <p>As noted above, no costs or savings are anticipated from removing references to the advisory board and clarifying adjudicative procedures before the agency, adding an email address in the registration application, and simplifying the language of this rule.</p>
<p><b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</p> <p>This rule is not expected to affect persons other than small businesses, non-small businesses, state or local governments. Even though the advisory board is repealed by H.B. 534 (2024), the agency will still adjudicate disputes between dealers and manufacturers.</p> <p>As noted above, no costs or savings are anticipated from removing references to the advisory board and clarifying adjudicative procedures before the agency, adding an email address in the registration application, and simplifying the language of this rule.</p>
<p><b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):</p> <p>This rule is not expected to result in direct measurable costs for affected persons. Even though the advisory board is repealed by H.B. 534 (2024), the agency will still adjudicate disputes between dealers and manufacturers.</p>

As noted above, no costs or savings are anticipated from removing references to the advisory board and clarifying adjudicative procedures before the agency, adding an email address in the registration application, and simplifying the language 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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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 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 13-35-104		
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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:** 09/16/2024

**9. This rule change MAY become effective on:** 10/01/2024

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**

<b>Agency head or designee and title:</b>	Margaret W. Busse, Executive Director	<b>Date:</b>	07/22/2024
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**R151. Commerce, Administration.**

**R151-35. Powersport Vehicle Franchise Act Rule.**

**R151-35-1. Title.**

This rule shall be known as the "Powersport Vehicle Franchise Act Rule[\"]."



**R151-35-2. Authority - Purpose.**

In accordance with the Powersport Vehicle Franchise Act, Title 13, Chapter 35, this rule governs adjudicative proceedings before the ~~[Utah Powersport Vehicle Franchise Advisory Board and the]~~ executive director of the Department of Commerce, and is adopted under the authority of Subsection 13-35-104(2).

**R151-35-3. Adjudicative Proceedings.**

(1) ~~[Informal Proceeding.]~~ An adjudicative proceeding[s] before ~~[the board and]~~ the executive director ~~[are]~~ is designated as an informal adjudicative proceeding[s].

(2) ~~[Applicable Rules.]~~ In addition to Title 63G, Chapter 4, Utah Administrative Procedures Act, an[y] adjudicative proceeding[s] under the Powersport Vehicle Franchise Act shall be conducted in accordance with this rule and with the Department of Commerce Administrative Procedures Act Rule, R151-4.

~~(3) [Procedure for Substitution of Presiding Officer. In accordance with Subsection 63G-4-103(1)(h), the executive director of the department may upon the executive director's own motion substitute an administrative law judge as the presiding officer to conduct certain aspects of the adjudicative proceedings before the board if the executive director determines that fairness to the parties would not be compromised by such substitution. The substitution order shall give any party who feels that such substitution would compromise fairness an opportunity to request the executive director to reconsider the substitution by submitting written objections and supporting arguments to the executive director. Upon reconsideration, the executive director may leave the order intact or make such other orders as the executive director deems appropriate.]~~

~~(4) Submissions. Except as otherwise expressly required or permitted in this Rule or in the Powersport Vehicle Franchise Act, all] Any correspondence or other submission[s] shall be directed to the [chair of the Utah Powersport Vehicle Franchise Advisory Board at the Utah] executive director of the Department of Commerce or designee.~~

~~(5) (a) [Form of Pleadings.] A notice of agency action by the agency shall comply with the requirements of the Utah Administrative Procedures Act, Subsection 63G-4-201(2).~~

~~(b) (i) A request to commence an adjudicative proceeding pursuant to Subsection 13-35-107(1), shall be a pleading headed "BEFORE THE DEPARTMENT OF COMMERCE[, UTAH POWERSPORT VEHICLE FRANCHISE ADVISORY BOARD]" and captioned "Request for Agency Action."~~

~~(ii) The pleading shall substantially comply with the Utah Administrative Procedures Act, Subsection 63G-4-201(3), and [the Department of Commerce Administrative Procedures Act Rule,] Sections R151-4-201 t[o] through R151-4-20[5]4.~~

~~(6) (5) [Answer.] If the presiding officer determines that an answer to a[ny] notice of agency action or request for agency action would be helpful to the proceeding[s], the presiding officer may order a party [to the proceedings] to file an answer.~~

~~(6) (a) An evidentiary hearing shall be held for a matter brought under:~~

~~(i) Section 13-35-202 Sale or transfer of ownership;~~

~~(ii) Section 13-35-203 Succession to franchise;~~

~~(iii) Section 13-35-301 Termination or noncontinuance of franchise; or~~

~~(iv) Section 13-35-302 Issuance of additional franchises - relocation of existing franchisees.~~

~~(b) (i) Pursuant to Subsection 63G-4-203(1), discovery is prohibited, but the presiding officer may issue subpoenas requiring the appearance of witnesses at an evidentiary hearing or the production of documents.~~

~~(ii) Any subpoena issued shall conform with the requirements in Section R151-4-513; and~~

~~(iii) The party requesting a subpoena shall comply with the requirements in Section R151-4-712.~~

~~(c) The parties to the action may submit memoranda, exhibits, expert opinions, and affidavits to support their positions in accordance with any scheduling order entered by the presiding officer.~~

~~(7) (a) An adjudication requested under any section not listed in this Subsection R151-35-3(6)(a) shall be conducted without an evidentiary hearing.~~

~~(b) The parties to the action may submit memoranda, exhibits, written expert opinions, and affidavits in support of their positions in accordance with any scheduling order entered by the presiding officer. [Memoranda. If the presiding officer determines that prehearing briefs would be helpful to the proceedings, the presiding officer may order the parties to submit memoranda in accordance with any scheduling order entered by the presiding officer.]~~

~~(8) GRAMA. Any request for records of the proceedings before the board and the executive director will be governed by the Government Records Access and Management Act (GRAMA), Section 63G-2-101 et seq. Any schedule of records classifications maintained by the department shall be made available to the parties upon request.]~~

**R151-35-4. Registration.**

(1) Each ~~[newly formed or otherwise not previously registered]~~ franchisor or franchisee doing business in this state shall submit an application for registration on a registration form available on the department's website[request an initial registration form from the department].

(2) ~~[Annual Renewals. The department shall provide a renewal form to each registered franchisor and franchisee at least 30 and not more than 60 days prior to the expiration of the current registration.]~~

~~(3) [A registrant may use the form [provided by] available on the department's website as its initial or renewal registration or may submit a registration or renewal request in another format so long as that request contains the following information:~~

~~(a) [N] the name of the dealership['] or manufacturer;~~

~~(b) [A] the address of the dealership['] or manufacturer;~~

~~(c) [O] the names of any owners or stockholders with 5% or more ownership interest in the company and the percentage of their interest[holding (5% or above only)];~~

NOTICES OF PROPOSED RULES

- (d) ~~[E]~~the line-makes manufactured, distributed, or sold;
- (e) ~~[F]~~if applicable, the dealer number;~~and~~
- (f) ~~[N]~~the name and address of person designated for receiving notices or process pursuant to the Powersport Vehicle Franchise Act;

and

- (g) the email address where the department may send renewal applications and certificates of registration.

([4]3) The processing of an application for registration by the department may be delayed for a reasonable time to give the registrant an opportunity to cure technical defects in an application for registration.

**KEY: motorcycles, powersport vehicles, off road vehicles, franchises**

**Date of Last Change: 2024**~~[September 20, 2021]~~

**Notice of Continuation: July 16, 2021**

**Authorizing, and Implemented or Interpreted Law: 13-35-101 et seq.**

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> New		
<b>Rule or Section Number:</b>	R152-71	<b>Filing ID:</b> 56691

**Agency Information**

<b>1. Title catchline:</b>	Commerce, Consumer Protection	
<b>Building:</b>	Heber Wells	
<b>Street address:</b>	160 E 300 S	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 146704	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6704	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Daniel Larsen	801-530-6601	dcprules@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R152-71. Utah Minor Protection In Social Media Act Rule
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being enacted as required by S.B. 194, 2024 General Session, codified as Title 13, Chapter 71, Utah Minor Protection In Social Media Act.
<b>4. Summary of the new rule or change:</b>
This rule: defines terms; establishes the processes and means by which a social media company may assure whether a current or prospective Utah account holder is a minor in accordance with Section 13-71-201, and obtain verifiable parental consent in accordance with Section 13-71-203; establishes criteria a social media company may use to determine whether its age assurance system is at least 95% accurate in determining whether a current or prospective Utah account holder is a minor; establishes standards applicable to data use, retention, protection, and disposal; and aids the division's administration and enforcement of Title 13, Chapter 71, Utah Minor Protection in Social Media Act.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The proposed rule is not anticipated to have a fiscal impact on the state budget beyond that already described in the Fiscal Note to S.B. 194 (2024).

**B) Local governments:**

The proposed rule is not anticipated to have a fiscal impact on the local governments beyond that already described in the Fiscal Note to S.B. 194 (2024).

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

The proposed rule is not anticipated to have a fiscal impact on small businesses beyond those already described in the Fiscal Note to S.B. 194 (2024).

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

This rule will have a fiscal impact on non-small businesses that is inestimable because the number of non-small businesses to which this rule will apply is not readily available and is fluid.

Additionally, the costs will vary depending on the age assurance and parental consent verification methods chosen by a social media company.

However, the Division of Consumer Protection (Division) anticipates that age assurance costs for a social media company will be: a range of \$0.05 to \$0.45 per completed age assurance attempt or parental consent verification per Utah account holder, depending on method used, vendor, and volume; and \$2,000, at minimum, per year per social media company for geo location services.

Depending on the services used, there may be up-front and ongoing costs or fees but these costs or fees are inestimable, particularly if a social media company already employs age assurance or parental consent verification methods.

Similarly, costs related to data use, protection, and retention standards are inestimable because social media companies use varying methods to comply with other similar regulations, including Title 13, Chapter 61, Utah Consumer Privacy Act, the European Union's General Data Protection Regulation, and the California Consumer Privacy Act, among others.

A social media company's existing data use, protection, and retention standards, which are unknown to the Division, are expected to impact the cost of compliance with this rule, rendering these costs 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 proposed rule is not anticipated to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities beyond that already described in the Fiscal Note to S.B. 194 (2024).

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

Compliance costs for affected persons are inestimable because the number of affected persons to whom this rule will apply is not readily available and is fluid.

Additionally, the costs will vary depending on the age assurance and parental consent verification methods chosen by a social media company.

However, the Division anticipates that age assurance costs for a social media company will be: a range of \$0.05 to \$0.45 per completed age assurance attempt or parental consent verification per Utah account holder, depending on method used, vendor, and volume; and \$2,000, at minimum, per year per social media company for geo location services.

Depending on the services used, there may be up-front and ongoing costs or fees but these costs or fees are inestimable, particularly if a social media company already employs age assurance or parental consent verification methods.

Similarly, costs related to data use, protection, and retention standards are inestimable because social media companies use varying methods to comply with other similar regulations, including Title 13, Chapter 61, Utah Consumer Privacy Act, the European Union's General Data Protection Regulation, and the California Consumer Privacy Act, among others.

A social media company's existing data use, protection, and retention standards, which are unknown to the Division, are expected to impact the cost of compliance with this rule, rendering these costs inestimable.

**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	FY2025	FY2026	FY2027
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2025	FY2026	FY2027
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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.

**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 13-2-5(1)	Subsection 13-71-302(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:** 09/16/2024

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

Date:	Time:	Place (physical address or URL):
08/29/2024	10:00 AM to 11:00 AM	Utah State Capitol Building, 350 N. State Street, Senate Room 220, Salt Lake City, UT

**9. This rule change MAY become effective on:** 10/01/2024

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**

<b>Agency head or designee and title:</b>	Daniel Larsen, Managing Analyst	<b>Date:</b>	08/01/2024
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**R152. Commerce, Consumer Protection.**

**R152-71. Utah Minor Protection in Social Media Act Rule.**

**R152-71-1. Purpose.**

The purpose of this rule is to:

(1) to establish the processes and means by which a social media company may:

(a) assure whether a current or prospective Utah account holder is a minor in accordance with Sections 13-71-201 and 13-71-302;

and

- (b) obtain verifiable parental consent in accordance with Sections 13-71-203 and 13-71-302;
- (2) establish criteria a social media company may use to determine whether the social media company's age assurance system is at least 95% accurate in determining whether a current or prospective Utah account holder is a minor;
- (3) establish standards applicable to data use, retention, protection, and disposal; and
- (4) aid the division's administration and enforcement of Title 13, Chapter 71, Utah Minor Protection in Social Media Act.

**R152-71-2. Authority.**

This rule is promulgated in accordance with Subsections 13-2-5(1) and 13-71-302(1).

**R152-71-3. Definitions.**

- (1) "Assurance of confidentiality" means a presumption that a social media company will restrict access to a Utah minor account holder's personal information to as few parties as possible.
- (2) "False negative" means an age assurance system's incorrect determination that a current or prospective Utah account holder is a minor.
- (3)(a) "False negative rate" means the rate at which a social media company's age assurance system incorrectly determines a current or prospective Utah account holder is a minor.
- (b) "False negative rate" is calculated as (false negative rate = false negatives ÷ (false negatives + true positives)).
- (4) "False positive" means an age assurance system's incorrect determination that a current or prospective Utah account holder is not a minor.
- (5)(a) "False positive rate" means the rate at which a social media company's age assurance system incorrectly determines a current or prospective Utah account holder is not a minor.
- (b) "False positive rate" is calculated as (false positive rate = false positives ÷ (false positives + true negatives)).
- (6) "Liveness" means verification that information provided by a user to a social media company's age assurance system is from a human being, and not from an imitation including a photo, video, or other replica.
- (7) "Liveness false acceptance rate" means the proportion of users incorrectly accepted by an age assurance system as being live.
- (8) "Outcome error parity" means an age assurance system's determinations are correct or incorrect in equal proportion for individuals of different skin color and sex.
- (9) "True negative" means an age assurance system's correct determination that a current or prospective Utah account holder is a minor.
- (10) "True positive" means an age assurance system's correct determination that a current or prospective Utah account holder is not a minor.
- (11) "Upper and lower limit" means the age range between 16 and 20 years of age.

**R152-71-4. Processes and Means of Age Assurance -- Safe Harbor.**

- (1) A social media company's age assurance system qualifies for the safe harbor described by Subsection 13-71-302(2) if:
- (a) the processes and means used by the age assurance system produce outcomes that satisfy the criteria in the following table:

<u>TABLE</u> <u>Accuracy of Age Assurance Outcomes</u>				
<u>Liveness false acceptance rate maximum</u>	<u>False positive rate maximum</u>	<u>False negative rate maximum</u>	<u>Accuracy within upper and lower limit</u>	<u>Outcome error parity maximum disparity</u>
<u>1%</u>	<u>3%</u>	<u>10%</u>	<u>95%</u>	<u>1%</u>

- (b) the age assurance system's results are verified annually by an independent third-party auditor; and
- (c) the social media company provides reasonable means by which a current or prospective Utah account holder may challenge an incorrect age assurance result.
- (2)(a) A social media company may use a third party's age assurance system, provided that the third party complies with the requirements of Title 13, Chapter 71, Utah Minor Protection in Social Media Act and this rule.
- (b) A social media company that uses a third party's age assurance system may not use the same third party to verify the age assurance system's results, as described by Subsection R152-71-4(1)(b).

**R152-71-5. Processes and Means of Obtaining Verifiable Parental Consent.**

- (1) A social media company shall, taking into consideration available technology that is reasonably calculated to ensure that the person providing consent is the minor's parent or guardian, make reasonable efforts to confirm a parent's or guardian's consent for a minor to change data privacy settings in accordance with Section 13-71-202, or to overcome the presumption of confidentiality described by Subsection 13-71-204(2), by:
- (a) using a method that complies with 16 CFR 312.5(b)(2) or (3), or has been approved by the Federal Trade Commission in accordance with 16 CFR 312.12(a); and

NOTICES OF PROPOSED RULES

- (b) obtaining a written attestation from the parent or guardian that they are the minor's legal guardian.
- (2) A social media company shall provide a reasonable method by which a Utah minor account holder's parent or guardian may revoke the parent's or guardian's prior consent.

**R152-71-6. Age Assurance Accuracy.**

- (1)(a) A social media company's age assurance system is 95% accurate, in accordance with Subsection 13-71-302(1)(b), if it correctly determines that a Utah account holder is a minor in 95% of age assurance attempts.
- (b) To determine whether its age assurance system is 95% accurate, a social media company shall:
  - (i) randomly sample age assurance attempts made with respect to 1,400 or more unique current Utah account holders, half of whom the age assurance system identified as a minor, and half of whom the age assurance system identified as not a minor; and
  - (ii) for each Utah account holder selected in the sample, review whether the age assurance system's determination was correct.
- (2) A social media company may use a third party's age assurance system, provided that the third party complies with the requirements of Title 13, Chapter 71, Utah Minor Protection in Social Media Act and this rule.

**R152-71-7. Age Assurance and Verifiable Parental Consent Data -- Permitted Use, Retention, Protection, and Disposal.**

- (1) A social media company may not collect more than the least amount of data reasonably necessary to comply with Sections 13-71-201 and 13-71-204.
- (2) Data collected by a social media company to comply with Sections 13-71-201 and 13-71-204 shall be:
  - (a) maintained in accordance with the security practices described by Subsection 13-61-302(2), and not transferred to a third party as defined by Subsection 13-61-101(36);
  - (b) segregated from all data the social media company maintains in its normal course of business;
  - (c) deleted by permanently and completely erasing the collected data as quickly as possible, but no more than 45 days after the social media company or its agent:
    - (i) completes the age assurance process;
    - (ii) uses the data to verify parental consent;
    - (iii) determines a current or prospective Utah account holder failed to meet the verification requirements within the required time period; or
    - (iv) determines parental consent was denied; and
  - (d) used only to comply with Sections 13-71-201 and 13-71-204, and for no other purpose.
- (3) A social media company may extend the 45-day deadline identified in Subsection R152-71-7(2)(c) by up to an additional 45 days:
  - (a) one time per age assurance attempt;
  - (b) if the extension is reasonably necessary in accordance with Subsection 13-61-203(2)(b); and
  - (c) the social media complies with Subsection 13-61-203(2)(c).
- (4) A social media company or its agent shall create a record related to each Utah account holder for which an age assurance attempt is made describing:
  - (a) the date it completed the age assurance process and verified parental consent for the account if the account holder is a minor;
  - (b) the type of data collected to assure the Utah account holder's age and to verify parental consent; and
  - (c) the date it deleted data collected to comply with Sections 13-71-201 and 13-71-204, and this rule.
- (5) A person who seeks to verify their account may, in accordance with Section 13-61-202, request that their data be deleted before the verification process is completed.
- (6) A social media company shall comply with a consumer's request to delete in accordance with Section 13-61-203.
- (7) Data collected by a social media company to comply with Sections 13-71-201 and 13-71-204 may not be stored, maintained, transferred, or processed outside the United States of America.

**KEY: social media, age assurance, parental consent, data privacy**  
**Date of Last Change: 2024**  
**Authorizing, and Implemented or Interpreted Law: 13-2-5(1); 13-71-302(1)**

<b>NOTICE OF SUBSTANTIVE CHANGE</b>		
<b>TYPE OF FILING:</b> New		
<b>Rule or Section Number:</b>	<b>R356-8</b>	<b>Filing ID: 56683</b>

<b>Agency Information</b>	
<b>1. Title catchline:</b>	Governor, Criminal and Juvenile Justice (State Commission on)
<b>Building:</b>	Utah State Capitol, Senate Building
<b>Street address:</b>	350 N State Street
<b>City, state:</b>	Salt Lake City, UT

<b>Mailing address:</b>	PO Box 142330	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2330	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Angelo Perillo	801-538-1047	aperillo@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R356-8. Designation of Commission Duties
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this rule is to allow the Commission to designate an entity to perform a specified duty of the Commission as described in Subsection 63M-7-204(2).
<b>4. Summary of the new rule or change:</b>
This rule describes how entities designated by the Commission shall operate and creates the Sex Offense Management Advisory Committee.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule will not result in any cost or savings to the state budget because it does not add to nor take away any of the duties of the Commission, it merely designates the Sex Offense Management Advisory Committee to perform those duties.
<b>B) Local governments:</b>
This rule will not have a fiscal impact on local governments revenues or expenditures because it only applies to the duties that are required of the Commission.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule will not have a fiscal impact on small businesses because it only applies to the duties that are required of the Commission.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
This rule will not have a fiscal impact on non-small businesses because it only applies to the duties that are required of the Commission.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
This rule will not have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because it only applies to the duties that are required of the Commission.
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no affected persons and thus no compliance costs.
<b>G) Regulatory Impact Summary Table</b> (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	FY2025	FY2026	FY2027
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2025	FY2026	FY2027
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The Executive Director of the Commission on Criminal and Juvenile Justice, Tom Ross, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

<b>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:</b>		
Subsection 63G-7-204(2)	Subsection 63G-3-201(2)	

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (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.)	
<b>A) Comments will be accepted until:</b>	09/16/2024

<b>9. This rule change MAY become effective on:</b>	09/23/2024
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**

<b>Agency head or designee and title:</b>	Tom Ross, Executive Director	<b>Date:</b>	07/26/2024
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**R356. Governor, Criminal and Juvenile Justice (State Commission on).**

**R356-8. Designation of Commission Duties.**

**R356-8-1. Authority.**

This rule is authorized by Subsections 63M-7-204(2) and 63G-3-201(2).

**R356-8-2. Purpose.**

The purpose of this rule is for the commission to designate entities to perform specified duties of the commission.

**R356-8-3. Definitions.**

(1) Terms used in this rule are defined in Section 63M-7-101.5.

(2) In addition, "SOMAC" means the Sex Offense Management Advisory Committee created in Section R356-8-6.



**R356-8-4. Designation of an Entity.**

(1)(a) The commission may designate an entity to perform the commission's duties as described in Title 63M, Chapter 7, Part 2, Commission on Criminal and Juvenile Justice.

(b) An entity designated by the commission under this rule shall include representatives from relevant stakeholder groups from the parts of the justice system implicated in the policy area.

(2) The commission may designate tasks and duties to an entity in addition to those described in this rule.

(3) An entity designated by the commission may not make a final decision or take final action on a matter unless otherwise specified in this rule.

**R356-8-5. Operation of Designated Entities.**

(1)(a) A member appointed to a designated entity shall serve a four-year term.

(b) If a designated entity has a vacancy, a new member may be appointed for the rest of the previous member's term.

(c) A member of a designated entity may be reappointed.

(d) The terms of the designated entity's members shall be staggered so that half of the members of the designated entity are appointed every two years.

(2)(a) A designated entity shall elect a chair and a vice-chair, or in the alternative may elect two co-chairs.

(b) A chair or vice-chair shall serve a two-year term, which may be renewed.

(c) A vacancy in the office of chair or vice-chair shall be filled for the remainder of the unexpired term by a member of the designated entity who is elected by a majority of the members of the designated entity.

(3) The commission shall provide support staff to a designated entity.

(4) In the event a member of a designated entity who does not hold an ex officio position has three unexcused absences, the member may be replaced.

(5) If an appointed member ceases to meet the qualifications of the appointment or accepts another position which creates a conflict of interest, the member's appointment will immediately end, and a replacement shall be appointed to fill the unexpired term.

(6) A designated entity shall meet as often as necessary to carry out its designated duties.

**R356-8-6. Sex Offense Management Advisory Committee.**

(1)(a) The SOMAC is created within the commission.

(b) The executive director of the commission shall appoint a director of the SOMAC to:

(i) assist the SOMAC perform the duties described in this rule; and

(ii) coordinate between the SOMAC and the commission.

(2) The following may participate as members of the SOMAC:

(a) the executive director of the Department of Corrections, or the executive director's designee;

(b) the commissioner of the Department of Public Safety, or the commissioner's designee;

(c) the attorney general, or the attorney general's designee;

(d) an officer with the Adult Probation and Parole Division of the Department of Corrections with experience supervising adults convicted of sex offenses, appointed by the executive director of the Department of Corrections;

(e) the executive director of the Department of Health and Human Services, or the executive director's designee;

(f) an individual who represents the Administrative Office of the Courts appointed by the state court administrator;

(g) the director of the Utah Office for Victims of Crime, or the director's designee;

(h) the director of the Division of Juvenile Justice and Youth Services, or the director's designee;

(i) the chair of the Board of Pardons and Parole, or the chair's designee; and

(j) nine individuals appointed by the executive director of the commission, including:

(i) the following two individuals licensed under Title 58, Chapter 60, Mental Health Professional Practice Act:

(A) an individual with experience in the treatment of adults convicted of sex offenses in the community;

(B) an individual with experience in the treatment of juveniles adjudicated of sex offenses in the community;

(ii) an individual who represents an association of criminal defense attorneys;

(iii) an individual who is a criminal defense attorney experienced in indigent criminal defense;

(iv) an individual who represents an association of prosecuting attorneys;

(v) an individual who represents law enforcement;

(vi) an individual who represents an association of criminal justice victim advocates;

(vii) an individual who is a clinical polygraph examiner experienced in providing polygraph examinations to individuals convicted of sex offenses; and

(viii) an individual who has been previously convicted of a sex offense and has successfully completed treatment and supervision for the offense.

(3) The SOMAC is designated by the commission to perform the commission's duties described in Subsection 63M-7-204(1)(z) and shall:

(a) review research regarding treatment, risk assessment, and supervision practices for individuals on the registry or individuals ordered to complete sex offense treatment;

(b) advise and make recommendations to other councils, boards, and offices within the commission regarding evidence-based:

(i) sentencing and treatment practices for individuals on the registry or individuals ordered to complete sex offense treatment to reduce recidivism and promote public safety;

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- (ii) policies to promote public safety and protect victims of sex offenses; and
- (iii) practices related to the registry that promote public safety, account for risk, and protect the rights of individuals on the registry or individuals ordered to complete sex offense treatment; and
- (c) advise and make recommendations to the Department of Corrections and the Department of Health and Human Services regarding:
  - (i) evidence-based standards for supervision of individuals on the registry or individuals ordered to complete sex offense treatment;
  - (ii) evidence-based standards for training, certification, and evaluation of community treatment providers, polygraph examiners, evaluators, and other professionals who provide treatment and related services to individuals on the registry or individuals ordered to complete sex offense treatment; and
  - (iii) implementation of the treatment standards and other duties described in Section 64-13-25 related to sex offenses.

**KEY: designation of duties**

**Date of Last Change: 2024**

**Authorizing, and Implemented or Interpreted Law: 63M-7-204(2)**

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or Section Number:	R356-9	Filing ID: 56662

**Agency Information**

<b>1. Title catchline:</b>	Governor, Criminal and Juvenile Justice (State Commission on)	
<b>Building:</b>	Utah State Capitol, Senate Building	
<b>Street address:</b>	350 N State Street	
<b>City, state</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142330	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2330	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Angelo Perillo	801-538-1047	aperillo@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R356-9. Victim Complaints
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this rule is to establish procedures for a victim of a crime to submit a complaint of a violation of the victim's rights to the Victim Services Commission and for a Victim Rights Committee to consider a complaint.
<b>4. Summary of the new rule or change:</b>
This rule creates the position of the Committee Coordinator and describes how a victim may file a complaint with the Victim Services Commission.
This rule also describes what the Coordinator and the Committee must do when a victim's complaint is received.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This new rule will not result in any cost or savings to the state budget because it only describes the procedures that the Coordinator and the Committees must follow when a victim submits a complaint.

<b>B) Local governments:</b>			
This new rule only relates to the duties of the Coordinator and the Committees and thus will not result in any cost or savings to local governments.			
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
This new rule only relates to the duties of the Coordinator and the Committees and thus will not result in any cost or savings to small businesses.			
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
This new rule only relates to the duties of the Coordinator and the Committees and thus will not result in any cost or savings to non-small businesses.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
This new rule only relates to the duties of the Coordinator and the Committees and thus will not result in any cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.			
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):			
This new rule only relates to the duties of the Coordinator and the Committees and thus will not result in any cost or savings to affected persons.			
<b>G) Regulatory Impact Summary Table</b> (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	FY2025	FY2026	FY2027
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2025	FY2026	FY2027
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
This rule will have no fiscal impact on any entities and the Executive Director of the Commission on Criminal and Juvenile Justice, Tom Ross, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

<b>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:</b>		
Subsection 63M-7-904(2)(b)		

**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.)

<b>A) Comments will be accepted until:</b>	09/16/2024
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<b>9. This rule change MAY become effective on:</b>	09/23/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tom Ross, Executive Director	<b>Date:</b>	06/27/2024
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**R356. Governor, Criminal and Juvenile Justice (State Commission on).**

**R356-9. Victim Complaints.**

**R356-9-1. Authority.**

This rule is authorized by Subsection 63M-7-904(2)(b).

**R356-9-2. Purpose.**

The purpose of this rule is to establish procedures for:

- (1) a victim or a representative of a victim to submit a complaint; and
- (2) a committee to consider a complaint.

**R356-9-3. Definitions.**

(1) Terms used in this rule are defined in Sections 63M-7-101.5 and 63M-7-1001.

(2) In addition:

(a) "chair" means the chair of a committee appointed by the Victim Services Commission;

(b) "complaint" means a report of a violation of a victim's rights submitted to the Victim Services Commission by a victim or a representative of a victim; and

(c) "subject of the complaint" means the individual, agency, entity, or organization who is named in the complaint and is alleged to have violated the victim's rights.

**R356-9-4. Committee Coordinator.**

(1) The executive director of the commission shall appoint an individual to serve as a coordinator for the committees.

(2) The coordinator shall:

- (a) assist a victim or a representative of a victim in filing a complaint;
- (b) receive and process complaints submitted by a victim or a representative of a victim;
- (c) coordinate between a committee and:
  - (i) a victim;
  - (ii) the subject of a complaint; or
  - (iii) a criminal justice agency; and
- (d) provide assistance to the committees.

**R356-9-5. Filing a Complaint.**

(1) A victim or a representative of a victim seeking to file a complaint shall:

- (a) complete the online Victim Complaint Form; or
- (b) submit a written Victim Complaint Form to the Victim Services Commission.

(2) When a complaint is filed with the Victim Services Commission, the coordinator shall:

- (a) log the complaint into the complaint tracking system; and
- (b) forward the complaint to the chair for the judicial district where the violation of the victim's rights is alleged to have occurred.

**R356-9-6. Review of a Complaint.**

(1) Once a complaint is received from the coordinator, the chair shall schedule a meeting of the full committee to review the complaint as soon as practicable.

(2)(a) If the committee determines that the complaint does not allege a violation of a victim's rights, the chair shall issue a letter as described in Subsection 63M-7-1003(2)(a).

(b) The coordinator shall send a copy of the letter to the victim or the representative of the victim as described in Subsection 63M-7-1003(2)(b).

(3) If the committee determines that the complaint does allege a violation of a victim's rights, the coordinator shall:

- (a) forward a copy of the complaint to the subject of the complaint; and
- (b) notify the victim and the subject of the complaint that:

- (i) the complaint will be considered at the committee's next meeting; and
- (ii) the victim or the subject of the complaint may attend the committee meeting or submit additional information for the committee's consideration.
- (4) If the complaint alleges that a criminal justice agency or an employee of a criminal justice agency violated a victim's rights, the coordinator shall contact the criminal justice agency and request a copy of any investigative findings the criminal justice agency may have related to the complaint.
- (5) At the subsequent meeting the committee:
  - (a) shall review all documentation received related to the complaint; and
  - (b) may hear from the victim or the subject of the complaint.
- (6) The committee may request additional information from:
  - (a) the victim or a representative of a victim who submitted the complaint;
  - (b) the subject of the complaint;
  - (c) a criminal justice agency; or
  - (d) any other individual or entity who may have information related to the complaint;
- (7)(a) After full consideration, the committee shall determine whether a violation of a victim's rights occurred.
- (b) The chair shall issue a letter with the committee's findings or recommendations as provided in Subsection 63M-7-1003(6).
- (c) The coordinator shall send a copy of the letter to the:
  - (i) victim or the representative of a victim as provided in Subsection 63M-7-1003(7); and
  - (ii) subject of the complaint; and
  - (iii) supervisor of the subject of the complaint.

**KEY: victim complaints**

**Date of Last Change: 2024**

**Authorizing, and Implemented or Interpreted Law: 63M-10-1003**

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** New

**Rule or Section Number:**

**R356-10**

**Filing ID: 56673**

**Agency Information**

<b>1. Title catchline:</b>	Governor, Criminal and Juvenile Justice (State Commission on)	
<b>Building:</b>	Utah State Capitol, Senate Building	
<b>Street address:</b>	350 N State Street	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142330	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2330	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Angelo Perillo	801-538-1047	aperillo@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R356-10. Recusal of a Member for a Conflict of Interest
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this rule is to establish standards and procedures for addressing potential conflicts of interest for public bodies established under the Commission.
<b>4. Summary of the new rule or change:</b>
This rule describes what constitutes a conflict of interest for a member of a public body established under the Commission and what a member must do when a potential conflict of interest is identified.

**Fiscal Information**

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

**A) State budget:**

This new rule will not result in any cost or savings to the state budget because it only relates to members of public bodies established under the Commission and formalizes the steps that members should take when they identify a conflict of interest.

**B) Local governments:**

This new rule only relates to public bodies established under the Commission and thus will not result in any cost or savings to local governments.

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

This new rule only relates to public bodies established under the Commission and thus will not result in any cost or savings to small businesses.

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

This new rule only relates to public bodies established under the Commission and thus will not result in any cost or savings to non-small businesses.

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

This new rule only relates to public bodies established under the Commission and thus will not result in any cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.

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

There are no compliance costs for any affected persons.

**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**

<b>Fiscal Cost</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

This rule will have no fiscal impact on any entities and the Executive Director of the Commission on Criminal and Juvenile Justice, Tom Ross, 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 63G-3-201(2)		
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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.)

<b>A) Comments will be accepted until:</b>	09/16/2024
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<b>9. This rule change MAY become effective on:</b>	09/23/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tom Ross, Executive Director	<b>Date:</b>	07/12/2024
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**R356. Governor, Criminal and Juvenile Justice (State Commission on).**

**R356-10. Recusal of a Member for a Conflict of Interest.**

**R356-9-1. Authority.**

This rule is authorized by Subsection 63G-3-201(2) which requires an agency to make rules in certain circumstances.

**R356-10-2. Purpose.**

The purpose of this rule is to establish standards and procedures for addressing potential conflicts of interest for members of a public body, commission, or subcommittee established in:

- (1) Section 36-29-111;
- (2) Title 63M, Chapter 7, Criminal Justice and Substance Abuse;
- (3) Section 64-13e-105;
- (4) Section 78A-10a-302;
- (5) Section 78A-10a-402
- (6) Section 78A-10a-502; and
- (7) Rule 356-8.

**R356-10-4. Potential Conflicts of Interest.**

A member of a public body, commission, or subcommittee has a potential conflict of interest with respect to a matter to be considered by the public body, commission, or subcommittee if:

- (1) the member's participation:
  - (a) would be prohibited under Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; or
  - (b) constitutes a violation of constitutional due process under the Utah or United States Constitutions;
- (2) the member:
  - (a) has a pecuniary interest in the outcome of the proceeding; or
  - (b) may gain or lose some benefit depending on how the matter is resolved;
- (3) the matter relates to a:
  - (a) personal interest of a member; or
  - (b) person or entity closely associated with the member; or
- (4) the member or the member's employer is the subject of a complaint before the public body, commission, or subcommittee.

**R356-10-5. Procedures.**

(1) A member, who has a potential conflict of interest with respect to a matter before the public body, commission, or committee, shall:

- (a) disclose the conflict of interest when the matter is raised; and
- (b) refrain from voting on the matter.

(2) A member who has disclosed a conflict of interest under Subsection (1)(a) may participate in the discussion of the matter to the same extent that any other member of the public is allowed to participate.

**KEY: conflicts of interest**

**Date of Last Change: 2024**

**Authorizing, and Implemented or Interpreted Law: Title 67, Chapter 16**

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> New		
<b>Rule or Section Number:</b>	<b>R357-47</b>	<b>Filing ID: 56663</b>

**Agency Information**

<b>1. Title catchline:</b>	Governor, Economic Opportunity	
<b>Building:</b>	World Trade Center	
<b>Street address:</b>	60 E South Temple, Suite 300	
<b>City, state:</b>	Salt Lake City, UT	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Greg Jeffs	801-368-1957	gjeffs@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R357-47. Economic Assistance Grant Rule
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this rule is to create rules for the Economic Assistance Grant, which is created by Section 63N-3-10.
<b>4. Summary of the new rule or change:</b>
This rule defines words for the Economic Assistance Grant, content of applications, grant eligibility, evaluation priorities, and reporting rules. It will impact grant applicants.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no new aggregate anticipated costs or savings to the state budget. The rule is clarifying how the Governor's Office of , Economic Opportunity (GOEO) will carry out a statutorily mandated program.
<b>B) Local governments:</b>
There is no new aggregate anticipated cost of savings to local governments because local governments are not required to comply with or enforce this rule.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no new aggregate anticipated cost or savings to small businesses because this proposed rule does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation.
Participation in the program is optional.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There is no new aggregate anticipated cost or savings to non-small businesses because this proposed rule does not create new obligations for non-small businesses, nor does it increase the costs associated with any existing obligation.
Participation in the program is optional.



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

There is no new aggregate anticipated cost or savings to persons other than small businesses, non-small businesses, or local government entities because this proposed rule does not create new obligations for persons other than small businesses, non-small businesses, or local government entities, nor does it increase the costs 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 no new compliance costs for affected persons because participation in the program is optional.

**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	FY2025	FY2026	FY2027
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2025	FY2026	FY2027
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Executive Director of the Governor's Office of Economic Opportunity, Ryan Starks, 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 63N-3-10		
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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.)

<b>A) Comments will be accepted until:</b>	09/16/2024
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<b>9. This rule change MAY become effective on:</b>	09/23/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Ryan Starks, Executive Director	<b>Date:</b>	07/16/2024
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**R357. Governor, Economic Opportunity.**

**R357-47. Economic Assistance Grant Rule.**

**R357-47-101. Title.**

This rule is known as the Economic Assistance Grant rule.

**R357-47-102. Authority.**

This rule is adopted by the office under the authority of Subsection 63N-3-1002(5).

**R357-47-103. Definitions.**

(1) "Business entity" means the same as defined in Subsection 63N-3-1001(1).

(2) "Business entity" includes:

(a) industry associations;

(b) chambers of commerce;

(c) formally organized coalitions;

(d) private trade schools; and

(e) private educational institutions.

(3) "Community development" includes:

(a) collective action to generate solutions for common problems; and

(b) building local capacity to become self-reliant, self-determined, and prepared for the future.

(4) "Matching funds" means the portion of project costs not paid by grant funds under this program.

(5) "Targeted industry" means the same as defined in Subsection 63N-3-1101(3).

(6) "Infrastructure project" means a project that improves the facilities and systems necessary for the economy and firms to function, and contributes to the advancement and growth of businesses.

**R357-47-104. Content of Application.**

(1) The following content shall be included in each application for an Economic Assistance Grant:

(a) name of applying Business Entity;

(b) tax ID;

(c) amount of grant funding requested;

(d) responsible contacts':

(i) name;

(ii) full mailing address;

(iii) telephone number; and

(iv) email address;

(e) a description of the project and the activities the funds will be used for;

(f) a description of expected deliverables and outcomes;

(g) a description of matching funds, if any;

(h) provided by any one or combination of:

(A) a private sector entity;

(B) a nonprofit entity;

(C) a federal matching grant; or

(D) any other funding source approved by the office; and

(i) any other information requested by the office.

(2) The following documentation shall be included in each application for an Economic Assistance Grant:

(a) the entity's W9 form;

(b) budget describing proposed uses of grant funds;

(c) prior year and current year operating budgets; and

(d) any other documentation requested by the office.

**R357-47-105. Business Eligibility and Approved Funding Uses.**

(1) Business entities must meet the following prerequisites to be eligible for funding under this program:

(a) active registration with the Utah Division of Corporations and Commercial Code;

(b) have a physical location in the Utah; and

(2) The expenses for which a recipient may use the grant include:

(a) to purchase equipment;

(b) offer specialized programming or training;

(c) to otherwise fulfill the recipient's proposal; and

(d) any other one-time use approved by the office.

**R357-47-106. Evaluation Priorities.**

(1) The office shall consider each application for grant funding based on its individual merits, regardless of whether the applicant has previously received funding from the office.

- (2) The office may prioritize projects that:
  - (a) demonstrate matching funds;
  - (b) contribute to job creation and retention;
  - (c) are located in a rural county;
  - (d) propose greater marginal benefit in relation to marginal cost; or
  - (e) address a specific priority, as determined by the office.
- (3) The office may choose not to fund applicants who have not complied with reporting requirements for previous or current contracts with the office in the last three years.

**R357-47-107. Funding Distribution and Reporting.**

- (1) The office shall establish a maximum amount for this grant before approving and distributing grant funds.
- (2) After GOEO approval of an Economic Assistance Grant application, no more than 90% of grant funds will be disbursed to a business until after:
  - (a) a contract between the business and the state is executed; and
  - (b) the business invoices the office for the funds; and
- (3) Upon completion of an Economic Assistance Grant project:
  - (a) the final delivery of funds shall be distributed as reimbursement for dollars spent by the business within the scope of the project; and
  - (b) the remaining funds will be disbursed following submission and approval of:
    - (i) an invoice up to the remaining balance of the award amount;
    - (ii) a final report including:
      - (A) a description of the completed project;
      - (B) assurances that all monies paid to the business were used toward completion of the project as outlined in the contract;
      - (C) how the project's key activities and commitments were accomplished;
      - (D) the project's success meeting the deliverables and performance measures described in the contract; and
      - (E) any other information requested by the office.

**KEY: Economic Assistance Grant, EAG, economic development**  
**Date of Last Change: 2024**  
**Authorizing, and Implemented or Interpreted Law: 63N-3-10**

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	R380-350	<b>Filing ID:</b> 56667

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Administration	
<b>Building:</b>	Multi-Agency State Office Building (MASOB)	
<b>Street address:</b>	195 N 1950 W	
<b>City, state</b>	Salt Lake City, UT	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dulce Díez	801-703-0064	ddiez@utah.gov
Christine Espinel	385-239-2733	cespinel@utah.gov
FeliAnne Hipol	385-229-9359	fhipol@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R380-350. Community Health Worker Certification

<p><b>3. Purpose of the new rule or reason for the change:</b></p> <p>The purpose of this proposed amendment is to update this rule based on recodification, following the reorganization of the Department of Health and Human Services, (Department) and to clarify certification processes and penalties in compliance with statute.</p>
<p><b>4. Summary of the new rule or change:</b></p> <p>This proposed amendment updates recodified statute citations, clarifies penalties, and adds an Application Denial section.</p> <p>It also makes style and formatting changes to comply with the Rulewriting Manual for Utah.</p>

**Fiscal Information**

<p><b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b></p>
<p><b>A) State budget:</b></p> <p>This proposed amendment is not expected to have a fiscal impact on the state budget, as it clarifies the application denial process and updates outdated citations following the recodification of the Department's statute as a result of the 2023 General Session.</p> <p>This proposed amendment reflects existing statutory language for a potential fee for violation up to \$100. As this potential fee is not a result of this rule filing, this proposed amendment is not anticipated to result in a cost or savings to the state budget.</p>
<p><b>B) Local governments:</b></p> <p>This proposed rule amendment is not anticipated to have a fiscal impact on local governments' revenues or expenditures, as this filing does not apply to local governments.</p>
<p><b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>This proposed amendment is not anticipated to have a fiscal impact on small businesses, as this filing does not apply to small businesses.</p> <p>Though this proposed amendment reflects existing statutory language for a potential fee for violation up to \$100, this potential fee is not applicable to small businesses.</p>
<p><b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>This proposed amendment is not anticipated to have a fiscal impact on non-small businesses, as this filing does not apply to non-small businesses.</p> <p>Though this proposed amendment reflects existing statutory language for a potential fee for violation up to \$100, this potential fee is not applicable to non-small businesses.</p>
<p><b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</p> <p>This proposed amendment is not anticipated to have a fiscal impact on other persons, as this filing does not introduce or remove processes or requirements related to a potential cost or savings for other persons.</p> <p>This proposed amendment reflects existing statutory language for a potential fee for violation up to \$100, which would apply to individuals, but is not a result of this filing.</p>
<p><b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):</p> <p>An individual found in violation of Section 26B-2-504 may be fined up to \$100, and while this language is reflected in this filing, it already exists in statute and is therefore not a result of this filing.</p> <p>There are no other anticipated compliance costs associated with this proposed amendment.</p>

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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

**Citation Information**

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

Section 26B-1-202	Section 26B-2-502	
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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.)

<b>A) Comments will be accepted until:</b>	09/16/2024
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<b>9. This rule change MAY become effective on:</b>	09/23/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	07/19/2024
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**R380. Health and Human Services, Administration.**

**R380-350. Community Health Worker Certification.**

**R380-350-1. Authority and Purpose.**

- (1) Sections 26B-1-202 and ~~[26-71-102 authorizes]~~26B-2-502 authorize this rule.
- (2) This rule establishes the state certification standards for community health workers by:
  - (a) defining the 300 hours of community involvement;
  - (b) establishing a procedure to notify each state certified community health worker when the certification is due for renewal;
  - (c) establishing a renewal process for the certification;
  - (d) establishing continuing education requirements; and
  - (e) establishing standards of professional conduct.

**R380-350-2. Definitions.**

NOTICES OF PROPOSED RULES

- (1) "Applicant" means an individual applying ~~for the~~ to be a state certified community health worker ~~certification~~.
- (2) "Capacity building" has the same meaning as provided in Section ~~[26-71-101]~~26B-2-501.
- (3) "Community health worker" has the same meaning as provided in Section ~~[26-71-101]~~26B-2-501.
- (4) "Core-skill education" has the same meaning as provided in Section ~~[26-71-101]~~26B-2-501.
- (5) "Core-skill training" has the same meaning as provided in Section ~~[26-71-101]~~26B-2-501.
- (6) "Department" means the Utah Department of Health and Human Services.
- (7) "State certified" has the same meaning as provided in Section ~~[26-71-101]~~26B-2-501.

**R380-350-3. Community Involvement.**

(1) A community health worker seeking to become a state certified ~~[Community Health Worker]~~community health worker shall complete ~~the following~~:

- (a) 90 hours of core-skill training; and
- (b) 300 hours of community involvement.

(2)(a) The ~~requirement for 300 hours of community involvement~~applicant shall ~~be completed~~demonstrate completion through the submission of a portfolio to the department with the applicant's certification application ~~by the applicant~~.

~~(a)~~(b) The portfolio shall include:

- (i) a detailed resume or curriculum vitae; ~~and~~
- (ii) a cover letter ~~;~~ and

~~(b) The portfolio shall include at~~(iii) a minimum of two of the following additional elements:

- ~~(i)~~(A) three letters of recommendation;
- ~~(ii)~~(B) a summary sheet of research projects;
- ~~(iii)~~(C) a list and description of publications, presentations, reports, or projects authored by the applicant;
- ~~(iv)~~(D) a statement of professional experience by the applicant;
- ~~(v)~~(E) a list of achievements and awards received by the applicant; or
- ~~(vi)~~(F) a recent performance evaluation.

(c) The portfolio shall demonstrate ~~the setting, the communities served, and the services provided, this includes~~:

(i) the setting of the experience, this includesincluding:

- (A) churches;
- (B) schools;
- (C) community organizations;
- (D) neighborhoods;
- (E) clinics;
- (F) health centers; or
- (H) work in the public sector;
- (ii) the communities or populations served, this includesincluding:
  - (A) low-income communities;
  - (B) lesbian, gay, bisexual, transgender, queer, intersex, and asexual individuals and individuals with other sexual identities;
  - (C) people experiencing homelessness;
  - (D) rural communities;
  - (E) individuals with chronic disease;
  - (F) individuals with disabilities;
  - (G) people with visual impairments;
  - (H) older adults;
  - (I) immigrant or refugee communities;
  - (J) people without health insurance;
  - (K) racial and ethnic minorities; or
  - (L) individuals with complex health needs; and

(iii) the services provided, includeing:

- ~~(1)~~(A) community organizing;
- ~~(2)~~(B) community presentations;
- ~~(3)~~(C) community projects;
- ~~(4)~~(D) community coalitions;
- ~~(5)~~(E) health fairs;
- ~~(6)~~(F) community mapping;
- ~~(7)~~(G) community programming;
- ~~(8)~~(H) workshops;
- ~~(9)~~(I) resource coordination;
- ~~(10)~~(J) outreach; and
- ~~(11)~~(K) promotion ~~;~~.

(3) An applicant who has 4,000 hours or more experience as a community health worker shall:

- (a) complete an application ~~as~~designed by the department;

(b) sign a statement agreeing to abide by ~~[national standards of practice and ethics for community health workers]~~the Code of Ethics of the Utah Community Health Workers Association (UCHWA), approved by the 2022 UCHWA board, which is incorporated by reference in this rule; and

(c) pay the established certification fee set by the department~~[;]~~.

#### **R380-350-4. Notification of Expiring Certification.**

(1) In accordance with Section ~~[26-71-107]~~26B-2-507, the department shall notify each state certified community health worker through the email on file with the Office of Health Equity when the certification is due for renewal.

(2) The department shall inform state certified community health workers via email six months before their certification expires with an additional reminder one month before their certification expires.

(3) ~~[It shall be the responsibility of a]~~A state certified community health worker shall be responsible to ensure that a valid and ~~[up to date]~~current email address is provided to the department through the application portal. A state certified community health worker, or applicant, shall update their email address within 30 days of a change.

#### **R380-350-5. Renewal Process.**

(1) In accordance with Section ~~[26-71-107]~~26B-2-507, a state certified community health worker shall file an application for recertification within six months of the printed date of expiration on their certification.

(2) The department shall issue a recertification to a community health worker if the community health worker has:

(a) submitted an application for recertification;

(b) paid the established renewal fee set by the department;

(c) established current Utah residency; and

(d) submitted proof of completion of 15 continuing education units within the past two years of the current certification period.

(3) The ~~[department]~~applicant shall ~~[not accept applications]~~submit an application for recertification ~~[if the application is submitted]before~~ six months after the printed expiration date on the certification certificate. ~~[Certifications that have expired for longer than six months shall require the]~~The individual [to-]applicant shall resubmit an application for the community health worker certification if the certification has been expired more than six months.

(4) The department shall date the new certificate of state certification for two years from the original expiration date.

#### **R380-350-6. Continuing Education.**

(1) A state [C]certified [Community Health Workers]community health worker shall complete 15 hours of continuing education units every two years, or during the duration of the certification, to qualify for the renewal of the certification.

~~[(a)]~~2 One continuing education unit equals one hour of training that focuses on capacity building, an element of core-skill training, or improves the knowledge or skills of a state certified community health worker within the purview of their work.

~~[(b)]~~3 An event must be approved as a continuing education event by:

~~[(i)]~~a the department through the Office of Health Equity; or

~~[(ii)]~~b a state professional association that:

~~[(A)]~~i is associated with the ~~[Community Health Worker]community health worker~~ profession; and

~~[(B)]~~ii is aligned with a national ~~[Community Health Worker]community health worker~~ professional association~~[;]~~.

#### **R380-350-7. Professional Conduct.**

(1) "Unprofessional conduct" includes:

(a) engaging in or aiding or abetting conduct or practices that are dishonest, deceptive, or fraudulent;

(b) engaging in or aiding or abetting deceptive or fraudulent billing practices;

(c) failing to establish and maintain professional boundaries with a client or former client;

(d) engaging in dual or multiple relationships with a client or former client in which there is a risk of ~~[or potential]~~harm to the client;

(e) engaging in sexual activities or sexual contact with a client with or without client consent;

(f) engaging in or aiding or abetting sexual harassment or any conduct that is exploitive or abusive with respect to a student, trainee, employee, or colleague;

(g) failing to exercise professional discretion and impartial judgment required for the performance of professional activities, duties, and functions;

(h) failing to provide impartial, objective, and informed services, recommendations, or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health, or any other determination concerning an individual's civil or legal rights;

(i) exploiting a client or former client for personal gain;

(j) exploiting a person who has a personal relationship with a client for personal gain;

(k) failing to protect the confidences of other persons named or contained in the client records; and

(l) failing to abide by the Code of Ethics ~~[of the Utah Community Health Workers Association (UCHWA)]~~as approved by the [2022] UCHWA board[, which is incorporated by reference].

(2) Any [V]violation[s] by a state certified community health worker [in ethics]of the Code of Ethics as approved by the UCHWA board, unprofessional conduct, or misrepresentation of credentialing shall be reported to the department through the Office of Health Equity.

(3) If the department, through the Office of Health Equity, finds a violation has occurred, ~~[they]it~~ shall revoke the state certification~~[, or in circumstances outlined in Section 26-69-104, issue a fine].~~

NOTICES OF PROPOSED RULES

(4) The department may issue a fine in an amount up to \$100 in accordance with Section 26B-2-504 if an individual uses the term "state certified" in conjunction with the individual's work as a community health worker if the individual is not state certified.

**R380-350-8. Application Denial.**

An application shall be denied if the applicant fails to:

(1) submit any required documentation to the state through the application portal within six months of original application submission date;

(2) submit payment for the application fee within six months of the original application submission date; or

(3) meet community health worker state certification requirements as outlined in this rule.

**KEY: health care, community health worker**

**Date of Last Change: 2024**~~March 2, 2023~~

**Authorizing, and Implemented or Interpreted Law: 26B-1-202, ~~26-71-102~~26B-2-502**

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R523-19</b>	<b>Filing ID: 56671</b>

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Substance Use and Mental Health	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W, 3rd Floor	
<b>City, state:</b>	Salt Lake City, UT	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Thomas Dunford	801-538-4181	tdunford@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R523-19. Community Mental Health Crisis and Suicide Prevention Training Grant Standards
<b>3. Purpose of the new rule or reason for the change:</b>
Following the consolidation of the Department of Health and Human Services, this proposed amendment is necessary to update statutory citations and make style and formatting changes for clarity and consistency with the Rulewriting Manual for Utah.
<b>4. Summary of the new rule or change:</b>
This proposed amendment updates statute citations, corrects grammatical and other formatting errors, provides greater clarity to the reader, and aligns the rule text with the Rulewriting Manual for Utah.
Also, it removes "suicide prevention" from the title of the grant throughout this rule so that the reference to the grant is consistent with the way it appears in statute and will not be confused with a separate suicide prevention grant managed by the Office of Substance Use and Mental Health.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no anticipated fiscal impact to the state as a result of this rule, as the proposed changes to this rule update citations and wording throughout this rule but do not alter the standards for the grant itself, nor the grant's dependency on Legislative allocations for funding.



**B) Local governments:**

There is no anticipated fiscal impact to local governments as a result of this rule, as the proposed changes to this rule update citations and wording throughout this rule but do not alter the standards for the grant itself.

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

There is no anticipated fiscal impact to small businesses as a result of this rule, as the proposed changes to this rule update citations and wording throughout this rule but do not alter the standards for the grant itself.

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

There is no anticipated fiscal impact to non-small businesses as a result of this rule, as the proposed changes to this rule update citations and wording throughout this rule but do not alter the standards for the grant itself.

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

There is no anticipated fiscal impact to other persons as a result of this rule, as the proposed changes to this rule update citations and wording throughout this rule but do not alter the standards for the grant itself.

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

There are no compliance costs associated with this filing for impacted entities.

**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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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

**Citation Information**

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

Section 26B-5-111		
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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.)

<b>A) Comments will be accepted until:</b>	09/16/2024
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<b>9. This rule change MAY become effective on:</b>	09/23/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	07/19/2024
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**R523. Health and Human Services, Substance ~~Abuse~~ Use and Mental Health.**  
**R523-19. Community Mental Health Crisis ~~and Suicide Prevention~~ Training Grant Standards.**  
**R523-19-1. Authority.**

(1) This rule ~~establishes procedures and standards for administration of substance use disorder and mental health services as granted~~ is authorized by Section ~~[62A-15-115]~~ 26B-5-111.

**R523-19-2. Purpose.**

(1) This rule ~~is designed to create~~ establishes requirements and a process for qualifying ~~for~~ and applying to receive a mental health crisis training grant ~~and for the community to apply for a grant~~.

~~**R523-19-3. Intent.**~~

~~(1) To create requirements and a process for communities to qualify for a grant that will allow them to provide specific training on mental health crises and suicide prevention.~~

**R523-19-4~~3~~. Activities Qualifying for the Community Mental Health Crisis ~~and Suicide Prevention~~ Training Grant.**

(1) ~~The following are activities that are allowable under these grants~~ Each entity that provides one of the following may receive a grant to conduct mental health crisis response training or provide an activity listed in this section:

- (a) 1) a skill-based suicide prevention training that teaches or uses strategies based on ~~[E] evidence or research~~ ~~based strategies~~ surrounding suicide prevention ~~specifically suicide prevention skill-based trainings~~;
- (b) 2) ~~[C] a community outreach and mobilization activity~~ ~~ies~~ including partnership recruitment for participation in local coalition ~~[s]~~;
- (c) 3) ~~[A] an activity~~ ~~ies~~ aimed at increasing partnerships with community service providers to link individuals ~~into~~ with a supportive resource ~~services including~~ such as a physical health ~~and~~ or behavioral healthcare service ~~[s]~~; ~~and~~ or
- (d) 4) ~~[E] an evidence-based suicide prevention strategy~~ ~~ies~~ ~~and~~ or training ~~[s]~~ targeted at high-risk populations.

**R523-19-4~~5~~. Grant Application Process.**

(1) The following may respond to a request for proposal to receive a mental health crisis grant from the Office of Substance Use and Mental Health:

(a) ~~[Individual and family services]~~ a community organization ~~[s]~~ that provides a mental health crisis service to individuals and families; or

(b) ~~and~~ a local ~~[M] mental [H] health [A] authority~~ ~~ies wishing to apply for~~ desiring funds to initiate a ~~[C] community [M] mental [H] health [C] crisis and or [S] suicide [P] prevention [T] training [P] program~~ ~~shall respond to a Request for Proposal process that shall be developed by the Division of Substance Abuse and Mental Health~~.

(2) Individual grants ~~shall~~ may not exceed \$50,000.

(3) Grants shall be available to ~~an~~ any interested and qualifying organization ~~[s]~~ if money is appropriated by the Legislature for this purpose, and until ~~an~~ available funds are fully awarded.

**KEY: community mental health crisis ~~and suicide prevention~~ training grant, crisis training grant, ~~suicide prevention training grant,~~ community crisis training grant**

Date of Last Change: ~~2024~~ January 29, 2019

Notice of Continuation: November 22, 2023

Authorizing, and Implemented or Interpreted Law: ~~26B-5-111~~ 62A-15-115

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R523-20</b>	<b>Filing ID: 56672</b>

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Substance Use and Mental Health	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W, 3rd Floor	
<b>City, state:</b>	Salt Lake City, UT	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Thomas Dunford	801-538-4181	tdunford@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R523-20. Community Firearms Violence and Suicide Prevention Standards
<b>3. Purpose of the new rule or reason for the change:</b>
The proposed amendment updates statutory citations following the consolidation of the Department of Health and Human Services (Department). Upon reviewing this rule during the amendment process, the Office of Substance Use and Mental Health deemed it necessary to provide more specificity within the rule text concerning rebates given for the purchase of firearms safes, in anticipation that the Utah State Legislature might someday allocate funds for that program to recontinue.
<b>4. Summary of the new rule or change:</b>
The proposed amendment updates statutory citations and aligns the style and formatting of this rule with the standards in the Rulewriting Manual for Utah.  It additionally updates possible reimbursement amounts, terminology, and standards for the firearms safe rebate program.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not anticipated to result in a fiscal impact to the state budget because the firearms safe rebate program has no ongoing funding and is subject to available appropriations by the Legislature. When the program last had funds in FY20, a total of 1,958 applications were completed, of which 25 were disqualified due to unmet requirements and 79 were incomplete. Of the 1,854 approved applications, 1,388 individuals submitted proof of purchase and received a rebate check via USPS mail, totaling \$121,694.  These rebates consisted of 50% of the pre-tax sales amount but did not exceed \$100, making the average rebate amount received \$87.68. With an average rebate check of \$87.68, every \$100,000 the Legislature appropriates to this program could be used to provide rebates to approximately 1,140 individuals.
<b>B) Local governments:</b>
Local health departments are the only newly identified local government entities that may be impacted by this filing.  However, there is no anticipated fiscal impact, as they are being provided materials to distribute within their community at no cost to local governments.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
Small businesses may be indirectly affected by this rule. The Department has determined that sporting goods stores, NAICS 54111, of which there are 331 in the state at this time, are the most likely retailers to sell firearm safes, and this rule provides an incentive to concealed firearm permit holders to potentially purchase a safe from one of these businesses.

In FY20, 1,388 individuals purchased safes and were eligible for a rebate, but it is unknown how many purchased safes from small businesses.

However, as there is not enough information to predict a possible increase in sales as a result of the rebate, this benefit amount is inestimable.

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

Non-small businesses may be indirectly affected by this rule. The Department has determined that 15 non-small business sporting goods retailers and three other general merchandise non-small businesses, NAICS 452319, in the state may provide firearm safes for purchase, and this rule provides an incentive to concealed firearm permit holders to potentially purchase a safe from one of these businesses.

In FY20, 1,388 individuals purchased safes and were eligible for a rebate, but it is unknown how many purchased safes from non-small businesses.

However, as there is not enough information to predict a possible increase in sales as a result of the rebate, this benefit amount 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 firearm safe rebate is only available to Utah residents either with a current concealed firearm permit or currently applying for a concealed firearm permit.

The amount of reimbursable money available per person through this rebate program, not to exceed \$200 and not less than \$10 per rebate.

Any benefit is inestimable because the reimbursement formula is reliant on varying prices of firearm safes.

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

There are no anticipated compliance costs associated with this rule change for affected persons, as any related funding would have already been appropriated by the Legislature.

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

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2025	FY2026	FY2027
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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

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

Subsection 26B-5-102(3)(d)		
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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:**

09/16/2024

**9. This rule change MAY become effective on:**

09/23/2024

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

**Agency Authorization Information****Agency head or designee and title:**

Tracy S. Gruber, Executive Director

**Date:**

07/19/2024

**R523. Health and Human Services, Substance Abuse Use and Mental Health.****R523-20. Community Firearms Violence and Suicide Prevention Standards.****R523-20-1. Authority.**

~~(4) This rule is authorized under Subsection 26B-5-102(3)(d) [establishes procedures and standards for administration of suicide prevention education grant funds as granted by Subsection 62A-15-103(3)(d)].~~

**R523-20-2. Purpose.**

~~(4) This rule establishes procedures for distribution of goods and services specified in Subsection 26B-5-102(3) [62A-15-103(3)].~~

**R523-20-3. Development and Distribution of Suicide Prevention Pamphlets.**

(1) The Office of Substance Use and Mental Health ~~[Division of Substance Abuse and Mental Health (DSAMH)]~~ will coordinate with ~~[the Department of Health,]~~ local mental health and substance ~~[ab]use~~ authorities, local health departments, a nonprofit behavioral health advocacy group, and a representative from a Utah-based nonprofit organization with expertise in the field of firearm use and safety that represents firearm owners, to produce, periodically review and update, and ~~[to]~~ distribute firearm safety brochures and packets.

(2) Brochures and gun locks procured for distribution through this program shall be made available through the Utah Suicide Prevention Coalition and groups outlined in Subsection 26B-5-103(b) ~~[62A-15-103(3)(b),]~~ and by request from other interested parties.

**R523-20-4. Purchase and Distribution of Gun Locks.**

~~(4) DSAMH~~ The Office of Substance Use and Mental Health shall use standard procurement processes to enter into a contract for ~~[ongoing]~~ purchase of cable style gun locks for distribution when funding is allocated from the Legislature for this purpose.

**R523-20-5. [Gun] Firearms Safe Rebate Program [Coupon Distribution].**

(1) ~~[DSAMH]~~ The Office of Substance Use and Mental Health shall coordinate with the Department of Public Safety ~~[(DPS)]~~ to administer a ~~[redeemable coupon]~~ rebate program for Utah residents with a current concealed firearm permit ~~[;]~~ and Utah residents applying for concealed firearms permit when funding is allocated from the Legislature for this purpose.

(2) ~~[DSAMH]~~ The Office of Substance Use and Mental Health shall establish a ~~[registration]~~ process for the rebate after a Utah resident purchases a firearms safe from a participating firearms retailer or a person engaged in the business of selling firearms safes ~~[the coupons]~~ that will offer a reimbursement as stated in Subsection 26B-5-102(3)(c).

~~[(a)]~~ ~~[DPS shall alert concealed firearm permit holders by post on the Bureau of Criminal Investigations webpage;~~

~~[(b)]~~ ~~[coupons] Rebates shall be dispensed on a first come first serve basis[;].~~

~~[(e)]~~ ~~[i)]~~ Individuals receiving a rebate ~~[coupons will be required to]~~ shall submit a concealed firearm permit number and receipt for safe purchase for reimbursement of funds as outlined in application process. ~~[; and]~~

~~[(d)]~~ ~~[5)]~~ ~~[only]~~ A maximum of one ~~[+ coupon]~~ rebate shall be available per permit number holder.

~~[(3)]~~ This program operates on on-time funding, therefore, coupons shall be available until all funds are expended.

**KEY:** firearm safety and suicide prevention program, gun locks, gun safe [coupons]rebates, firearm safety and suicide prevention pamphlets

Date of Last Change: ~~2024~~[October 23, 2019]

Authorizing, and Implemented or Interpreted Law: ~~[62A-15-103(3)(d); 62A-15-1101(7)(b)(ii)]~~26B-5-102(3)(d)

<b>NOTICE OF SUBSTANTIVE CHANGE</b>		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R525-6</b>	<b>Filing ID:</b> 56670

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Substance Abuse and Mental Health, State Hospital	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W, 3rd Floor	
<b>City, state:</b>	Salt Lake City, UT	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Thomas Dunford	801-538-4181	tdunford@utah.gov
Dallas Earnshaw	801-344-4200	dearnshaw@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R525-6. Prohibited Items and Devices
<b>3. Purpose of the new rule or reason for the change:</b>
Following a five-year review of this rule, the agency identified language that should be reworded and restructured for greater clarity and compliance with the Rulewriting Manual for Utah, as well as greater clarity in its explanation of the rulemaking authority.
<b>4. Summary of the new rule or change:</b>
This proposed amendment updates citations for rulemaking authority and provides information on those citations.  Additionally, it makes style and formatting changes in accordance with the Rulewriting Manual for Utah.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This amendment is not anticipated to introduce a cost or savings to the state budget, as it updates citations, clarifies statutory authority, and includes updates to style and formatting in accordance with the Rulewriting Manual for Utah.  It does not add, remove, or replace established safe areas, which could have potentially resulted in a fiscal impact.
<b>B) Local governments:</b>
This amendment is not anticipated to introduce a cost or savings to local governments, as it updates citations, clarifies statutory authority, and includes updates to style and formatting in accordance with the Rulewriting Manual for Utah.  It does not add, remove, or replace established safe areas, which could have potentially resulted in a fiscal impact.

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

This amendment is not anticipated to introduce a cost or savings to small businesses, as this rule does not apply to small businesses.

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

This amendment is not anticipated to introduce a cost or savings to non-small businesses, as this rule does not apply to non-small businesses.

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

This amendment is not anticipated to introduce a cost or savings to other persons, as this rule does not apply to this group.

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

There is no compliance cost associated with this amendment, as it does not change existing requirements for affected parties.

**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	FY2025	FY2026	FY2027
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2025	FY2026	FY2027
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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

**Citation Information**

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

Subsection 26B-1-202(2)	Subsection 76-8-311.1(2)(a)	
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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.)

<b>A) Comments will be accepted until:</b>	09/16/2024
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<b>9. This rule change MAY become effective on:</b>	09/23/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	07/19/2024
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**R525. Health and Human Services, Substance Abuse and Mental Health, State Hospital.**

**R525-6. Prohibited Items and Devices.**

**R525-6-1. Authority and Purpose.**

(1) This rule is adopted under:

- (a) Subsection 26B-1-202(1), which gives the Department of Health and Human Services rulemaking authority;
- (b) [Sections 62A-15-105, 62A-15-603 and] Subsection[s] 76-8-311.1(2)(a), which permits a mental health facility to establish secure areas within the facility and prohibit or control by rule any firearm or other dangerous weapon, ammunition, or explosive; and
- (c) Subsection 76-8-311.3(2), which permits a mental health facility to prohibit a firearm, ammunition, a dangerous weapon, an implement of escape, an explosive, a controlled substance, spirituous or fermented liquor, medicine, or poison on campus[-].

(2) This rule establishes secure areas on the Utah State Hospital (USH) campus, and procedures for securing prohibited items and devices.

**R525-6-2. Establishment of Secure Areas.**

[The following b] Buildings [of] on the USH [are] campus established as secure areas are:

- (1) Forensic Mental Health Facility;
- (2) Lucy Beth Rampton Building;
- (3) Mountain Springs Pediatric Building; and
- (4) any building on the USH campus that:
  - (a) is erected to replace or expand the capacity of these buildings[?]; or
  - (b) exists to perform similar functions [of] to these buildings.

**R525-6-3. Items and Devices Prohibited from Secure Areas.**

Any weapon, contraband, controlled substance[s], ammunition, [- items that] implement of escape, explosive[s], spirituous or fermented liquor[s], firearm[s], or [any] device[s] that [are] is normally considered to be a weapon[s] [are] is prohibited from entry beyond the secure storage lockers in the foyers of each building identified in this rule.

**R525-6-4. Storage of Prohibited Items and Devices.**

The public is notified of the availability of secure storage lockers at the entrance of the USH campus. [-] Directions for use of the storage lockers are provided at or near the entrance of each [of the] building[s] identified in this rule.

**KEY: weapons, state hospital, secure areas, prohibited items and devices**

**Date of Last Change: 2024[November 9, 2024]**

**Notice of Continuation: January 15, 2023**

**Authorizing, and Implemented or Interpreted Law: [62A-15-603; 62A-15-105; 26B-1-202(1); 76-8-311.1(2)(a); 76-8-311.3(2)]**

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R527-3</b>	<b>Filing ID: 56668</b>

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Recovery Services
<b>Building:</b>	Taylorville State Office Building
<b>Street address:</b>	4315 S 2700 W
<b>City, state</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 45033
<b>City, state and zip:</b>	Salt Lake City, UT 84145-0033



<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Casey Cole	801-741-7523	cacole@utah.gov
Jodi Witte	801-741-7417	jwitte@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

<b>2. Rule or section catchline:</b>
R527-3. Definitions
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being updated due to the recent recodification from S.B. 95 of the 2024 General Session.
<b>4. Summary of the new rule or change:</b>
This filing updates the rule to reflect recodification of Section 78B-12-102 to Section 81-6-101.
Section 81-1-101 was also added into the rule text as a reference for definitions.
The filing additionally makes minor style and formatting changes to rule text in accordance with the Rulewriting Manual for Utah.

### Fiscal Information

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no anticipated fiscal impact to the state budget, as this rule change updates statutory citations, adds definitions to the rule text, and makes minor style and formatting changes in accordance with the Rulewriting Manual for Utah.
This proposed rule does not add, remove, or modify existing requirements or restrictions for the state.
<b>B) Local governments:</b>
There is no anticipated fiscal impact to local governments, as this rule does not apply to this group.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There is no anticipated fiscal impact to small businesses, as this rule does not apply to this group.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There is no anticipated fiscal impact to non-small businesses, as this rule does not apply to this group.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i> ):
There is no anticipated fiscal impact to other persons, as this rule change updates statutory citations, adds definitions to the rule text, and makes minor style and formatting changes in accordance with the Rulewriting Manual for Utah.
This proposed rule does not add, remove, or modify existing requirements or restrictions for other persons.
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no anticipated compliance costs, as this rule change updates statutory citations, adds definitions to the rule text, and makes minor style and formatting changes in accordance with the Rulewriting Manual for Utah.

**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	FY2025	FY2026	FY2027
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2025	FY2026	FY2027
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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

**Citation Information**

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

Section 26B-1-202	Section 26B-9-108	
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	09/16/2024
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<b>9. This rule change MAY become effective on:</b>	09/23/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	07/19/2024
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**R527. Health and Human Services, Recovery Services.**

**R527-3. Definitions.**

**R527-3-1. Authority and Purpose.**

(1) The Department of Health and Human Services ~~[is authorized to]~~ may create rules necessary for social services pursuant to Section 26B-1-202. ~~[-]The Office of Recovery Services (ORS) [is authorized to]~~ may adopt, amend, and enforce rules pursuant to Section 26B-9-108.

(2) The purpose of this rule is to identify the terms and definitions used by ORS not currently defined by law.

**R527-3-2. Definitions.**

Terms used in ~~[this]~~ Title ~~[ ]~~ R527~~[ ]~~ are defined in Sections 26B-9-101, 26B-9-201, 26B-9-301, ~~[78B-12-102 and]~~ 78B-14-102, 81-1-101, and 81-6-101. ~~[-]In addition[, the following terms are defined]:~~

(1) "IV-D" means Title IV-D of the Social Security Act.

(2) "IV-D agency" means the state agency that administers a child support program under Title IV-D of the Social Security Act.

- (3) "IV-D recipient" means a person who receives IV-D services.
- (4) "IV-A" means Title IV-A of the Social Security Act.
- (5) "IV-A agency" means the state agency that administers a public entitlement program under Title IV-A of the Social Security Act.
- (6) "IV-A recipient" means any individual who has been determined eligible for financial assistance pursuant to Title IV-A of the Social Security Act.

(7) "Non-IV-A Medicaid recipient" means any individual who has been determined eligible for or is receiving Medicaid pursuant to Title XIX of the Social Security Act but has not been determined eligible for or is not receiving financial assistance pursuant to Title IV-A of the Social Security Act.

(8) "Medicaid agency" means the state agency that has the responsibility for administration of or supervising the administration of the state plan pursuant to Title XIX of the Social Security Act.

**KEY: child support, welfare**

**Date of Last Change:** ~~November 5, 2023~~ **2024**

**Notice of Continuation:** August 17, 2021

**Authorizing, and Implemented or Interpreted Law:** 26B-~~9~~**1**-202; 26B-9-101; 26B-9-108; 26B-9-201; 26B-9-301; ~~78B-12-102;~~ 78B-14-102; ~~81-1-101;~~ ~~81-6-101;~~ 42 U.S.C. Chapter 7

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or Section Number:** **R527-201** **Filing ID: 56669**

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Recovery Services	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 45033	
<b>City, state and zip:</b>	Salt Lake City, UT 84145-0033	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jodi Witte	801-741-7417	jwitte@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R527-201. Medical Support Services
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being updated due to the recent recodification from S.B. 95 of the 2024 General Session.
<b>4. Summary of the new rule or change:</b>
This filing replaces Sections 26B-1-102, 78B-12-102, and 78B-12-212 with appropriate citations based on the recodification.
It additionally adds a reference to Section 26B-9-225 and updates insurance references to more specifically refer to health insurance throughout the rule text.
The filing additionally makes minor style and formatting changes to rule text in accordance with the Rulewriting Manual for Utah.

**Fiscal Information**

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

**A) State budget:**

There is no anticipated fiscal impact to the state budget, as this rule change updates and adds statutory citations, updates terminology, and makes minor style and formatting changes in accordance with the Rulewriting Manual for Utah.

This filing does not add, remove, or modify any existing requirements or restrictions for the state.

**B) Local governments:**

There is no anticipated fiscal impact to local governments, as this rule change updates and adds statutory citations, updates terminology, and makes minor style and formatting changes in accordance with the Rulewriting Manual for Utah.

This filing does not add, remove, or modify any existing requirements or restrictions for local governments.

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

There is no anticipated fiscal impact to small businesses, as this rule change updates and adds statutory citations, updates terminology, and makes minor style and formatting changes in accordance with the Rulewriting Manual for Utah.

This filing does not add, remove, or modify any existing requirements or restrictions for small businesses.

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

There is no anticipated fiscal impact to non-small businesses, as this rule change updates and adds statutory citations, updates terminology, and makes minor style and formatting changes in accordance with the Rulewriting Manual for Utah.

This filing does not add, remove, or modify any existing requirements or restrictions non-small businesses.

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

There is no anticipated fiscal impact to other persons, as this rule change updates and adds statutory citations, updates terminology, and makes minor style and formatting changes in accordance with the Rulewriting Manual for Utah.

This filing does not add, remove, or modify any existing requirements or restrictions for other persons.

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

There are no anticipated compliance costs, as this rule change updates and adds statutory citations, updates terminology, and makes minor style and formatting changes in accordance with the Rulewriting Manual for Utah.

**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.)**

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Section 26B-1-202	Section 26B-9-108	
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**Public Notice Information**

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

**A) Comments will be accepted until:** 09/16/2024

**9. This rule change MAY become effective on:** 09/23/2024

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**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	07/19/2024
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**R527. Health and Human Services, Recovery Services.**

**R527-201. Medical Support Services.**

**R527-201-1. Authority and Purpose.**

(1) The Department of Health and Human Services ~~[is authorized to]~~ may create rules necessary for social services pursuant to Section ~~[26B-1-102]~~ 26B-1-202. ~~[-]~~The Office of Recovery Services (ORS) ~~[is authorized to]~~ may adopt, amend, and enforce rules pursuant to Section 26B-9-108.

(2) The purpose of this rule is to specify the responsibilities and procedures for ORS to provide Title IV-D medical support services pursuant to 45 CFR 303.30, 303.31 and 303.32 (2024).

**R527-201-2. Definitions.**

(1) "Accessible" is whether the health care coverage provided by a parent is reasonably available for the child's use. ~~[-]~~Insurance is considered accessible to the child if non-emergency services covered by the health insurance plan are available to the child within 90 minutes or 90 miles of the child's primary residence.

(2) "Cash Medical Support" is an obligation to provide financial support in lieu of or in addition to health insurance to provide for the medical needs of the child. Pursuant to ~~[78B-12-102]~~ Section 26B-9-201, cash medical support in Utah means an obligation to equally share all reasonable and necessary medical and dental expenses of children.

(3) "National Medical Support Notice" ~~[{or "NMSN"}]~~ is the federally approved form that ORS shall use to notify an employer to enroll ~~[dependent-]~~ children in an employment-related ~~[group-]~~ health insurance plan in accordance with a child support order.

**R527-201-3. Limitation of Services.**

ORS ~~[shall]~~ may not:

- (1) pursue establishment of specific amounts for monthly medical support;
- (2) initiate an action to obtain a judgment for uninsured medical expenses; or
- (3) collect and disburse premium payments to insurance companies.

**R527-201-4. Conditions Under Which Non-IV-A Medicaid Recipients May Decline Support Services.**

ORS shall provide child and spousal support services; however, a non-IV-A Medicaid recipient may decline child and spousal support services if paternity is not an issue and there is an order for the non-custodial parent to provide medical support.

**R527-201-5. Securing a Medical Support Provision in the Support Order.**

- (1) A notice to potentially obligated parents shall include a provision that an administrative or judicial proceeding will occur to:
  - (a) order either or both parents to purchase and maintain appropriate health care coverage; and
  - (b) order either or both parents to pay cash medical support.
- (2) The notice shall be provided when the state either:
  - (a) initiates an action to establish a final support order or to adjust an existing child support order; or
  - (b) joins a divorce or modification action initiated by either the custodial or the non-custodial parent.
- (3) If a judicial support order does not include a medical support provision, ORS shall begin judicial action to include a medical support provision.

**R527-201-6. Reasonable Cost of Insurance Premiums.**

- (1) Employment[-]related or other [~~group~~]health insurance coverage that does not exceed 5% of the parent's monthly gross income is generally considered reasonable in cost.
- (2) An employer may not withhold more than the lesser of the amount allowed under the Consumer Credit Protection Act, the amount allowed by the state of the employee's principal place of employment, or the amount allowed for health insurance premiums by the child support order.
- (3) If the combined child support and medical support obligations exceed the allowable deduction amount, the employer shall withhold according to the law, if any, of the state of the employee's principal place of employment requiring prioritization between child support and medical support.
- (4) If the employee's principal place of employment is in Utah, the employer shall deduct current child support before deducting amounts for health insurance coverage.
- (5) If the amount necessary to cover the health insurance premiums cannot be deducted due to prioritization or limitations on withholding, the employer shall notify ORS.

**R527-201-7. Insurance Credit.**

- (1) If a parent is required to provide health care coverage for the minor children, and the order was issued by a Utah tribunal, the parent may receive [~~an~~]a health insurance premium credit pursuant to Section [~~78B-12-212~~]81-6-208.
- (2) ORS will calculate and apply the insurance credit if ORS receives a completed Insurance Premium Credit Request letter. [-]The completed Insurance Premium Credit Request must include the:
  - (a) availability of health insurance;
  - (b) policy number;
  - (c) names of each individual covered by the policy;
  - (d) the out-of-pocket cost for the health insurance;
  - (e) proof of the monthly health insurance premium paid;
  - (f) the obligated parent's signature; and[~~7~~]
  - (g) the date the letter was completed.
- (3) Credit will be given to the obligated parent beginning the first day of the month following the date ORS receives the completed Insurance Premium Credit Request letter.
- (4) The health insurance credit will end on January 2 of each calendar year, in accordance with Subsection [~~78B-12-212(8)~~]81-6-208(10), unless the obligated parent provides verification of health insurance coverage and costs to ORS on an updated Insurance Premium Credit Request. To allow sufficient time for ORS to process the annual health insurance verification, the obligated parent may provide verification of the health insurance coverage as early as November 1 of the previous year.

**R527-201-8. Credit for Premium Payments and Effect of Changes to the Premium Amount Subsequent to the Order.**

- (1) If the order or underlying worksheet does not mention a specific credit for health insurance premiums, ORS shall give credit for the child's portion of the health insurance premium when the obligated parent provides the necessary verification of health insurance coverage.
- (2) ORS shall notify both parents in writing when the credit is changed.

**R527-201-9. Enforcement of Obligation to Maintain [~~Medical and Dental~~]Health Insurance.**

- (1) Appropriate steps shall be taken by ORS to ensure compliance with orders that require either parent or both parents to maintain health insurance. Parents shall demonstrate compliance by providing ORS with policy numbers and the health insurance provider name for the [~~dependent~~]children for whom the medical support is ordered.
- (2) If a parent has been ordered to maintain health insurance and health insurance is accessible and available at a reasonable cost, ORS shall use the NMSN to transfer notice of the health insurance provision to the parent's employer unless ORS is notified pursuant to Section 26B-9-225 that the children are already enrolled in [~~an~~]a health insurance plan in accordance with the order.
- (3) When appropriate, ORS shall send the NMSN to the parent's employer within two business days after employment information about the parent is entered in the State Directory of New Hires, has matched with ORS records, and been reported to ORS pursuant to Subsection 35A-7-105(2).
- (4) The employer shall transfer the NMSN to the appropriate [~~group~~]health insurance plan for which the children are eligible within 20 business days of the date of the NMSN if each of the following criteria are met:
  - (a) the parent is still employed by the employer;
  - (b) the employer maintains or contributes to plans providing [~~dependent or~~]family health insurance coverage;

- (c) the parent is eligible for the health insurance coverage available through the employer; and
- (d) state or federal withholding limitations, prioritization, or both, do not prevent withholding the amount required to obtain health insurance coverage.
- (5) If more than one health insurance coverage option is available under a [~~group~~]health insurance plan and the parent is not already enrolled, ORS in consultation with the custodial parent may select the least expensive option if the option complies with the child support order and benefits the children. [-]The insurer shall enroll the children in the plan's default option or least expensive option in accordance with Subsection 26B-9-226(1)(b) unless another option is specified by ORS.
- (6) The employer shall determine if the necessary employee contributions for the health insurance coverage are available. [-]If the amounts necessary are available, the employer shall begin withholding when appropriate and remit directly to the plan.
- (7) In accordance with Subsections 26B-9-225(2) and (3), the parent may contest withholding health insurance premiums based on a mistake of fact. The employer shall continue withholding under the NMSN until notified by ORS to terminate withholding health insurance premiums.
- (8) If a parent successfully contests the action to enroll the children in a [~~group~~]health insurance plan based on a mistake of fact, ORS shall notify the employer to discontinue enrollment and withholding health insurance premiums for the children.
- (9) In accordance with Subsection 26B-9-306(9), the employer shall:
  - (a) notify ORS within five days after the parent terminates employment;
  - (b) provide ORS with the parent's last-known address; and
  - (c) provide the name and address of a new employer, if known.
- (10) ORS shall promptly notify the employer when a current order for medical support is no longer in effect for which ORS is responsible.

**R527-201-10. Coordination of Health Insurance Benefits.**

If, at any point in time, a [~~dependent~~]child is covered by the health[~~, hospital, or dental~~] insurance plans of both parents, the health[~~, hospital, or dental~~] insurance plan of the parent whose birthday occurs first in the calendar year, shall be designated as primary coverage for the [~~dependent~~]child. [-]The health[~~, hospital, or dental~~] insurance plan of the other parent shall be designated as secondary coverage for the [~~dependent~~]child.

**KEY: child support, health insurance, Medicaid**

**Date of Last Change:** [~~August 14, 2023~~]**2024**

**Notice of Continuation:** March 9, 2021

**Authorizing, and Implemented or Interpreted Law:** [~~26B-1-102~~]**26B-1-202; 26B-9-108; 26B-9-201; 26B-9-224; 26B-9-225; 26B-9-226; 26B-9-306; [78B-12-212; ]35A-7-105; 81-6-208; 45 CFR 303.30; 45 CFR 303.31; 45 CFR 303.32**

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or Section Number:**

**R657-5**

**Filing ID: 56678**

**Agency Information**

<b>1. Title catchline:</b>	Natural Resources, Wildlife Resources	
<b>Building:</b>	DNR Complex	
<b>Street address:</b>	1594 W North Temple	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 146301	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6301	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Staci Coons	801-450-3093	stacicoons@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

**2. Rule or section catchline:**

R657-5. Taking Big Game

<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking Big Game.
<b>4. Summary of the new rule or change:</b>
The proposed amendments to this rule place the rule in line with H.B. 222, Wildlife Hunting Amendments, passed in the 2024 General Session which clarifies the amount of Hunter Orange that a hunter needs to wear.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The amendments to Rule R657-5 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.
<b>B) Local governments:</b>
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
The proposed rule amendments will not directly impact small businesses because a service is not required of them.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.
<b>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):</b>
The proposed rule amendments do not have the potential to impact other persons that hunt big game in Utah, nor is a service required of them.
<b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>
DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply clarifies what amount of hunter orange needs to be visible.

**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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.  
 After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

**Citation Information**

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

Section 23A-2-304	Section 23A-2-305	
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**Public Notice Information**

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

**A) Comments will be accepted until:** 09/16/2024

**9. This rule change MAY become effective on:** 09/23/2024

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**

<b>Agency head or designee and title:</b>	J. Shirley, Division Director	<b>Date:</b>	07/25/2024
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**R657. Natural Resources, Wildlife Resources.**

**R657-5. Taking Big Game.**

**R657-5-1. Purpose and Authority.**

- (1) Under authority of Sections 23A-2-304 and 23A-2-305, the Wildlife Board has established:
  - (a) this rule for taking deer, elk, pronghorn, moose, bison, bighorn sheep, and Rocky Mountain goat.
  - (b) appropriate weapons or devices to take big game and restrictions to weapons or devices to take big game.
- (2) Specific dates, areas, methods of take, requirements, and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking big game.

**R657-5-49. Hunter Orange Exceptions.**

- (1) ~~A person~~ An individual shall wear a ~~minimum~~ hat, jacket, coat, vest, or sweater made of 400 inches of ~~primarily~~ primarily hunter orange material ~~on and so the [head, chest, and back] item can be seen~~ while hunting any species of big game, with the following exceptions:
  - (a) hunters participating in a once-in-a-lifetime, statewide conservation, or statewide sportsmen hunt;
  - (b) hunters participating in an archery or muzzleloader hunt outside of an area where an any weapon general season bull elk or any weapon general season buck deer hunt is occurring;
  - (c) hunters participating in a Handgun-Archery-Muzzleloader-Shotgun-Straight-walled Rifle-Only hunt outside of an area where an any weapon general season bull elk or any weapon general season buck deer hunt is occurring;
  - (d) hunters hunting on a cooperative wildlife management unit unless otherwise required by the operator of the cooperative wildlife management units;
  - (e) hunters participating in a nuisance wildlife removal hunt authorized under a certificate of registration by the division; and
  - (f) hunters participating in an archery hunt with unit boundaries and season dates that overlap the unit boundaries and season dates for the youth any bull elk hunt.

**KEY: wildlife, game laws, big game seasons**

**Date of Last Change: [July 9,] 2024**

**Notice of Continuation: September 8, 2020**

**Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305; 23A-11-201; 23A-11-202**

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R995-100</b>	<b>Filing ID: 56685</b>

**Agency Information**

<b>1. Title catchline:</b>	Workforce Services, School Readiness Program	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 45244	
<b>City, state and zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Robert Andreasen	801-517-4722	randreasen@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R995-100. School Readiness Board
<b>3. Purpose of the new rule or reason for the change:</b>
During the 2024 General Session, the Legislature passed S.B. 220, School Readiness Amendments, which repealed the School Readiness Board, created a school readiness team, renamed school readiness grant programs, established an order for awarding school readiness funds, and amended certain criteria under which grants will be administered and monitored.
<b>4. Summary of the new rule or change:</b>
This rule change clarifies terms, replaces the School Readiness Board with the school readiness team, describes the priority for school readiness funds, amends grant requirements and monitoring consistent with the legislative changes, establishes the procedure and tools for evaluating grant recipients, and describes the process under which the Department may provide funding by contracting with a program.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have a fiscal impact on state budget revenues or expenditures that were not already accounted for by the fiscal note to S.B. 220 (2024). The fiscal note provides that the Department of Workforce Services expenditures for personnel costs may increase as a result of the legislation.  However, no additional costs or savings are anticipated as a result of this rule change.
<b>B) Local governments:</b>
This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because the program does not rely on local governments for funding, administration, or enforcement.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule change is not expected to result in any costs or savings to small businesses other than those existing costs or savings that may be realized by a provider that applies for, maintains eligibility for, or receives an award of school readiness funds.

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

This rule change is not expected to result in any costs or savings to non-small businesses other than those existing costs or savings that may be realized by a provider that applies for, maintains eligibility for, or receives an award of school readiness funds.

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

There are no anticipated costs or savings to other persons because the rule change requires no action or expenditure by any person.

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

The proposed rule amendment is not expected to cause any compliance costs for affected persons because the changes do not create any new administrative fees.

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

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2025	FY2026	FY2027
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Executive Director of the Department of Workforce Services , Casey Cameron, 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 35A-15-301	Section 35A-15-302	Section 35A-15-303
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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.)

<b>A) Comments will be accepted until:</b>	09/16/2024
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<b>9. This rule change MAY become effective on:</b>	09/23/2024
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**

<b>Agency head or designee and title:</b>	Casey Cameron, Executive Director	<b>Date:</b>	07/30/2024
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**R995. Workforce Services, School Readiness Program[Board].**

**R995-100. School Readiness Program[Board].**

**R955-100-100. Purpose.**

This rule describes the processes and procedures ~~used by~~ for administering the School Readiness Program[Board to administer and monitor the preschool grant programs] in Title 35A, Chapter 15, Preschool Programs ~~and to implement the tool used to determine whether a preschool program is high quality~~.

**R955-100-101. Authority.**

This rule is authorized~~required~~ by Sections ~~[35A-3-301(9) and 35A-3-302(10)]~~35A-15-301 through 35A-15-303 and is enacted under ~~[the authority of]~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

**R955-100-102. Definitions.**

- (1) The terms used in this rule are defined in Section 35A-15-102.
- (2) In addition:
  - (a) ~~["Department" means the Department of Workforce Services.~~
  - ~~(b) "OCC" means the Department of Workforce Services, Office of Child Care.~~
  - (b)(e) "SRT[~~B~~]" means ~~[S]school [R]readiness team[Board]~~.

**R955-100-103. Priority for Funding[Role of Department].**

~~(1) [The Department provides staff support to the SRB pursuant to Section 35A-15-201(4).]The School Readiness Restricted Account distribution of funds is prioritized as follows:~~

- ~~(a) to pay results-based contracts if awarded;~~
- ~~(b) to grant awards for high quality school readiness programs; and~~
- ~~(c) if funds remain, to grant awards for becoming quality school readiness programs.~~

~~(2) Department staff shall develop grant documentation in consultation with the SRT[~~B~~].~~

~~(3) The department shall give priority in awarding a high quality school readiness grant to an applicant that has previously received a high quality school readiness grant, if all criteria are met.~~

**R955-100-200. Becoming [High-]Quality School Readiness Grant Program.**

~~(1) A grant under this section shall be awarded by the department in consultation with the SRT.~~

~~(2) During each program year, a grant recipient[s] shall administer and report results of the assessments required in the grant agreement.~~

~~(a) If a grant recipient fails to administer and report the results of the required assessments, the recipient shall be placed on a performance improvement plan.~~

~~(b) If a grant recipient fails to comply with the performance improvement plan, the recipient may be ineligible to receive additional reimbursements or future grant funding.~~

~~(3)(2) [Grant recipients will]The department shall [be subject to]monitor[ing] a grant recipient in accordance with [and reporting requirements as required by the D]department [and OCC under guidance from]policy and procedure, and in consultation with the SRT[~~B~~].~~

~~(a) Grant recipients shall submit the annual reports required by Sections 35A-15-301(7) and 35A-15-301(8) following the instructions contained in the grant agreement.~~

~~(b) Grant recipients shall submit any other reports, including quarterly reports, as provided in the grant agreement.~~

~~(c) If a grant recipient fails to submit required reports, the recipient shall be placed on a performance improvement plan.~~

~~(d) If a grant recipient fails to comply with the performance improvement plan, the recipient may be ineligible to receive additional reimbursements or future grant funding.~~

~~(3) Grants shall be monitored in accordance with Department grant monitoring policy and procedure.~~

~~(a) Monitoring may include[but is not limited to]:~~

- ~~(i) fiscal operations[;];~~
- ~~(ii) [and]the terms, conditions, attachments, scope of work, and performance requirements of the grant agreement[-];~~
- ~~(b)iii) [Monitoring may include, but is not limited to, both]announced and unannounced site visits[;];~~
- ~~(iv) desk audit[;];~~
- ~~(v) third party monitoring[;];~~
- ~~(vi) expenditure document review; and[or]~~
- ~~(vii) video[~~r~~] or phone conferencing.~~

~~(b) [Any o]n-site monitoring will take place during normal business hours.~~

(c) ~~[A grant recipient who fails to comply with monitoring may be placed on a performance improvement plan.~~

~~(d) If the [D]department determines a grant recipient is not in compliance with the grant agreement, the recipient may be placed on a performance improvement plan or the agreement may be terminated in accordance with the terms of the grant agreement.~~

~~(e)d~~ If a grant recipient fails to comply with a performance improvement plan, the recipient may be ineligible to receive additional reimbursements or future grant funding.

(3) A grant recipient may receive a grant under this section for no longer than three years.

**R955-100-300. ~~[Expanded Student Access to]~~High Quality School Readiness ~~[Programs]~~Grant Program.**

~~(1) [The SRB will select an evidence-based tool as required in Section 35A-15-303(4)(a) to determine whether a school readiness program is high quality.]A grant under this section shall be awarded to an eligible LEA or private provider by the department in consultation with the SRT to expand access to high quality school readiness programs for eligible students.~~

~~(2) [The SRB will implement the tool in accordance with best practices as defined by the tool's creator.]During each program year, a grant recipient shall administer and report results of the assessments required in the grant agreement.~~

~~(3) [Grants]The department shall [be-]administer[ed] and monitor[ed] a grant in accordance with [D]department policy and procedure, and in consultation with the SRT.~~

~~(a) Monitoring may include[ but is not limited to]:~~

~~(i) fiscal operations[;];~~

~~(ii) [and]the terms, conditions, attachments, scope of work, and performance requirements of the grant agreement[;];~~

~~(b)iii) [Monitoring may include, but is not limited to, both-]announced and unannounced site visits[;];~~

~~(iv) desk audit[;];~~

~~(v) third party monitoring[;];~~

~~(vi) expenditure document review; and[~~or~~]~~

~~(vii) video[~~t~~] or phone conferencing.~~

~~(b) [Any o]Onsite monitoring will take place during normal business hours.~~

~~(c) [A grant recipient who fails to comply with monitoring may be placed on a performance improvement plan.~~

~~(d) If the [D]department determines a grant recipient is not in compliance with the grant agreement, the recipient may be placed on a performance improvement plan[ or the agreement may be terminated in accordance with the terms of the grant agreement].~~

~~(i)d~~ If a grant recipient fails to comply with a performance improvement plan, the recipient may be ineligible to receive additional reimbursements or future grant funding.

**KEY: preschool, grant programs**

**Date of Last Change: 2024~~[December 23, 2019]~~**

**Authorizing, and Implemented or Interpreted Law: 35A-15-301; 35A-15-302; 35A-15-303**

**End of the Notices of Proposed Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at [adminrules.utah.gov](http://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.

## NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

<b>Rule Number:</b>	<b>R65-1</b>	<b>Filing ID: 56278</b>
<b>Effective Date:</b>	<b>07/31/2024</b>	

### Agency Information

<b>1. Title catchline:</b>	Agriculture and Food, Marketing and Development	
<b>Building:</b>	Taylorsville State Office Buildings, South Bldg, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 16500	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	Ambermbrown@Utah.gov
Kelly Pehrson	801-982-2200	Kwpehrson@Utah.gov
Caroline Hargraves	801-982-2353	Carolinehargraves@Utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

### General Information

<b>2. Rule catchline:</b>	R65-1. Utah Apple Marketing Order	
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>	Per Subsections, 4-2-103(1)(e) and 4-2-103(1)(i), the Department of Agriculture and Food (Department) may issue a marketing order to promote orderly promotions for any product, give producers a fair return in the marketplace, and promote, not restrict Utah's agricultural commodities.	
	This rule dedicates apples grown and marketed in the state in a marketing order. This marketing order provides information for the Utah Apple Marketing Board (Board) about its duties, members, collection and disbursement of fees, and procedures if there are violations or if the commissioner decides to dissolve this marketing order.	

**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 supportive or opposing public comments regarding this rule in the last 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:**

Although the Department has not received any public comments regarding this rule, the Department has determined that this rule is necessary as the marketing order for apples grown and marketed in Utah. Apples are an essential commodity to the economy of the state and fair marketing practices contribute to that success.

This rule or marketing order ensures producers receive a fair return on promoting their products throughout the state. This rule provides essential procedures to ensure a fair collection of funds that the Board may use for promoting Utah grown apples and it clarifies the Board's duties and requirements. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig Buttars, Commissioner	<b>Date:</b>	07/31/2024
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R70-910</b>	<b>Filing ID: 53433</b>
<b>Effective Date:</b>	<b>07/31/2024</b>	

**Agency Information**

<b>1. Title catchline:</b>	Agriculture and Food, Regulatory Services	
<b>Building:</b>	Taylorsville State Office Buildings, South Bldg, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 16500	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	Ambermbrown@Utah.gov
Kelly Pehrson	801-982-2200	Kwpehrson@Utah.gov
Travis Waller	801-982-2200	Twaller@Utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

**2. Rule catchline:**  
R70-910. Registration of Servicepersons for Commercial Weighing and Measuring Devices

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:**

Under Section 4-9-103, the Department of Agriculture and Food (Department) is authorized to make rules to administer and enforce the Weights and Measures in the state. The Weights and Measures program is complex and oversees weights and measuring devices, as well as the registration of Servicepersons or Service Agencies.

The program adopts standards and requirements as listed in the NIST Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality as adopted by the 108th National Conference on Weights and Measures. The Department regulates Weights and Measures devices and Servicepersons throughout the state to ensure that equity prevails in the marketplace and that commodities bought or sold are accurately weighed or measured and properly identified.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

The Department has not received any written comments supporting or opposing this rule within the last 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 rule is important to provide clarifying information about Weights and Measures throughout the state to ensure equity in the marketplace by providing an accurate weight or measure of commodities that are sold or bought.

The Department has filed a revised rule that provides clarity and reduces redundancy by repealing Rules R70-950, R70-930, and R70-920. The revised rule, effective August 2024, will have various sections that adopt the chapters of the NIST Handbook 130 that relate to the repealed rules which will help the user identify applicable Weights and Measures requirements.

Also, this rule provides information regarding the standards or requirements that the Department may exempt from the NIST Handbook 130 and that do not apply to the Weights and Measures devices or Servicepersons in Utah. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig Buttars, Commissioner	<b>Date:</b>	07/31/2024
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R156-38a</b>	<b>Filing ID: 50268</b>
<b>Effective Date:</b>	<b>07/25/2024</b>	

**Agency Information**

<b>1. Title catchline:</b>	Commerce, Professional Licensing	
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 E 300 S	
<b>City, state</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Allyson Pettley	801-530-6628	apettley@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R156-38a. Residence Lien Restriction and Lien Recovery Fund Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 38, Chapter 11, provides for the Residence Lien Recovery Fund (Fund).
Section 38-11-103 provides that this chapter is to be administered by the Division of Professional Licensing (Division).
Section 38-11-105 and Subsection 38-11-108(2) provide that the Division shall establish procedures by rule with respect to the Fund.
This rule was enacted to clarify the provisions of Title 38, Chapter 11, with respect to the Fund.



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

Since this rule was last reviewed in September 2019, the Division has received no written comments with respect to this rule nor have any amendments been filed to the rule since August 2018.

**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 for several reasons. First, this rule sets forth the evidentiary requirements for Fund applications.

Second, this rule codifies years of decisions so the public has a single, convenient reference for guidance on taking advantage of the Residence Lien Restriction and Lien Recovery Fund Act.

Finally, this rule is the repository of instructions for all Fund activities. Without that guidance, the Fund's workings would become mired in inefficiency and contradiction. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	07/23/2024
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R156-38b</b>	<b>Filing ID:</b> 50269
<b>Effective Date:</b>	<b>07/25/2024</b>	

**Agency Information**

<b>1. Title catchline:</b>	Commerce, Professional Licensing	
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 E 300 S	
<b>City, state</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Allyson Pettley	801-530-6628	apettley@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R156-38b. State Construction Registry Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 38, Chapter 1a, Part 2, creates the State Construction Registry. Title 38, Chapter 1a, Part 2, provides that the State Construction Registry is to be overseen by the Division of Professional Licensing (Division).
Subsection 38-1a-202(3)(a) provides that the Division shall establish procedures by rule with respect to the State Construction Registry. This rule was enacted to clarify the provisions of Title 38, Chapters 1a, and 1b, with respect to the State Construction Registry.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

Since this rule was last reviewed in September 2019, the Division has received no written comments with respect to this rule nor have any amendments been filed to the rule since May 2017.

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

This rule is necessary as it provides a mechanism to inform persons and companies who utilize the State Construction Registry of requirements as allowed under the statutory authority provided in Title 38, Chapters 1a and 1b. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	07/23/2024
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R156-84</b>	<b>Filing ID: 50322</b>
<b>Effective Date:</b>	<b>07/29/2024</b>	

**Agency Information**

<b>1. Title catchline:</b>	Commerce, Professional Licensing		
<b>Building:</b>	Heber M. Wells Building		
<b>Street address:</b>	160 E 300 S		
<b>City, state</b>	Salt Lake City, UT 84111		
<b>Mailing address:</b>	PO Box 146741		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Jana Johansen	801-530-6628	janajohansen@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>
R156-84. State Certification of Music Therapists Act Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 58, Chapter 84, provides for the state certification of music therapists.
Subsection 58-1-106(1) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58.
This rule was enacted to clarify the provisions of Title 58, Chapter 84, with respect to music therapists.
<b>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:</b>
Since this rule was last reviewed in September 2019, the Division has received no written comment with respect to this rule nor has the Division filed any amendments with respect to this rule.

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

This rule is necessary as it provides a mechanism to inform potential music therapists of the requirements for state certification as allowed under statutory authority provided in Title 58, Chapter 82.

This rule is also necessary as it provides information to ensure applicants for state certification are adequately trained and meet minimum requirements, and provides state certified music therapists with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	07/29/2024
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R628-22</b>	<b>Filing ID:</b> 51532
<b>Effective Date:</b>	<b>07/30/2024</b>	

**Agency Information**

<b>1. Title catchline:</b>	Money Management Council, Administration		
<b>Building:</b>	State Capitol		
<b>Street address:</b>	350 N State Street, Suite 180		
<b>City, state</b>	Salt Lake City, UT 84114		
<b>Mailing address:</b>	PO Box 142315		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2315		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Ann Pedroza	801-538-1883	apedroza@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>
R628-22. Conditions and Procedures for the Use of Negotiable Brokered Certificates of Deposit
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 51-7-17(4)(b) allows public entities to invest in negotiable brokered certificates of deposit, subject to rules made by the Council.
<b>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:</b>
There have been no written comments received during and since the addition of this rule in 2019.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule provides the conditions and procedures that must be followed for public entities to purchase negotiable brokered certificates of deposit. These types of deposit investments are used extensively by Utah public treasurers and the conditions and procedures need to be in place to prevent loss of public funds. These procedures limit length of maturity, par value and purchase price and limits the use of some structures of brokered certificates of deposit.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Council reviewed this rule in their last meeting and concurred that it is still necessary. The Council did note one nonsubstantive change as LIBOR has been phased out and there is a new replacement for that. Council voted unanimously to keep the rule and asked that the nonsubstantive change be filed. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	K. Wayne Cushing, Treasurer	<b>Date:</b>	07/30/2024
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R746-460</b>	<b>Filing ID: 51984</b>
<b>Effective Date:</b>	<b>07/31/2024</b>	

**Agency Information**

<b>1. Title catchline:</b>	Public Service Commission, Administration	
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 E 300 S, 4th Floor	
<b>City, state</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 4558	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4558	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Michael Hammer	801-530-6729	michaelhammer@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R746-460. Rules Governing Customer Information and Marketing for Large-Scale Electric and Gas Utilities
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 54-4-1 vests the Public Service Commission (PSC) "with power and jurisdiction to supervise and regulate every public utility in this state, and to supervise all of the business of every such public utility ... and to do all things ... specifically designated or in addition thereto, which are necessary or convenient in the exercise of such power and jurisdiction."
Section 54-3-1 requires all rates and policies of public utilities to be just and reasonable and requires public utilities to provide service that is "adequate, efficient, just and reasonable." Consistent with its jurisdiction and to advance these statutory purposes, this rule provides protections, as enumerated in the rule, to consumers regarding their personal information and usage data. It also provides certain protections to ensure any affiliate marketing to customers is not predatory, requiring disclosures that the product offered is from an affiliate and declining to purchase a product will not adversely affect customers' utility service.
<b>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:</b>
The PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule protects customers' personal information and usage data and ensures that affiliate marketing is not deployed in a predatory manner. This rule also provides basic consumer protections that are not controversial and well within the scope of the PSC's statutory authority. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jerry D. Fenn, PSC Chair	<b>Date:</b>	07/31/2024
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R746-700</b>	<b>Filing ID:</b>	<b>51994</b>
<b>Effective Date:</b>	<b>07/31/2024</b>		

**Agency Information**

<b>1. Title catchline:</b>	Public Service Commission, Administration		
<b>Building:</b>	Heber M. Wells Building		
<b>Street address:</b>	160 E 300 S, 4th Floor		
<b>City, state</b>	Salt Lake City, UT		
<b>Mailing address:</b>	PO Box 4558		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4558		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Michael Hammer	801-530-6729	michaelhammer@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>
R746-700. Complete Filings for General Rate Case and Major Plant Addition Applications
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 54-7-12 governs "general rate increases" and "general rate decreases," as defined in that statute, requiring the Public Service Commission (PSC) to conduct a proceeding and hold a hearing to consider applications to change the rates public utilities charge consistent with the provisions of the statute.
Section 54-7-12 requires the PSC to establish administrative rules defining the requirements of a "complete filing." These criteria are important because the submittal of a "complete filing" commences the statutory timeframe within which the PSC must issue a decision regarding the rate change.
Section 54-7-13.4 similarly requires the PSC to establish rules defining the requirements of a "complete filing" for "major plant additions," allowing gas and electric public utilities to seek alternative cost recovery under circumstances enumerated in the statute.
This rule, R746-700, is statutorily necessary because it defines the requirements for a "complete filing" as these statutes require.
<b>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:</b>
The PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The rule is statutorily mandated to exist pursuant to Subsections 54-7-12(1)(b)(i) and 54-7-13.4(1)(a)(i). Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jerry D. Fenn, PSC Chair	<b>Date:</b>	07/31/2024
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R805-4</b>	<b>Filing ID:</b>	<b>54649</b>
<b>Effective Date:</b>	<b>07/17/2024</b>		

**Agency Information**

<b>1. Title catchline:</b>	Higher Education (Utah Board of), University of Utah, Administration		
<b>Building:</b>	Park Building		
<b>Street address:</b>	201 S Presidents Circle		
<b>City, state</b>	Salt Lake City, UT 84112-9009		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Robert Payne	801-585-7002	Robert.payne@utah.edu	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>	R805-4. Illegal, Harmful, and Disruptive Behavior on University of Utah Property		
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>	This rule is enacted and justified under Sections 53B-2-106, 63G-4-102, and 76-8-701.		
<b>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:</b>	No written comments have been received during the specified time period.		
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	This rule is necessary because it places visitors to the University of Utah (University) campus on notice of the University's behavioral expectations, of the possible sanctions that may be imposed for violations of those behavioral standards, and of the process that the University will follow (an informal adjudicative process pursuant to Utah Administrative Rule R765-134) in the event that it needs to exclude a visitor from campus for extended periods of time. Therefore, this rule should be continued.		

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Phyllis Vetter, General Counsel	<b>Date:</b>	07/17/2024
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R907-33</b>	<b>Filing ID:</b>	<b>53697</b>
<b>Effective Date:</b>	<b>07/19/2024</b>		

**Agency Information**

<b>1. Title catchline:</b>	Transportation, Administration		
<b>Building:</b>	Calvin Rampton		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Street address:</b>	4501 S 2700 W	
<b>City, state</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	PO Box 148455	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-8455	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R907-33. Department of Transportation Procurement Rules
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized under Subsections 63G-6a-106(3)(a) and 72-1-201(h), and it establishes procedures for purchasing equipment, services, and supplies necessary to perform and exercise the Department of Transportation's (Department) functions, powers, duties, rights, and responsibilities as described in the Utah Code.
<b>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:</b>
No written comments have been received during and since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Department justifies keeping this rule because it helps ensure consistency and transparency in the Department's procurement process, and it provides necessary details regarding multiple award contracts, emergency purchases, and other procurement processes. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Carlos M. Braceras, PE, Executive Director	<b>Date:</b>	07/19/2024
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R926-17</b>	<b>Filing ID:</b> 55114
<b>Effective Date:</b>	<b>07/31/2024</b>	

**Agency Information**

<b>1. Title catchline:</b>	Transportation, Operations
<b>Building:</b>	Calvin Rampton
<b>Street address:</b>	4501 S 2700 W
<b>City, state</b>	Taylorsville, UT
<b>Mailing address:</b>	PO Box 148455
<b>City, state and zip:</b>	Salt Lake City, UT 84114-8455

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R926-17. Challenging Corrective Action Orders
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is enacted under Subsection 72-10-110(2)(d)(ii), which requires this rule to establish a process for challenging the Department of Transportation's (Department) calculations of the average wholesale value of an aircraft.
<b>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:</b>
No written comments have been received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Department continues to require persons to abide by the process for challenging the Department's calculations of the average wholesale value of an aircraft, as set forth in this rule. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Carlos M. Braceras, PE, Executive Director	<b>Date:</b>	07/31/2024
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R990-200</b>	<b>Filing ID: 56283</b>
<b>Effective Date:</b>	<b>07/23/2024</b>	

**Agency Information**

<b>1. Title catchline:</b>	Workforce Services, Housing and Community Development	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 45244	
<b>City, state and zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Robert Andreasen	801-517-4722	randreasen@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		



**General Information**

<b>2. Rule catchline:</b>
R990-200. Private Activity Bonds
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 35A-8-2104 requires the Private Activity Bond Review Board (Board) to make rules for the allocation of private activity bond volume cap to qualified applicants.
<b>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:</b>
<p>The Department of Workforce Services (Department) received written comments concerning an amendment to Rule R990-200 regarding application criteria, including a requirement that an applicant be in good standing with the Utah Housing Corporation for the preceding five years, and application review procedures.</p> <p>Two commenters opposed the amendment, arguing it lacked objective standards or oversight for determining good standing, and that a five-year prohibition was too harsh a penalty, particularly if the circumstances leading to the good standing determination had been resolved.</p> <p>Another commenter noted certain wording in the amendment may create confusion but did not oppose the amendment.</p>
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
<p>This rule is necessary because it outlines the criteria by which an applicant's request for bonding authority will be reviewed and private activity bond volume cap is allocated or extended, and when allocation and bond authority may be revoked. This rule enables the Department to allocate private activity bond volume cap as directed by Part 21 of Title 35A, Chapter 8, and is an appropriate interpretation of that part. Therefore, this rule should be continued.</p> <p>Regarding the opposition to the amendment to Rule R990-200, the Board held a public meeting to consider the comments before the implementation of the rule change, and the Department subsequently filed a Change in Proposed Rule.</p>

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Casey Cameron, Executive Director	<b>Date:</b>	07/23/2024
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**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Agriculture and Food

#### Animal Industry

No. 56551 (Repeal and Reenact) R58-28: Veterinarian Education Loan Repayment Program

Published: 07/01/2024

Effective: 08/12/2024

#### Medical Cannabis and Industrial Hemp

No. 56504 (New Rule) R66-4: Independent Cannabis Testing Laboratory

Published: 06/01/2024

Effective: 07/19/2024

No. 56533 (Amendment) R66-5: Medical Cannabis Pharmacy

Published: 06/15/2024

Effective: 07/25/2024

No. 56534 (Amendment) R66-9: Cannabis Licensing Process

Published: 06/15/2024

Effective: 07/25/2024

No. 56583 (New Rule) R66-37: Industrial Hemp Research

Published: 07/01/2024

Effective: 08/12/2024

#### Plant Industry

No. 56582 (Repeal) R68-22: R68-22. Industrial Hemp Research.

Published: 07/01/2024

Effective: 08/12/2024

No. 56503 (Repeal) R68-30: Independent Cannabis Testing Laboratory

Published: 06/01/2024

Effective: 07/31/2024

#### Regulatory Services

No. 56529 (Amendment) R70-530: Food Protection

Published: 06/15/2024

Effective: 07/31/2024

No. 56560 (Repeal and Reenact) R70-910: Registration of Servicepersons for Commercial Weighing and Measuring Devices

Published: 07/01/2024

Effective: 08/12/2024

No. 56559 (Repeal) R70-920: Packaging and Labeling of Commodities  
Published: 07/01/2024  
Effective: 08/12/2024

No. 56558 (Repeal) R70-930: Method of Sale of Commodities  
Published: 07/01/2024  
Effective: 08/12/2024

No. 56557 (Repeal) R70-950: Uniform National Type Evaluation  
Published: 07/01/2024  
Effective: 08/12/2024

Commerce

Administration

No. 56584 (Amendment) R151-1: Electronic Meetings  
Published: 07/01/2024  
Effective: 08/12/2024

Professional Licensing

No. 56531 (Amendment) R156-26a: Certified Public Accountant Licensing Act Rule  
Published: 06/15/2024  
Effective: 07/29/2024

Education

Administration

No. 56562 (Amendment) R277-113: LEA Fiscal and Auditing Policies  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56563 (Repeal) R277-126: Utah Fits All Scholarship  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56565 (Amendment) R277-322: LEA Codes of Conduct  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56566 (Amendment) R277-326: Early Learning  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56568 (New Rule) R277-332: Teacher Retention Pilot Program  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56569 (Amendment) R277-407: School Fees  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56570 (New Rule) R277-408: School Fundraising  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56571 (Amendment) R277-436: Gang Prevention and Intervention Programs in the Schools  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56572 (Amendment) R277-459: Teacher Supplies and Materials Appropriation  
Published: 07/01/2024  
Effective: 08/07/2024

## NOTICES OF RULE EFFECTIVE DATES

No. 56573 (Amendment) R277-475: Patriotic, Civic, and Character Education  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56574 (Amendment) R277-484: Data Standards  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56575 (Amendment) R277-628: School Libraries  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56576 (Amendment) R277-629: Paid Professional Hours for Educators  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56577 (Repeal) R277-710: Intergenerational Poverty Interventions in Public Schools  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56578 (Amendment) R277-726: Statewide Online Education Program  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56579 (New Rule) R277-730: Kindergarten Programs  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56580 (Amendment) R277-800: Utah Schools for the Deaf and the Blind  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56581 (Amendment) R277-926: Certification of Residential Treatment Center Special Education Program  
Published: 07/01/2024  
Effective: 08/07/2024

### Governor

Economic Opportunity  
No. 56545 (Amendment) R357-15: Enterprise Zone Tax Credit  
Published: 07/01/2024  
Effective: 08/07/2024

### Health and Human Services

Integrated Healthcare  
No. 56511 (Amendment) R414-60: Reimbursement  
Published: 06/01/2024  
Effective: 07/19/2024

Data, Systems and Evaluation, Research and Evaluation, Health Care Statistics  
No. 56510 (Amendment) R428-1: Health Data Plan and Incorporated Documents  
Published: 06/01/2024  
Effective: 07/19/2024

Data, Systems and Evaluation, Vital Records and Statistics  
No. 56509 (Amendment) R436-13: Disclosure of Records  
Published: 06/01/2024  
Effective: 07/19/2024

No. 56393 (Repeal) R436-16: Violation of Rules  
Published: 04/15/2024  
Effective: 07/19/2024

Disease Control and Prevention, Medical Examiner  
No. 56541 (Repeal) R448-10: Unattended Death and Reporting Requirements  
Published: 06/15/2024  
Effective: 07/23/2024

Higher Education (Utah Board of)  
Salt Lake Community College  
No. 56527 (Amendment) R784-1: Government Records Access and Management Act Rules  
Published: 06/01/2024  
Effective: 07/17/2024

Insurance  
Administration  
No. 56552 (Repeal and Reenact) R590-146: Medicare Supplement Insurance Standards  
Published: 07/01/2024  
Effective: 08/07/2024

No. 56542 (Amendment) R590-164: Electronic Data Interchange Transactions  
Published: 06/15/2024  
Effective: 07/23/2024

No. 56543 (Amendment) R590-271: Data Reporting for Consumer Quality Comparison  
Published: 06/15/2024  
Effective: 07/23/2024

Public Safety  
Driver License  
No. 56539 (Amendment) R708-7: Functional Ability In Driving: Responsibilities for Physicians and Drivers  
Published: 06/15/2024  
Effective: 07/23/2024

No. 56540 (Amendment) R708-22: Commercial Driver License Administrative Proceedings  
Published: 06/15/2024  
Effective: 07/23/2024

Workforce Services  
Housing and Community Development  
No. 56544 (Amendment) R990-300: Review Process for Plan for Moderate Income Housing Reports  
Published: 06/15/2024  
Effective: 08/01/2024

**End of the Notices of Rule Effective Dates Section**