

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Government Operations, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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EXECUTIVE DOCUMENTS

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

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

EXECUTIVE ORDER 2024-02

Increasing Military Leave for State Employees

WHEREAS, Utah supports service members and veterans throughout the state;

WHEREAS, Utah is the proud home of nearly 140,000 veterans and 15,000 active, guard, and reserve service members;

WHEREAS, many service members in Utah also play a vital role as state employees;

WHEREAS, Utah law ordinarily limits paid military leave for state employees to no more than 15 days per year;

WHEREAS, Utah Code § 71A-8-102 authorizes the governor to adopt exceptions, rules, or policies that provide more than 15 days of paid military leave;

WHEREAS, the state of Utah seeks to encourage and support the continued military service of state employees;

WHEREAS, increasing military leave will support state employees in serving the state and country as service members;

NOW, THEREFORE, I, Spencer J. Cox, governor of the state of Utah, by the authority vested in me by the Constitution and laws of this state, hereby order the following:

1. **Application.**
 - a. This executive order applies to all state executive branch agencies.
2. **Definitions.** As used in this order:
 - a. "Agency"
 - i. includes:
 1. a department, division, office, bureau, or other organization within the state executive branch, including the State Tax Commission, the National Guard, and the Board of Pardons and Parole; and
 - ii. does not include:
 1. an institution of higher education;
 2. the Utah Board of Higher Education;
 3. the State Board of Education;
 4. an independent entity as defined in Utah Code § 63E-1-102;
 5. the Attorney General's Office;
 6. the State Auditor's Office;
 7. the State Treasurer's Office;
 8. the Legislative Branch; or
 9. the Judicial Branch.

EXECUTIVE DOCUMENTS

b. "State employee" means a benefited agency employee who is a member of the organized reserve of the United States armed forces, including the Utah National Guard.

3. **Exception.**

a. Beginning January 1, 2025, state employees shall be allowed full pay for all time not in excess of 20 days per year spent fulfilling the service requirements of the reserve components of the armed forces of the United States, including the National Guard of this state. This leave shall be in addition to any annual vacation leave with pay to which an employee may be entitled.

4. **Other Requirements.**

a. The Division of Human Resource Management (DHRM) shall amend its rules and issue guidance and policies to ensure implementation of this Order.

THIS ORDER is effective immediately and shall remain in effect until otherwise modified, amended, rescinded, or superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 25th day of October, 2024.

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between November 16, 2024, 12:00 a.m., and December 02, 2024, 11:59 p.m. are included in this, the December 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 January 14, 2024. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through April 14, 2025, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R23-21

Filing ID: 56955

Agency Information

1. Title catchline:	Government Operations, Facilities Construction and Management	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W, 3rd Floor	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 141160	
City, state and zip:	Salt Lake City, UT 84129-2128	
Contact persons:		
Name:	Phone:	Email:
Mike Kelley	801-957-7239	mkelley@agutah.gov
Michelle Adams	801-957-7240	michelledadams@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R23-21. Division of Facilities Construction and Management Procedures for Leases, Purchases, and Exchanges of Real Property
3. Purpose of the new rule or reason for the change:
S.B. 113, passed by the Utah Legislature in the 2024 General Session and signed into law by the Governor on 03/20/2024, changed the statutory requirements for the Division of Facilities Construction and Management (DFCM) to convey, lease, or dispose of DFCM-owned real property for fair market value. This amendment to Rule R23-21 is necessary to effectuate the statutory changes.
4. Summary of the new rule or change:
The proposed changes to Rule R23-21 establish the procedures that DFCM must follow to convey, lease, or dispose of DFCM-owned real property for fair market value, requiring DFCM to follow the procedures established for the conveyance, lease, or disposal of DFCM-owned real property for less than fair market value unless this requirement is waived by the Executive Director and Governor.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
None--Any aggregate anticipated cost or savings to the state budget are a result of a change in statute, not a change in the rule.
B) Local governments:
None--Any aggregate anticipated cost or savings to local governments are a result of a change in statute, not a change in the rule.
C) Small businesses ("small business" means a business employing 1-49 persons):
None--Any aggregate anticipated cost or savings to small businesses are a result of a change in statute, not a change in the rule.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
None--Any aggregate anticipated cost or savings to non-small businesses are a result of a change in statute, not a change in the rule.

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**):

None--Any aggregate anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities are a result of a change in statute, not a change in the rule.

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

None--Any compliance costs for affected persons are a result of a change in statute, not a change in 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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Government Operations, Marvin Dodge, 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 63A-5b-305(2)(c)	Section 63A-5b-806	Section 63A-5b-903
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Public Notice Information

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

A) Comments will be accepted until: 01/14/2025

9. This rule change MAY become effective on: 01/21/2025

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:	Andy Marr, Interim Director	Date:	11/25/2024
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R23. Government Operations, Facilities Construction and Management.

R23-21. Division of Facilities Construction and Management Procedures for Conveyances, Leases, Purchases, and Exchanges of Real Property.

R23-21-1. Purpose and Authority.

(1) This rule is authorized under Section 63A-5b-305 which authorizes the director to make rules necessary for the division or director to perform the division or director's duties, ~~and~~ under Section 63A-5b-806 which requires the division to make rules to ensure that, if the division buys or exchanges real property, the value of the real property is congruent with the proposed price and other terms of the purchase or exchange and under Section 63A-5b-903 which authorizes the director to make rules regarding the transfer of ownership or lease of vacant division-owned property.

(2) The statutory provisions governing the conveyance, leasing, purchase, and exchange of real property by the division are contained in Section 63A-5b-303~~and~~, Title 63A, Chapter 5b, Part 8, Acquisitions of Real Property Interests and Title 63A, Chapter 5b, Part 8, Disposal of Division-owned property.

R23-21-2. New Leases.

(1) Agency Request and Justification.

An agency requesting leased space shall submit a request and justification statement to the division at least six months before the required date of occupancy. A space utilization program shall be prepared by the agency. Assistance is available, if needed, from the staff of the division. The staff of the division, along with the agency, shall review the program and criteria for the space requested.

(2) The justification statement shall include the following:

- (a) planned agency use;
 - (b) present agency location;
 - (c) proposed area or location of new lease;
 - (d) any options;
 - (e) lease term;
 - (f) present lease rate and what services are included;
 - (~~f~~g) present square footage; and
 - (~~e~~h) requested square footage.
- (2) Securing Space.

If a new lease is required, an advertisement may be prepared by the division, and competitive proposals may be solicited, however the division may use any other process consistent with the best interests of the state, the requirements of the agency and the anticipated use of the property. Proposals shall be reviewed jointly by the division staff and the agency.

The review shall include compliance to codes that are required by state and federal laws.

(3) Negotiations.

The division shall negotiate or may allow the agency to participate in the negotiations, so that space can be leased in the best interest of the state, the requirements of the agency and the anticipated use of the property.

(4) Lease Agreements.

A standard lease agreement has been prepared for use by the division. An approved alternate may be used. The lessor, agency, and staff of the division should be involved in the preparation of the final written lease agreement.

(5) Lease Approval and Processing.

The lease shall be distributed for approval signatures of the lessor, the Agency Budget Officer, the Agency Director, the Attorney General, and the division.

The lease will be recorded by the division on a computerized lease file for updating, renewal, and control.

Approval of the Division of Finance is required to establish a payment schedule and issue a contract number.

R23-21-3. Renewal of Leases and Options.

The division shall notify each agency at least six months in advance as to the expiration date of the lease. The division shall consult with the agency on whether to renew an existing lease or seek new space. This shall be based on space requirements and needs of the agency.

If the agency decides to renew a lease, the agency shall submit a request to the division at least 120 days before the expiration date. If the leased space is conducive to the agency needs, then long-term leasing may be considered. Previously outlined procedures shall be followed for lease renewals and options that agencies may wish to exercise.

R23-21-4. Requirements for Purchasing or Exchange of Real Property.

Unless exempt under Section 63A-5b-806 or waived under Section R23-21-~~5~~6, the division shall comply with the following in regard to the purchase, accepting a donation of, or acquisitions effectuated through the exchange, of real property that is subject to this rule:

(1) Selection Process. In accordance with state law, the division shall either perform the selection process or assist the state agency with the selection process. The selection process shall comply with applicable state laws and rules. The division may use the services of a real estate professional in accordance with state law and selected pursuant to the Utah Procurement Code, if applicable, and applicable rules.

(2) Financing Requirements. As authorized by the Utah Legislature, the division may assist, as appropriate, with financing requirements, including, coordinating financing requirements through the State Building Ownership Authority, or other authorized bonding authority.

(3) Document Preparation and Approvals. In accordance with state law, the division shall negotiate, draft, and execute the applicable Contract for the Purchase of Real Estate and transaction documents with due consideration to the state agency's comments. The state agency

may be required by the division to be a signatory to the acquisition contract. Legal documents shall either be on a form approved by the Utah Attorney General or submitted for approval to the Utah Attorney General. Closing documents prepared by a title company shall either be on a form approved by the Utah Attorney General or submitted for approval to the Utah Attorney General.

(4) Substantive Requirements. Unless a provision of Section R23-21-4 is waived under Section R23-21-[5]6, the division shall obtain and review the following:

(a) Title Insurance. For all real estate acquisition transactions, the division shall obtain a preliminary title report and an Owner's Policy of Title Insurance on the acquired property, however, the director may waive the obtaining of the Policy of Title Insurance for real estate transactions with an estimated value by the division of under \$500,000 if the director finds that the circumstances show that there is no potential of title risk or if the transaction is between public entities;

(b) Environmental Assessment. A Phase I environmental assessment shall be conducted on the acquired property and a higher level environmental assessment may be performed if the property presents a risk of being contaminated with hazardous materials;

(c) Engineering Assessment. The division shall obtain an engineering assessment of mechanical systems and structural integrity of improvements located on the acquired property;

(d) A study of available services to the acquired property shall be conducted, which shall include an analysis of any required utilities, including water, sewer, gas, electricity and the like;

(e) A geotechnical analysis shall be obtained;

(f) A flood plan analysis shall be accomplished;

(g) Drainage issues shall be studied;

(h) Code Review. The division shall review the real property to be acquired to ascertain its suitability under all applicable codes, including ~~but not limited to,~~ the Americans with Disabilities Act, guidelines, laws, regulations, and requirements;

(i) Appraisal. Except for transactions where state law does not require a certain value to be established or where the division is authorized to estimate the value, and subject to Section R23-21-5, the value used by the division in the negotiation shall be based upon an appraisal completed by an appraiser that is a state-certified general appraiser under Section 61-2g-314, and, when determined by the director that it is in the interest of the state, the director may require that the appraiser be a State of Utah licensed MAI appraiser;

(j) Maintenance and Operation History. The division shall obtain, if reasonably available, an analysis of past maintenance and operational expenses;

(k) Land Use Information. The division shall obtain, if reasonably available, the plat map, zoning, and planning information;

(l) Survey. The division shall obtain an ALTA/ACSM Land Title Survey, current revision, of the property to be acquired, provided, however, an ALTA survey shall not be required if an ALTA survey has already been performed within the past 12 months unless otherwise determined by the division;

(m) Historic Assessment. The division shall undertake a historic property assessment under Section 9-8a-404; and

(n) Other. The division shall also comply with other requirements determined necessary by law, rule, regulation, or by the division.

R23-21-5. Conveyances, Leases or Disposal of Division-Owned Real Property for Fair Market Value.

(1) Ordinarily, for a conveyance, lease, or disposal of division-owned real property for fair market value pursuant to Subsection 63A-5b-303(1)(a)(viii), the division shall follow the procedures established in Section 63A-5b-905, Section 63A-5b-906 and Section 63A-5b-907 for a transfer of ownership or lease of vacant division-owned property for less than fair market value.

(2) A conveyance, lease, or disposal of division-owned real property for fair market value pursuant to Subsection 63A-5b-303(1)(a)(viii) that does not follow the procedures established in Section 63A-5b-905, Section 63A-5b-906 and Section 63A-5b-907 for a transfer of ownership or lease of vacant division-owned property for less than fair market value requires the written approval of the Executive Director or the Executive Director's designee, after consultation with the Governor or the Governor's designee.

(3) In making the determination whether to approve a conveyance, lease, or disposal of division-owned real property pursuant to Subsection (2), the Executive Director or the Executive Director's designee and the Governor or the Governor's designee shall consider the best interests of the state and may consider the applicable "Benefit to the State" criteria established in Section R23-22-4, as well as any other factors relevant to a determination whether a conveyance, lease, or disposal of division-owned real property pursuant to Subsection (2) is in the best interest of the state.

(4) For conveyances of division-owned real property for fair market value pursuant to Subsection 63A-5b-303(1)(a)(viii), the division shall establish the fair market value of the property to be conveyed based upon an appraisal completed by an appraiser that is a state-certified general appraiser under Section 61-2g-314, or, if determined by the director that it is in the interest of the state, a State of Utah licensed MAI appraiser.

(5) For exchanges of division-owned real property for fair market value pursuant to Subsection 63A-5b-303(1)(a)(viii) and (c)(ii), the division shall establish the fair market value of the property to be conveyed based upon an appraisal completed by an appraiser that is a state-certified general appraiser under Section 61-2g-314, or, if determined by the director that it is in the interest of the state, a State of Utah licensed MAI appraiser. Additionally, the director shall establish that the fair market value of the property to be acquired by exchange is adequate consideration for the property conveyed based upon an appraisal of the property to be acquired completed by an appraiser that is a state-certified general appraiser under Section 61-2g-314, or, if determined by the director that it is in the interest of the state, a State of Utah licensed MAI appraiser.

(6) For leases of division-owned real property by the state as landlord for fair market value pursuant to Subsection 63A-5b-303(1)(a)(viii), the division shall compare the proposed rent to current market rates and ensure that the proposed rent is reasonable under current market conditions and shall compare proposed significant lease terms to the current market, and ensure that the proposed terms are reasonable under current market conditions.

(7) The requirements of Section R23-21-5 may not be waived by the director undersection R23-21-6.

NOTICES OF PROPOSED RULES

R23-21-[5]6. Waiver of Requirements.

To the extent allowed by law, any provision of this rule may be waived by the director when the adherence to the provision show that the enforcement of the rule would not be in the public interest.

KEY: leases, leasing services, purchases and exchanges of real property

Date of Last Change: 2025|February 8, 2023|

Notice of Continuation: August 30, 2022

Authorizing, and Implemented or Interpreted Law: 63A-5b-305; 63A-5b-806[=]

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or Section Number:	R66-10	Filing ID: 56965

Agency Information

1. Title catchline:	Agriculture and Food, Medical Cannabis and Industrial Hemp	
Building:	TSOB, South Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-710-9945	bforseyth@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R66-10. Closed-Door Medical Cannabis Pharmacy
3. Purpose of the new rule or reason for the change:
This new rule outlines the requirements to operate a closed-door medical cannabis pharmacy, as allowed by the Legislature in H.B. 389, Medical Cannabis Pharmacy Modifications, passed during the 2024 General Session. Rulemaking is required under Subsection 4-41a-1206(10).
4. Summary of the new rule or change:
This new rule sets forth requirements for three closed-door medical cannabis pharmacies that are now authorized in statute. Requirements include licensing procedures, operating standards for closed-door pharmacies, and security and operating plan requirements, as well as necessary definitions.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The new licenses created by this rule will increase administrative expenses for the Department of Agriculture and Food (Department) with an estimated cost of approximately \$30,000 per year. The cost will be offset by some additional revenue from a new license fee that will be collected, totaling approximately \$10,000 per year. The additional cost will be covered by other pharmacy fees collected by the Department.

B) Local governments:

Local governments may experience increase costs to administer and enforce business licenses required for closed-door medical cannabis pharmacies. The Department estimates an increased cost of \$10,000 per year for local governments.

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

The Department estimates that small businesses that elect to open a closed-door pharmacy will have to pay increased costs for the license (\$5,000 total per year), as well as increased costs for building space and security (\$80,000 total per year).

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

The Department estimates that non-small businesses that elect to open a closed-door pharmacy will have to pay increased costs for the license (\$5,000 total per year), as well as increased costs for building space and security (\$80,000 total per year).

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**):

Medical cannabis cardholders may save money on medical cannabis deliveries due to their increased proximity and availability through the existence of closed-door pharmacies. The Department estimates this savings at approximately \$200 per patient but does not have a way to estimate the total number of patients that could be impacted because closed-door pharmacies have never been available before.

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

The increase costs noted in 5C) and 5D) are related to compliance and licensing for affected persons and total approximately \$170,000 per year.

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	\$30,000	\$30,000	\$30,000
Local Governments	\$10,000	\$10,000	\$10,000
Small Businesses	\$85,000	\$85,000	\$85,000
Non-Small Businesses	\$85,000	\$85,000	\$85,000
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$210,000	\$210,000	\$210,000
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$10,000	\$10,000	\$10,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$10,000	\$10,000	\$10,000
Net Fiscal Benefits	\$(200,000)	\$(200,000)	\$(200,000)

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

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

Citation Information

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

Subsection 4-41a-1206(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.)

A) Comments will be accepted until:	01/14/2025
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9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Craig W Buttars, Commissioner	Date:	12/02/2024
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R66. Agriculture and Food, Medical Cannabis and Industrial Hemp.

R66-10. Closed-Door Medical Cannabis Pharmacy.

R66-10-1. Authority and Purpose.

(1) Subsection 4-41a-1206(10) and Subsection 4-2-103(1)(i) authorize this rule.

(2) This rule establishes operating and licensing requirements and standards to be followed by closed-door medical cannabis pharmacies and their employees.

R66-10-2. Definitions.

(1) "Cannabis waste" means cannabis product that is damaged, deteriorated, mislabeled, expired, returned, subject to a recall, or enclosed within a container or package that has been opened or breached.

(2) "Card" means a medical cannabis card or registration card, authorized under Title 26B, Chapter 4, Part 2 Cannabinoid Research and Medical Cannabis.

(3) "Courier agent" means a medical cannabis courier agent.

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

(5) "DHHS" means The Utah Department of Health and Human Services.

(6) "Direct supervision" means that a PMP is physically present at a closed-door medical cannabis pharmacy facility and immediately available for in-person face-to-face communication with the pharmacy agent.

(7)(a) "Educational material" means material distributed for an educational purpose by a closed-door medical cannabis pharmacy.

(b) Educational material includes any printed educational material such as a placard, poster, fact sheet, book, pamphlet, flyer, or business card.

(8) "Pharmacy agent" means a medical cannabis pharmacy agent, as defined in Section 26B-4-201.

(9) "PIC" means a pharmacist-in-charge who oversees the operation and generally supervises a medical cannabis pharmacy.

(10) "PMP" means a medical cannabis pharmacy medical provider that meets the criteria defined in Subsection 4-41a-1101(12).

(11) "Recreational disposition" means:

(a) slang words or phrases associated with the recreational use of cannabis;

(b) an image of a celebrity or other person whose target audience is children or minors;

(c) content that encourages, promotes, or otherwise creates an impression that the recreational use of cannabis is legal or acceptable, or that the recreational use of cannabis has potential health or therapeutic benefits;

(d) content that promotes excessive consumption;

(e) content that is obscene or indecent; or

(f) content that a reasonable person knows or should know appeals to children.

(12) "Safeguard" means to maintain the confidentiality of the information accessed and not use, release, publish, disclose, or otherwise make available to any other person not authorized to access the information for any purpose other than those specifically authorized or permitted by applicable law.

(13) "State electronic verification system" means the same as the term is defined in Section 26B-4-202 and Subsection 4-41a-102(44).

(14) "Targeted marketing" means the same as the term is defined in Subsection 4-41a-102(47).

(15) "Total revenue" means the total amount of money that a pharmacy earns through the selling of its medical cannabis products, medical cannabis devices, and services, over a license term.

(16) "Utah resident" means an individual who has established a domicile in Utah.

R66-10-3. Closed-Door Medical Cannabis Pharmacy License.

(1) A closed-door medical cannabis pharmacy license allows a home delivery medical cannabis pharmacy licensee to store and distribute medical cannabis via delivery from a separate approved location.

(2) Locations for closed-door pharmacies shall be approved based on:

(a) geographic locations defined in Section R66-5-21;

(b) current pharmacy locations;

(c) patient needs;

(d) willingness of a closed-door pharmacy to carry all brands;

(e) policy allowing the PIC to determine pharmacy inventory;

(f) whether the location is in a county of the first or second class, to ensure compliance with Subsection 4-41a-1206(7)(c);

(g) operating plan; and

(h) compliance history.

(3) A complete application shall include:

(a) a licensing fee, charged pursuant to Subsection 4-41a-1206(1)(d); and

(b) statements, forms, diagrams, operating plans, and other applicable documents required by the department in the application.

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

(5) Before issuing a license, the department shall inspect the proposed premises to determine if the applicant complies with state law and local ordinances.

R66-10-4. General Operating Standards.

(1) In addition to general operating standards established in Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, closed-door medical cannabis pharmacies shall comply with the operating standards established in this rule.

(2) Closed-door medical cannabis door pharmacies shall:

(a) be well lit, well ventilated, clean, and sanitary;

(b) maintain a current list of employees working at the closed-door medical cannabis pharmacy that:

(i) includes employee name, and work schedule;

(ii) is readily retrievable for inspection by the department; and

(iii) is maintained in paper or electronic form;

(c) have current and retrievable editions of the following reference publications, in print or electronic format, readily available to closed-door medical cannabis pharmacy personnel:

(i) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies;

(ii) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; and

(iii) applicable administrative rules.

(3) A closed-door medical cannabis pharmacy may not prepare medical cannabis products or medical cannabis devices for delivery to a medical cannabis cardholder unless an employee who is a PMP is physically present and immediately available in the closed-door medical cannabis pharmacy.

(4)(a) Deliveries to a closed-door medical cannabis pharmacy from a cannabis processing facility or a medical cannabis pharmacy shall be received under the direct supervision of a PMP or pharmacy agent.

(b) The PMP or pharmacy agent shall be present to accept the delivery.

(c) Upon delivery, the medical cannabis product or medical cannabis devices shall immediately be placed in a limited access area of the closed-door medical cannabis pharmacy.

(5) A closed-door medical cannabis pharmacy shall protect confidential cardholder data and information stored in the Electronic Verification System to ensure that access to and use of the data and information is limited to those individuals and purposes authorized under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis and this rule.

(6) A closed-door medical cannabis pharmacy may not dispense expired, damaged, deteriorated, misbranded, adulterated, or opened medical cannabis products or medical cannabis devices.

R66-10-5. Operating Plan.

(1) A closed-door medical cannabis pharmacy license application shall include an operating plan to be included in the home delivery pharmacy's operating plan and at a minimum, consists of the following:

(a) the information requested in the application;

(b) a security plan;

(c) storage protocols, both short and long-term, to ensure that cannabis is stored in a manner that is sanitary and preserves the integrity of the cannabis; and

(d) a plan to comply with applicable operating standards, statutes, and administrative rules, including:

(i) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and

(ii) applicable administrative rules; and

(e) procedures for a PIC to determine the closed-door pharmacy's medical cannabis inventory under Subsection 4-41a-1101(12).

(2)(a) The department may require the applicant for a closed-door medical cannabis pharmacy license to make a change to its operating plan before issuing a license.

NOTICES OF PROPOSED RULES

(b) The applicant shall submit a copy of its updated operating plan, with the required change and receive department approval of the plan before the department awards the license.

(3) Once the department issues a license, any change to a closed-door medical cannabis pharmacy's operating plan is subject to department approval.

R66-10-6. Pharmacist-In-Charge.

(1) PICs shall have the responsibility to oversee the closed-door medical cannabis pharmacy's operation.

(2) PICs overseeing a closed-door pharmacy shall comply with Sections R66-5-5 and R66-5-6.

R66-10-7. Separation of Closed-Door Medical Cannabis Pharmacies and Medical Cannabis Processors in a Single Facility.

(1) Any facility that has both a closed-door pharmacy license and a license for medical cannabis processing shall ensure physical separation of medical cannabis intended for home delivery and medical cannabis in the processing facility.

(2) Processing of medical cannabis material may not occur in rooms designated as closed-door pharmacy areas.

(3) Medical cannabis intended for home delivery in the closed-door pharmacy shall be clearly labeled as such.

(4)(a) Closed-door pharmacy products and medical cannabis processor cannabis shall be stored in separate secure rooms that are not accessible from the other licensed facility.

(b) Final product, raw material, or processed material in inventory at the processor may not travel through the closed-door pharmacy area.

(5) Upon request, the licensee shall inform the department of how separation of materials is implemented, including the facility's separation procedures for raw material, extract, and final products.

R66-10-8. Security Standards.

(1) A closed-door medical cannabis pharmacy shall comply with security standards established in Section 4-41a-1101 and this rule.

(2) A closed-door medical cannabis pharmacy shall have security equipment sufficient to deter and prevent unauthorized entrance into the closed-door medical cannabis pharmacy that includes equipment required in this section.

(3) A closed-door medical cannabis pharmacy shall be equipped with a secure lock on the entrance to the medical cannabis closed-door pharmacy.

(4) A closed-door medical cannabis pharmacy shall have electronic monitoring including:

(a) at least one 19-inch or greater call-up monitor;

(b) a printer, capable of immediately producing a clear still photo from any video camera image;

(c) video cameras that:

(i) have a recording resolution of at least 640 x 470, or the equivalent::

(ii) provide coverage of the single entrance to and exits from the building;

(iii) are capable of identifying any activity occurring in or adjacent to the closed-door medical cannabis pharmacy building;

(iv) record continuously, 24 hours a day, 7 days a week or are motion activated;

(v) record at each product packaging and product destruction or disposal location; and

(vi) will allow for the identification of a medical cannabis visitor or closed-door pharmacy employee;

(d) a method for storing recordings from the video camera for at least 45 calendar days;

(i) a surveillance system storage device used for locally stored footage shall be secured in the facility in a lock box, cabinet, closet, or secured in another manner, to protect from employee tampering or criminal theft; and

(ii) access to footage stored on a remote server shall be restricted to protect from employee tampering;

(e) a failure notification system that provides an audible and visual notification of failure in the electronic monitoring system;

(f) sufficient battery backup for the video camera and recording equipment to support recording in the event of a power outage; and

(g) a date and time stamp embedded on video camera recordings that is set correctly.

(5) Security measures implemented by a closed-door medical cannabis pharmacy to deter and prevent unauthorized entrance or theft of products and to ensure the safety of employees, shall include measures to:

(a) store medical cannabis products and medical cannabis devices in a secure locked limited access area in a manner as to prevent diversion, theft, and loss;

(b) keep safes, vaults, and any other equipment or areas used for storage, including before disposal of the product, securely locked and protected during times other than the time required to remove or replace medical cannabis product or medical cannabis devices;

(c) keep locks and security equipment in good working order and document that equipment is functioning properly at least two times per calendar year;

(d) prohibit keys from being left in locks, stored, or placed in a location accessible to any person other than specifically authorized personnel;

(e) prohibit accessibility to any person other than specifically authorized personnel;

(f) ensure that the outside perimeter of the building is sufficiently lit to facilitate surveillance;

(g) ensure that medical cannabis products and medical cannabis devices are kept out of plain sight and are not visible from a public place; and

(h) secure each product following any instance of diversion, theft, or loss of product, and conduct an assessment to determine whether additional safeguards are necessary.

(6)(a) While inside the closed-door medical cannabis pharmacy, each employee shall wear an identification tag or similar form of identification.

- (b) The tag shall list the employees' position at the closed-door medical cannabis pharmacy as a PMP or pharmacy agent.
- (c) A PMP shall carry their registration card when:
 - (i) they are on the premises of a closed-door medical cannabis pharmacy; and
 - (ii) they are transporting a cannabis product in a medicinal dosage form, or a medical cannabis device.
- (7) A closed-door medical cannabis pharmacy shall keep and maintain a log showing:
 - (a) the full name of each visitor entering the facility;
 - (b) the badge number issued;
 - (c) the date and time of arrival;
 - (d) the date and time of departure; and
 - (e) the purpose of the visit.
- (8) The visitor log shall be maintained by the closed-door medical cannabis pharmacy for a minimum of one year.
- (9) The closed-door medical cannabis pharmacy shall make the visitor log available to the department upon request.
- (10) Only a PMP or a pharmacy agent shall have access to the closed-door medical cannabis pharmacy when the closed-door pharmacy is closed.
- (11) The closed-door medical cannabis pharmacy, or parent company, shall maintain a record of not less than five years of the names and work schedules of each PMP or pharmacy agent that has worked at the facility.

R66-10-9. Inventory.

- (1) A closed-door medical cannabis pharmacy shall inventory and store medical cannabis products and medical cannabis devices:
 - (a) in a manner to permit clear identification, separation, and easy retrieval of a product; and
 - (b) in an environment necessary to maintain the integrity of product inventory.
- (2) A closed-door medical cannabis pharmacy shall use the Inventory Control System (ICS) to establish a record of each transaction, sale, return, and disposal.
- (3) A closed-door medical cannabis pharmacy shall input information regarding the purchase of medical cannabis products or medical cannabis devices into the ICS immediately following each transaction.
- (4) A closed-door medical cannabis pharmacy shall :
 - (a) establish and document inventory controls of medical cannabis product and medical cannabis devices to help the pharmacy detect any diversion, theft, or loss of product in a timely manner;
 - (b) record inventory findings;
 - (c) keep records for five years; and
 - (d) make records available for inspection by the department.
- (5)(a) A PMP at each closed-door medical cannabis pharmacy shall conduct a daily inventory that includes a reconciliation of each medical cannabis product and medical cannabis device stored at the closed-door pharmacy with the pharmacy's inventory record in the ICS.
 - (b) Pharmacy agents may assist a PMP with the inventory.
 - (c) A daily inventory shall include:
 - (i) the time and date of completing the inventory;
 - (ii) a summary of the inventory findings; and
 - (iii) the name and signature or initials of the PMP who conducted the inventory.
- (6) If a closed-door medical cannabis pharmacy employee identifies a reduction in the number of medical cannabis products or medical cannabis devices in their inventory that is not due to a documented cause, the pharmacy shall immediately:
 - (a) determine where the loss occurred and take and document corrective action;
 - (b) inform the department of the loss; and
 - (c) provide the corrective action taken within two business days after the discovery of the loss.
- (7) If a reduction in the number of medical cannabis products or medical cannabis devices in the inventory is due to actual or suspected criminal activity, the closed-door medical cannabis pharmacy shall immediately make a written report identifying the circumstances surrounding the reduction to:
 - (a) the department; and
 - (b) to law enforcement with jurisdiction where the criminal acts occurred.
- (8) If a closed-door medical cannabis pharmacy employee identifies an increase in the amount of medical cannabis products or medical cannabis devices in the inventory not due to documented causes, the closed-door pharmacy shall determine where the increase occurred and take and document corrective action.
- (9)(a) The PIC shall conduct and complete an annual comprehensive inventory of products at a closed-door medical cannabis pharmacy within 72 hours or three working days of the closed-door pharmacy's first annual comprehensive inventory.
 - (b) The annual comprehensive inventory shall include:
 - (i) the time and date of the inventory;
 - (ii) a summary of the inventory findings; and
 - (iii) the name and signature or initials of the PIC who conducted the inventory.
- (10) The closed-door medical cannabis pharmacy shall keep records of each inventory audit and comprehensive annual inventory for five years.
 - (11)(a) Inventory records may be electronic or physical.
 - (b) If physical records are kept, the physical records shall be located at the closed-door medical cannabis pharmacy where the medical cannabis products and medical cannabis devices are located.

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- (c) If a closed-door medical cannabis pharmacy intends to maintain records at a location other than the closed-door pharmacy, they may send a written request to the department that contains:
 - (i) the closed-door medical cannabis pharmacy name and license number; and
 - (ii) the name and address of the alternate location.
- (d) The department shall approve or deny the request through written notification.
- (e) A copy of the department's approval shall be maintained by the closed-door medical cannabis pharmacy.
- (f) The alternate location shall be secured and accessible only to authorized medical cannabis pharmacy employees.
- (12) Upon request, a closed-door medical cannabis pharmacy shall provide any documentation required to be maintained in this rule to the department for review.

R66-10-10. Transportation.

- (1) Transport of medical cannabis from a medical cannabis pharmacy to another location may occur only when:
 - (a) a home delivery medical cannabis pharmacy is delivering shipments of medical cannabis or medical cannabis devices to a cardholder's:
 - (i) home address;
 - (ii) caregiver facility; or
 - (iii) an address designated by the card holder defined under Subsection 4-41a-102(23);
 - (b) a medical cannabis pharmacy is transporting medical cannabis or a medical cannabis device from a medical cannabis pharmacy facility to a closed-door medical cannabis pharmacy;
 - (c) a medical cannabis pharmacy or cannabis production establishment is transporting medical cannabis or a medical cannabis device from a medical cannabis pharmacy facility to a cannabis production establishment facility or waste disposal location to be disposed of; or
 - (d) a product recall is initiated and medical cannabis or a medical cannabis device must be returned from a medical cannabis pharmacy to the cannabis production establishment.
- (2) Medical cannabis product and medical cannabis devices to be returned to a cannabis production establishment shall be:
 - (a) logged into the ICS;
 - (b) stored in a locked container with clear and bold lettering: "Return"; and
 - (c) prepared for return as outlined in the approved operating plan of the cannabis production establishment for collecting, storing, and labeling a returned product.
- (3)(a) A printed transport manifest shall accompany each transport of cannabis.
 - (b) The manifest shall contain the following information:
 - (i) the address and license number of the departure location;
 - (ii) physical address and license number of the receiving location;
 - (iii) strain name, quantities by weight, and unique identification numbers of each cannabis material to be transported;
 - (iv) date and time of departure;
 - (v) estimated date and time of arrival; and
 - (vi) name and signature of each agent accompanying the cannabis.
- (4) A PMP or pharmacy agent accepting a shipment of medical cannabis or medical cannabis device at a closed-door medical cannabis pharmacy shall:
 - (a) be given a copy of the transport manifest from the cannabis production establishment or medical cannabis pharmacy;
 - (b) ensure that the cannabis material received is as described in the transport manifest and shall:
 - (i) record the amounts received for each strain into the inventory control system; and
 - (ii) document any differences between the quantity specified in the transport manifest and the quantities received in the ICS and report difference to the department;
 - (c) not delete, void, or change information provided on the transport manifest upon arrival at the medical cannabis closed-door pharmacy;
 - (d) clearly record on the manifest the unique initial or identification code of the medical cannabis pharmacy employee who compares the received inventory with the transport manifest and the actual date and time of receipt of the medical cannabis product or medical cannabis devices;
 - (e) if a difference between the quantity specified in the transport manifest and the quantity received occurs, document the difference in the ICS; and
 - (f) log in the ICS any change to medical cannabis product or medical cannabis devices that may have occurred while in transport.
- (5) A closed-door medical cannabis pharmacy may only receive medical cannabis products in their final packaging.
- (6)(a) A closed-door medical cannabis pharmacy may write notes on the manifest to document discrepancies.

R66-10-11. Minimum Requirements for the Storage and Handling of Cannabis.

- (1) Storage areas shall provide adequate lighting, sanitation, temperature, humidity, space, equipment, and security conditions for the storage of cannabis.
- (2) Stored cannabis shall be at least six inches off the ground.
- (3) Cannabis that is outdated, damaged, deteriorated, misbranded or adulterated shall be stored separately by physical barrier until it is destroyed.

R66-10-12. Cannabis Disposal and Waste.

(1) A closed-door medical cannabis pharmacy shall transfer cannabis waste to the medical cannabis home delivery pharmacy location or to a cannabis production establishment licensed by the department for disposal.

(2) A closed-door medical cannabis pharmacy shall:

(a) securely lock and store cannabis waste in a container marked "Not for Sale";

(b) ensure the medical cannabis product is logged in the ICS at the time of disposal with appropriate information including a description of and reason for the disposal;

(c) follow transportation requirements in Section R66-7-9 to ship the cannabis waste to be destroyed.

R66-10-13. Product Recall.

(1) A recall may be initiated by a cannabis production establishment, a medical cannabis pharmacy, or the department.

(2) The closed-door medical cannabis pharmacy shall be bypassed and the recall be handled by the home delivery pharmacy according to the pharmacies operating plan and in compliance with Section R66-5-12.

R66-10-14. Partial Filling.

A PMP or pharmacy agent who partially fills a recommendation for a medical cannabis cardholder shall specify in the EVS the following:

(1) date of partial fill;

(2) quantity supplied to the cardholder; and

(3) quantity remaining of the recommendation partially filled.

R66-10-15. Change in Operating Plans.

(1) A medical cannabis pharmacy shall submit a notice, on a form provided by the department, before making any changes to the closed-door pharmacy's operating plan.

(2) A medical cannabis pharmacy may not implement changes to the initial approved operating plan without written approval from the department.

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

R66-10-16. Revenue Reporting.

A medical cannabis home delivery pharmacy who opens a closed-door medical cannabis pharmacy shall submit, on a form provided by the department, quarterly reports, that include:

(1) the total quarterly revenue for the closed-door pharmacy;

(2) total quarterly revenue for each licensed medical cannabis pharmacy owned by the entity; and

(3) any other information requested by the department.

R66-10-17. Closed-Door Pharmacy License and Renewal.

(1) Each closed-door medical cannabis pharmacy license shall expire on the same day as the home delivery pharmacy license.

(2)(a) A medical cannabis home delivery pharmacy shall submit a notice of intent to renew the closed-door pharmacy with notice of intent to renew the home delivery pharmacy within 30 days of receiving a notice of expiration from the department.

(b) If the intent to renew is not submitted to the department, the licensee may not continue to operate.

(3) If the licensing fee is not paid by the expiration date, the licensee may not continue to operate.

(4) The board may take into consideration significant violations issued in determining license renewals.

R66-10-18. Violations Categories.

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

(a) cannabis sold to an unlicensed source;

(b) cannabis purchased from an unlicensed source;

(c) refusal to allow inspection;

(d) failure to comply with pharmacist-in-charge requirements;

(e) failure to maintain required general operating standards;

(f) failure to comply with product recall requirements;

(g) unauthorized personnel on the premises;

(h) permitting criminal conduct on the premises; or

(i) engaging in or permitting a violation of the Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies which amounts to a public safety violation as described in this subsection.

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

(a) failure to maintain alarm and security systems;

(b) failure to keep and maintain records for at least five years;

(c) failure to maintain traceability;

(d) failure to follow transportation requirements;

NOTICES OF PROPOSED RULES

- (e) failure to follow the waste and disposal requirements;
- (f) failure to follow targeted marketing requirements;
- (g) failure to follow agent duties and responsibilities requirements; or
- (h) engaging in or permitting a violation of Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies or this rule which amounts to a regulatory violation as described in this subsection;
- (3) Licensing Violations: \$500- \$5,000 per violation. This category is for violations involving licensing requirements including:
 - (a) an unauthorized change to the operating plan;
 - (b) failure to notify the department of changes to the operating plan;
 - (c) failure to notify the department of changes to financial or voting interests of greater than 10%;
 - (d) failure to follow the operating plan as approved by the department;
 - (e) engaging in or permitting a violation of this rule or Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies which amounts to a licensing violation as described in this subsection; or
 - (f) failure to respond to violations.
- (4) The department shall calculate penalties based on the level of violation and the adverse effect or potential adverse effect at the time of the incidents giving rise to the violation.
- (5) The department may enhance or reduce the penalty based on the seriousness of the violation.

KEY: medical cannabis, pharmacy, closed-door
Date of Last Change: 2025
Authorizing, and Implemented or Interpreted Law: 4-41a-1206(10)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or Section Number:	R66-29	Filing ID: 56966

Agency Information

1. Title catchline:	Agriculture and Food, Medical Cannabis and Industrial Hemp	
Building:	TSOB, South Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R66-29. Compliance Procedures
3. Purpose of the new rule or reason for the change:
Because cannabis and hemp rules have been moved to a new title, R66, from the plant industry title, R68, the Department feels it is appropriate to publish a new compliance rule that is specific to the medical cannabis and industrial hemp programs rather than have the programs continue to rely on Rule R68-19, the plant industry compliance rule.
4. Summary of the new rule or change:
This new rule establishes compliance procedures for the medical cannabis and industrial hemp programs. This includes establishing procedures the Department will follow in issuing citations, hold orders, cease and desist orders, and licenses suspensions, as well as the right to request an informal hearing.

Fiscal Information

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

A) State budget:

This rule has no impact on the state budget because it is only codifying existing cannabis and hemp program procedures into a new rule under the new title.

B) Local governments:

Local governments will not be impacted because they are not medical cannabis or industrial hemp licensees.

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

This rule has no impact on small businesses because it is only codifying existing cannabis and hemp program procedures into a new rule under the new title.

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

This rule has no impact on non-small businesses because it is only codifying existing cannabis and hemp program procedures into a new rule under the new title.

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

This rule has no impact on other persons because it is only codifying existing cannabis and hemp program procedures into a new rule under the new title.

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 will not change because compliance requirements have not changed.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Subsection 4-2-103(1)(j)		
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Public Notice Information

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

A) Comments will be accepted until:	01/14/2025
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9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Craig W Buttars, Commissioner	Date:	12/02/2024
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R66. Agriculture and Food, Medical Cannabis and Industrial Hemp.

R66-29. Compliance Procedures.

R66-29-1. Authority and Purpose.

- (1) This rule is promulgated under authority of Subsection 4-2-103(1)(j).
- (2) This rule establishes the division's use of hold orders, the issuing of citations, and requests for a hearing.

R66-29-2. Definitions.

- (1) "Cease-and-Desist order" means a written order issued by the division requiring a respondent to cease-and-desist violations and directing that positive steps be taken to mitigate any harm or damage arising from the violation.
- (2) "Citation" means a lawful notice, issued by the division, that is intended to immediately remedy a violation of agricultural statute or rule by a person, pursuant to Sections 4-2-304, 4-41-106, and 4-41a-801. A citation may include a penalty assessment or provide for a fine to take effect within a stated period.
- (3) "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food or the commissioner's designee.
- (4) "Department" means the Utah Department of Agriculture and Food.
- (5) "Division" means the Division of Medical Cannabis and Industrial Hemp in the department.
- (6) "Hold Order" means a written action by the division, that is issued to a person because of information that is known by the division, that identifies:
 - (a) a danger to the public's health, safety or welfare, and warrants prompt action; or
 - (b) a violation of statute or rule.

R66-29-3. Hold Order.

- (1) The division may issue a hold order when it determines that there is an immediate and significant danger to public health, safety, or welfare. The hold order may be issued to secure the well-being, safety, or removal of danger to state citizens.
- (2) Hold orders are intended to protect the public from unlawful agricultural and food products and services.
- (3) When a hold order is justified, and conditions warrant immediate action by the division, the division shall promptly issue a written order that includes:
 - (a) the name, street address, city, state, zip-code, phone-number, and title or position of the person, business, organization, corporation, firm, or limited liability company being given the order;
 - (b) a brief statement of findings of fact as determined by the division;
 - (c) references to statutes or administrative rules violated;
 - (d) the reasons for issuance of the hold order;
 - (e) products and services subject to the hold order;
 - (f) corrective action required;
 - (g) the signature of the agency representative; and
 - (h) a space or line for the signature of the person being given the order, although a signature is not needed if the person refuses.
- (4) No product, condition, or service subject to the order shall be released, except upon written release by the department.
- (5) Pursuant to Subsection 4-2-304(2) the person subject to the written order may be required to pay the expense incurred by the department in connection with the withdrawal of the product, condition, or service from the market.

R66-29-4. Citation.

- (1) The commissioner may enforce this rule by the issuance of a citation for violation to secure payments of fines or the imposition of penalties.

- (2) The citation shall include:
 - (a) the name, street address, city, state, zip-code, phone-number, and title or position of the person, business, organization, corporation, firm, or limited liability company being given the order;
 - (b) references to the statutes or rules violated;
 - (c) a brief statement of findings of fact as determined by the division;
 - (d) a penalty or fine amount;
 - (e) the signature of the division representative;
 - (f) corrective action required; and
 - (g) a statement that the person is allowed to request an administrative hearing if the person feels that a citation was not warranted.
- (3) Fine or penalty amounts shall be set by the department or the division, under the direction of the commissioner, for amounts up to \$5,000 per violation, or if the citation involves a criminal proceeding, the person may be found guilty of a class B misdemeanor.
- (4) For violations of Chapter 4-41 Hemp and Cannabinoid Act:
 - (a) if the citation is not paid within 30 days, the penalty shall be two times the citation amount; and
 - (b) if the citation is not paid within 60 days, the penalty shall be four times the citation amount.
- (5) For violations of Chapter 4-41a Cannabis Production Establishments:
 - (a) if the citation is not paid within 20 days, the penalty shall be two times the citation amount; and
 - (b) if the citation is not paid within 40 days, the penalty shall be four times the citation amount.

R66-29-5. Cease-and-Desist Order.

- (1) The division may issue a cease-and-desist order upon discovery of a suspected violation of the code or administrative rules.
- (2) The cease-and-desist order shall:
 - (a) include the name, street address, city, state, zip-code, phone-number, and title or position of the person, business, organization, corporation, firm, or limited liability company being given the order;
 - (b) include references to the statutes or rules violated;
 - (c) describe the act or course of conduct that is prohibited by the cease-and-desist order;
 - (d) order the respondent to immediately cease the prohibited act or prohibited course of conduct;
 - (e) specify corrective action required; and
 - (f) take effect immediately upon the date issued or within such time as specified by the division.

R66-29-6. Suspension of License.

- (1) The division may suspend a license or permit upon discovery that a person has failed to meet any legal, financial, or operational requirements required by statute or administrative rules.
- (2) The division shall provide the licensee with a notice outlining the violations and the suspension, that includes:
 - (a) the name, street address, city, state, zip-code, phone-number, and title or position of the person, business, organization, corporation, firm, or limited liability company being given the order;
 - (b) references to the statutes or rules violated;
 - (c) an order that the licensee immediately cease operations related to the license; and
 - (d) corrective action required.
- (e) The suspension shall take effect immediately upon the date issued or within a time specified by the division.

R66-29-7. Request for Hearing.

- (1) When any order or citation is issued, the person being charged with the violation may elect to file, within allowable time limits, a request for the department to schedule an informal administrative hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act, and Rule R51-2.
- (2) A request for a hearing suspends the timeline referenced in Subsections R66-29-4(4) and R66-29-4(5).

KEY: industrial hemp, medical cannabis

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(j)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R356-8	Filing ID: 56969
Agency Information		
1. Title catchline:	Governor, Criminal and Juvenile Justice (State Commission on)	
Building:	Utah State Capitol, Senate Building	
Street address:	350 N State Street	

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

General Information

2. Rule or section catchline:
R356-8. Designation of Commission Duties
3. Purpose of the new rule or reason for the change:
The purpose of this filing is to include the Juvenile Justice Oversight Committee as an entity which has been designated by the Commission on Criminal and Juvenile Justice in Rule R356-8, Designation of Commission Duties.
4. Summary of the new rule or change:
This rule describes the membership and the duties of the Juvenile Justice Oversight Committee, which was previously created under the Commission to perform the Commission's duties described in Subsection 63M-7-204(1)(r) and Section 63M-7-208.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule will not result in any cost or savings to the state budget because it does not create a new entity, it describes the members and the duties of the Juvenile Justice Oversight Committee which is already in existence.
B) Local governments:
This rule will not result in any cost or savings to local governments because it does not create a new entity, it describes the members and the duties of the Juvenile Justice Oversight Committee which is already in existence.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule will not result in any cost or savings to small businesses because it does not create a new entity, it describes the members and the duties of the Juvenile Justice Oversight Committee which is already in existence.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule will not result in any cost or savings to non-small businesses because it does not create a new entity, it describes the members and the duties of the Juvenile Justice Oversight Committee which is already in existence.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule will not result in any cost or savings to persons other than small businesses, non-small businesses, state, or local government entities because it does not create a new entity, it describes the members and the duties of the Juvenile Justice Oversight Committee which is already in existence.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
This rule will not result in any compliance costs for affected persons because it only describes the membership and the duties of the Juvenile Justice Oversight Committee which is already in existence.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the 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-7-204(2)	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.)

A) Comments will be accepted until:	01/14/2025
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9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tom Ross, Executive Director	Date:	10/22/2024
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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[;];

(a) "JJOC" means the Juvenile Justice Oversight Committee created in Section R356-8-7; and

_____ (b) "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;
- (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.

R356-8-7. Juvenile Justice Oversight Committee.

- (1) The JJOC is created within the commission.
- (2) The following may participate as members of the JJOC:
 - (a) the executive director of the commission, or the executive director's designee;
 - (b) the director of the Division of Juvenile Justice & Youth Services, or the director's designee;
 - (c) the director of the Department of Health and Human Services, or the director's designee;
 - (d) the Juvenile Court Administrator from the Administrative Office of the Courts, or the administrator's designee;
 - (e) the director of the Division of Child and Family Services, or the director's designee;
 - (f) the Commissioner of the Department of Public Safety, or the commissioner's designee;
 - (g) a juvenile court judge appointed by the Judicial Council;
 - (h) thirteen individuals appointed by the executive director of the commission, including:
 - (i) a representative of a criminal defense attorneys association who primarily represents juveniles in delinquency matters;
 - (ii) a representative of a prosecuting attorneys association who primarily prosecutes delinquency matters;
 - (iii) a representative of the Utah State Board of Education;
 - (iv) two public education representatives from different school districts;
 - (v) a representative of a juvenile justice victim advocates association;
 - (vi) a representative of youth court;
 - (vii) a representative of youth services;
 - (viii) a licensed behavioral health treatment provider;
 - (ix) a representative of a law enforcement association;
 - (x) an individual who has training and experience in restorative justice; and
 - (xi) two individuals who represent the community at large.
- (3) The JJOC is designated by the commission to carry out the commission's duties described in Subsection 63M-7-204(1)(r) and Section 63M-7-208.

KEY: designation of duties

Date of Last Change: 2025[September 23, 2024]

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

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R357-15a	Filing ID: 56967

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

General Information

2. Rule or section catchline:
R357-15a. Targeted Business Tax Credit
3. Purpose of the new rule or reason for the change:
Section 631-2-263 repeals Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an Enterprise Zone on 12/31/2024. This rule was authorized by 63N, Chapter 2, Part 3, and therefore the Office will no longer have authority for this rule after that date.
4. Summary of the new rule or change:
This change repeals this rule in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
No cost or savings. The rule clarified definitions, authority, form and content of applications, and documentation needed for certificates and did not affect costs or savings.
B) Local governments:
No cost or savings. The rule clarified definitions, authority, form and content of applications, and documentation needed for certificates and did not affect costs or savings.
C) Small businesses ("small business" means a business employing 1-49 persons):
No cost or savings. The rule clarified definitions, authority, form and content of applications, and documentation needed for certificates and did not affect costs or savings.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
No cost or savings. The rule clarified definitions, authority, form and content of applications, and documentation needed for certificates and did not affect costs or savings.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
No cost or savings. The rule clarified definitions, authority, form and content of applications, and documentation needed for certificates and did not affect costs or savings.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
No cost. The rule clarified definitions, authority, form and content of applications, and documentation needed for certificates and did not affect costs or savings.
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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the 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:
 Subsection 63N-2-303(7)

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 01/14/2025

9. This rule change MAY become effective on: 01/21/2025
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Ryan Starks, Executive Director	Date:	12/01/2024
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R357. Governor, Economic Opportunity.
~~**R357-15a. Targeted Business Tax Credit.**~~
~~**R357-15a-101. Title.**~~

~~This rule is known as the "Targeted Business Tax Credit Rule."~~

~~**R357-15a-102. Definitions:**~~

- ~~In addition to the terms defined under Section 63N-2-302, the following terms are defined:~~
- ~~(1) "Benchmarks" as used in Subsection 63N-2-303(3), means the minimum amount of significant new employment and significant new capital development that a business applicant and the office agree to in writing that a business applicant shall generate prior to being awarded a targeted business income tax credit eligibility certificate;~~
 - ~~(2) "New employment" means newly created positions in addition to the baseline jobs, defined under Section 63N-1-102, filled by an employee:~~
 - ~~(a) working at least 30 hours per week; and~~
 - ~~(b) is paid at least 100% of the county average wage of the county in which the position exists;~~
 - ~~(3) "Significant new capital development" means costs of at least \$100,000 for:~~
 - ~~(a) improvement to real property;~~
 - ~~(b) purchase of real property; or~~
 - ~~(c) purchase of depreciable equipment; and~~
 - ~~(4) "Significant new employment" means the projected number of new employment positions in comparison to the:~~
 - ~~(a) business baseline count of full-time equivalent employees; and~~
 - ~~(b) overall county employment numbers provided by the Department of Workforce Services.~~

NOTICES OF PROPOSED RULES

R357-15a-103. Authority.

This rule is adopted by the office under the authority of Subsection 63N-2-303(7).

R357-15a-104. Form and Content of Application for a Targeted Business Income Tax Credit Eligibility.

In addition to the plan developed by the business applicant outlined in Subsection 63N-2-304(2), the following content is required:

- (1) company name;
- (2) contact information including:
 - (a) applicant's physical address;
 - (b) telephone number; and
 - (c) email address;
- (3) the anticipated years the business applicant is seeking to claim the targeted business income tax credit;
- (4) the benchmarks of the community investment project and how they will be measured, tracked and reported;
- (5) list of entities associated with the community investment project and their anticipated roles;
- (6) letters of support from entities associated with the community investment project;
- (7) timeline of the community investment project;
- (8) detailed budget of the community investment project; and
- (9) an employee list in a form prescribed by the office.

R357-15a-105. Documentation to Receive a Targeted Business Income Tax Credit Eligibility Certificate.

The following supporting documents shall, at a minimum, accompany each request to receive a targeted business income tax credit eligibility certificate:

- (1) written summary explaining how benchmarks have been satisfied;
- (2) receipts showing expenses for the approved community investment project;
- (3) an employee list in a form prescribed by the office; and
- (4) any other items as outlined in a written agreement with the office.

KEY: economic development, tax credit, tax credit eligibility, enterprise zone, rural development

Date of Last Change: August 24, 2021

Authorizing, and Implemented or Interpreted Law: 63N-3-303(7)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R436-7

Filing ID: 56962

Agency Information

1. Title catchline:	Health and Human Services, Data, Systems, and Evaluation, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 84114-1012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Nicole Bissonette	801-538-6262	nicolebissonette@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R436-7. Death Registration

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

Upon internal review, the agency found that there are two rules under Title R436 that use the rule catchline "Death Registration," Rule R436-10 and this rule.

To avoid confusion, the provisions in Rule R436-10 are being moved into this rule in their entirety and Rule R436-10 is being repealed.

An additional change updates terms used in this rule to reflect more current and commonly used phrasing.

Other changes to the style and formatting of this rule and the new language are nonsubstantive and are made to comply with the Rulewriting Manual for Utah and for consistency with other rules under the Department of Health and Human Services.

4. Summary of the new rule or change:

Provisions from Rule R436-10 that are being added to this rule outline the requirements for local registrars to register deaths, which is the next step after compliance with the provisions that already exist in this rule.

Additionally, the term "death certificate" is updated to "death registration."

Style and formatting changes are made to comply with the Rulewriting Manual for Utah and for consistency with other rules under the Department of Health and Human Services.

(EDITOR'S NOTE: The proposed repeal of Rule R436-10 is under ID 56963 in this issue, December 15, 2024, of the Bulletin.)

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 a result of this change, as all provisions being added to this rule already exist in Rule R436-10 and any other changes are nonsubstantive.

The change will not add, modify, or remove any requirements or restrictions to the state.

B) Local governments:

There is no anticipated fiscal impact to local governments as a result of this change, as all provisions being added to this rule already exist in Rule R436-10 and any other changes are nonsubstantive.

The change will not add, modify, or remove any requirements or restrictions to local governments.

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 change, as all provisions being added to this rule already exist in Rule R436-10 and any other changes are nonsubstantive.

The change will not add, modify, or remove any requirements or restrictions to 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 a result of this change, as all provisions being added to this rule already exist in Rule R436-10 and any other changes are nonsubstantive.

The change will not add, modify, or remove any requirements or restrictions 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*):

There is no anticipated fiscal impact to other persons as a result of this change, as all provisions being added to this rule already exist in Rule R436-10 and any other changes are nonsubstantive.

The change will not add, modify, or remove any requirements or restrictions to other persons.

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

There are no anticipated compliance costs for affected persons as a result of this change, as all provisions being added to this rule already exist in Rule R436-10 and any other changes are nonsubstantive.

The change will not add, modify, or remove any requirements or restrictions.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Section 26B-8-114	Section 26B-8-123	Section 26B-8-224
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Public Notice Information

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

A) Comments will be accepted until:	01/14/2025
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9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/02/2024
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R436. Health and Human Services, Data, Systems, and Evaluation, Vital Records and Statistics.

R436-7. Death Registration.

R436-7-1. Authority and Purpose~~and Authority~~.

- (1) Sections 26B-8-101, 26B-8-114, and 26B-8-123 authorize this rule.
- (2) This rule sets forth:
 - (a) procedures for the registration of death;
 - (b) ~~and~~ the requirements for physicians, physician assistants, certified nurse midwives, and nurse practitioners to certify deaths;
- ~~and~~
- (b) the responsibility of local registrars to review and register deaths in their area.
- (2) ~~Authority for this rule is found in Sections 26B-8-101 and 26B-8-114.~~

R436-7-2. Registering a Death~~Registration~~.

- (1) Registration of deaths ~~will~~ shall occur within five days measured as 120 hours from the time of death.
- (2) A physician, physician assistant, certified nurse midwife, or nurse practitioner ~~will~~ shall certify the cause of death ~~as defined in law~~ in accordance with Section 26B-8-114.
- (3) ~~Each~~ Pphysician assistant~~s~~, certified nurse midwife~~s~~ es, and nurse practitioner~~s~~ must complete the Center for Disease Control and Prevention ~~(CDC)~~ training "Improving Cause of Death Reporting," available through Training and Continuing Education Online (TCEO), before certifying a death~~s~~.
- (4) If the information necessary to complete a death registration~~certificate~~ is not available within the time prescribed for ~~fil~~ ing of the certificate ~~completing the death registration~~, the funeral director shall ~~file the certificate completed~~ complete the death registration with the information that is available.
- (5) In each case, the medical certification ~~must~~ shall be ~~signed~~ certified in the Vital Records death registration system by the person responsible for ~~such~~ that certification.
- (6) If the cause of death is unknown, undetermined, or pending investigation, the cause of death shall be shown as such on the certificate.
- (7) Final disposition of the deceased may not be made until the death ~~certificate~~ is registered or is authorized by the medical examiner.
- (8) An amendment providing the information missing from the original death registration and certificate shall be filed with the State Registrar.

R436-7-3. Registration of Certificates by Local Registrars.

- (1) A local registrar shall take appropriate action to ensure that any death occurring in the registrar's registration area is registered.
- (2)(a) The local registrar or designee shall check the accuracy of data entered into the Vital Records death registration system in accordance with the written instructions issued by the state registrar.
- (b) To ensure accuracy, the local registrar or designee shall cross-check among items.
- (3) The originators of any incomplete or inaccurate information in the death registration shall be contacted and asked for information to complete the registration.
- (4) Once reviewed, the local registrar or designee shall register the death in the Vital Records death registration system.

R436-7-~~3~~4. Penalties~~y~~ for Disposition of Deceased Before Death Registration and Failure to File or Certify the Death Within 120 Hours of the Death.

- (1) A funeral director violates this rule and is subject to the penalties provided in Section 26B-1-224, including both administrative and civil penalties, if the funeral director:
 - (a) ~~D~~dispositions the deceased before the death registration~~or~~; or
 - (b) ~~F~~fails to register the death within 120 hours of the death without good cause.
- (2) A medical certifier violates this rule and is subject to the penalties provided in Section 26B-1-224, including both administrative and civil penalties, if the medical certifier fails to certify the death within 120 hours of the death without good cause.
- (3) Good cause includes receiving the assignment close to or after the 120~~-~~hour~~s~~ timeframe.

KEY: vital statistics, death, funeral industries

Date of Last Change: 2025~~April 15, 2024~~

Notice of Continuation: March 21, 2023

Authorizing, and Implemented or Interpreted Law: 26B-8-114; 26B-8-123; 26B-1-224

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R436-10	Filing ID: 56963

Agency Information

1. Title catchline:	Health and Human Services, Data, Systems, and Evaluation, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 84114-1012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Nicole Bissonette	801-538-6262	nicolebissonette@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R436-10. Death Registration
3. Purpose of the new rule or reason for the change:
Upon internal review, the agency found that there are two rules under Title R436 that use the rule catchline "Death Registration," Rule R436-7 and this rule. To avoid confusion, the provisions in this rule are being moved into to Rule R436-7 in their entirety. Continuation of this rule would be redundant and confusing, so the agency is repealing this rule.
4. Summary of the new rule or change:
This rule is being repealed in its entirety, as all the provisions therein are being moved to Rule R436-7, which shares the same catchline. (EDITOR'S NOTE: The proposed amendment to Rule R436-7 is under ID 56962 in this issue, December 15, 2024, of the Bulletin.)

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 a result of this repeal, as all provisions from this rule are being moved to Rule R436-7. The change will not add, modify, or remove any requirements or restrictions to the state.
B) Local governments:
There is no anticipated fiscal impact to local governments as a result of this repeal, as all provisions from this rule are being moved to Rule R436-7. The change will not add, modify, or remove any requirements or restrictions to local governments.
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 repeal, as all provisions from this rule are being moved to Rule R436-7. The change will not add, modify, or remove any requirements or restrictions to 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 a result of this repeal, as all provisions from this rule are being moved to Rule R436-7.

The change will not add, modify, or remove any requirements or restrictions 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**):

There is no anticipated fiscal impact to other persons as a result of this repeal, as all provisions from this rule are being moved to Rule R436-7.

The change will not add, modify, or remove any requirements or restrictions to other persons.

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

There are no anticipated compliance costs for affected persons, as all provisions from this rule are being moved to Rule R436-7.

The change will not add, modify, or remove any requirements or restrictions.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Section 26B-8-114	Section 26B-8-123	Section 26B-8-224
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Public Notice Information

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

A) Comments will be accepted until:	01/14/2025
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9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/02/2024
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R436. Health and Human Services, Center for Health Data, Vital Records and Statistics.

~~**R436-10. Death Registration.**~~

~~**R436-10-1. Purpose and Authority.**~~

- ~~_____ (1) This rule sets forth the responsibility of local registrars to review and register deaths in their area.~~
- ~~_____ (2) Authority for this rule is found in Section 26B-8-123.~~

~~**R436-10-2. Registration of Certificates by Local Registrars.**~~

- ~~_____ (1) Local registrars shall take appropriate action to be sure that deaths that occur in their registration area are registered.~~
- ~~_____ (2) In reviewing the certificates for death registration, the local registrar or designee shall check the accuracy of data entered into the electronic death registration system. Once reviewed, the local registrar will submit the record. Appropriate items on the certificates will be completed in accordance with the written instructions issued by the state registrar. To ensure accuracy, cross-checks between items will be made.~~
- ~~_____ (3) The originators of certificates which are incomplete or inaccurate will be contacted and queried, to obtain the needed information.~~
- ~~_____ (4) Certificates are registered through the Vital Records death registration system by the local registrar.~~

~~**KEY: vital statistics, local government, standards**~~

~~**Date of Last Change: November 8, 2023**~~

~~**Notice of Continuation: March 20, 2023**~~

~~**Authorizing, and Implemented or Interpreted Law: 26B-8-123]**~~

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R527-36	Filing ID: 56964

Agency Information

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

General Information

2. Rule or section catchline:
R527-36. Collection of Child Support After a Termination of Parental Rights or Adoption

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

This rule is being amended to replace an outdated statutory citation following a renumbering by S.B. 95 passed in the 2024 General Session.

Additionally, it removes a reference to Rule R495-882, which was repealed on 12/15/2023, and removes provisions that were previously part of that repealed administrative rule.

Upon internal review, the Office of Recovery Services (ORS) additionally made style and formatting changes to provide clarification, comply with the Rulewriting Manual for Utah, and for consistency with other rules under the Department of Health and Human Services.

4. Summary of the new rule or change:

A reference to Section 26B-9-202 is replaced with the updated and appropriate citation to Section 26B-1-202.

A reference to repealed Rule R495-882 and its provisions is removed.

Language clarifies when ORS will continue to collect child support arrears after a termination of parental rights or adoption.

Other nonsubstantive style and formatting changes are made to align this rule with the Rulewriting Manual for Utah and for consistency with other rules under the Department of Health and Human Services.

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 the substantive changes in this rule update a statutory reference and remove a reference to Rule R495-882, which has been repealed.

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

B) Local governments:

There is no anticipated fiscal impact to local governments, as the substantive changes in this rule update a statutory reference and remove a reference to Rule R495-882, which has been repealed.

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

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

There is no anticipated fiscal impact to small businesses, as the substantive changes in this rule update a statutory reference and remove a reference to Rule R495-882, which has been repealed.

This filing does not add, modify, or remove any requirements or restrictions to 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 the substantive changes in this rule update a statutory reference and remove a reference to Rule R495-882, which has been repealed.

This filing does not add, modify, or remove any requirements or restrictions 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**):

There is no anticipated fiscal impact to other persons, as the substantive changes in this rule update a statutory reference and remove a reference to Rule R495-882, which has been repealed.

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

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

There are no anticipated compliance costs for affected persons, as the substantive changes in this rule update a statutory reference and remove a reference to Rule R495-882, which has been repealed.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Section 26B-1-202	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:	01/14/2025
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9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/02/2024
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R527. Health and Human Services, Recovery Services.

R527-36. Collection of Child Support After a Termination of Parental Rights or Adoption.

R527-36-1. Authority and Purpose.

(1)(a) Section 26B-1-202 authorizes the Department of Health and Human Services to adopt rules considered necessary for providing health and social services[The Department of Health and Human Services may create rules necessary for social services pursuant to Section 26B-9-202].

~~(b) Section 26B-9-108 authorizes the Office of Recovery Services (ORS) to adopt, amend, and enforce rules to carry out the provisions of Title 26B, Chapter 9, Recovery Services and Administration of Child Support [The Office of Recovery Services (ORS) may adopt, amend, and enforce rules pursuant to Section 26B-9-108].~~

~~(2) The purpose of this rule is to specify [how ORS will handle support obligations when there is a termination of parental rights or an adoption order that does not specifically preserve arrears] when ORS will continue to collect child support arrears when there is a termination of parental rights for a child or an adoption of a child.~~

R527-36-2. ORS Collection of Child Support after Termination of Parental Rights Orders or Adoption Orders.

~~[(1) Pursuant to Section 80-4-105 and Section 78B-6-138, a parent is released from any legal obligation to pay child support or provide medical support when there is a termination of parental rights order or an adoption order.~~

~~[(2) ORS [will]shall continue collection efforts toward any accrued child support arrears from or for a parent whose rights have been terminated if the parental termination of rights or adoption order specifically preserves the arrears balance to be collected. [An exception exists pursuant to Rule R495-882 when the child is placed in the care or custody of the state for at least 30 days.]~~

KEY: parental rights, adoption, child support

Date of Last Change: [November 5, 2023]2025

Notice of Continuation: September 26, 2022

Authorizing, and Implemented or Interpreted Law: [26B-9-202]26B-1-202; 26B-9-108[; 80-4-105; 78B-6-138]

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R592-11

Filing ID: 56961

Agency Information

1. Title catchline:	Insurance, Title and Escrow Commission	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R592-11. Title Insurance Producer Annual Reports
3. Purpose of the new rule or reason for the change:
This rule is being amended due to changes passed by the Legislature in S.B. 31 during the 2024 General Session. The Title and Escrow Commission approved the proposed changes to this rule by a vote of 5 to 0 at its 11/25/2024 meeting.
4. Summary of the new rule or change:
The amendment updates the deadline by which a title insurance licensee must submit a Title Insurance Producer Annual Report, adds a verified statement of financial condition and a list of contracted underwriters to the annual report, and updates the address of the Insurance Department's (Department) file upload site. It also removes the requirement that an individual title agent submit an annual report.

Fiscal Information

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

A) State budget:

There is no anticipated cost or savings to state government.
 The additional information will be reviewed by the Department's title insurance auditor as part of their regular duties.

B) Local governments:

There is no anticipated cost or savings to local governments.
 This rule applies only to licensees of the Department and will not impact local governments in any way.

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

The Department anticipates that there will be a cost to agency title insurance producers that are small businesses to prepare the verified statement of annual condition. Because the cost to prepare that statement relies on market factors outside the Department's control (e.g., the hourly rate for an insurance agency employee to prepare the report), the Department cannot estimate the aggregate cost.
 However, agencies should have easy access to the requested information and the Department expects the cost to be minimal.

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

The Department anticipates that there will be a cost to agency title insurance producers that are non-small businesses to prepare the verified statement of annual condition. Because the cost to prepare that statement relies on market factors outside the Department's control (e.g., the hourly rate for an agency employee to prepare the report), the Department cannot estimate the aggregate cost.
 However, agencies should have easy access to the requested information and the Department expects the cost to be minimal.

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 cost or savings to any other person.
 The only persons required to file the Title Insurance Producer Annual report are agency title insurance producers.

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

The Department has not imposed a cost for any affected person to comply with this rule.
 However, the Department anticipates that there will be a compliance cost for agency title insurance producers to prepare the verified statement of annual condition. Because the cost to prepare that statement relies on market factors outside the Department's control (e.g., the hourly rate for an agency employee to prepare the report), the Department cannot estimate the aggregate cost.
 However, agencies should have easy access to the requested information and the Department expects the cost to be minimal.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner of the Insurance Department, Jonathan T. Pike, 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 31A-2-404	Section 31A-23a-406	Section 31A-23a-413
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Public Notice Information

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

A) Comments will be accepted until: 01/14/2025

9. This rule change MAY become effective on: 01/21/2025

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:	Steve Gooch, Public Information Officer	Date:	11/27/2024
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R592. Insurance, Title and Escrow Commission.

R592-11. Title Insurance Producer Annual Reports.

R592-11-1. Authority.

This rule is promulgated by the Title and Escrow Commission pursuant to Sections 31A-2-404, 31A-23a-406, and 31A-23a-413.

R592-11-2. Purpose and Scope.

(1) The purpose of this rule is to establish the requirements of and a filing deadline for the Title Insurance Producer Annual Report required by Section 31A-23a-413.

(2) This rule applies to an agency title insurance producer~~[-and an individual title insurance producer].~~

R592-11-3. Title Insurance Producer Annual Report.

(1) ~~[The following]~~ An agency title insurance producer shall file a Title Insurance Producer Annual Report not later than ~~[April 30]~~ May 1 of each year~~[-~~:

- ~~(a) an agency title insurance producer; and~~
- ~~(b) an individual title insurance producer who is not an employee of a title insurer or who has not been designated to an agency title insurance producer].~~

(2) A Title Insurance Producer Annual Report shall include:

- (a) the number and location of each title or escrow trust account;
- (b) proof of financial protection under Subsection 31A-23a-204(2)(a);
- (c) the name of the individual title insurance producer designated as the "qualifying licensee" under Subsection 31A-23a-204(1);
- (d) the physical address in Utah maintained by an agency title insurance producer~~[-or an individual title insurance producer under Subsection 31A-23a-406(1)(g)];[-and]~~

NOTICES OF PROPOSED RULES

(e) the physical address of each Utah branch office maintained by an agency title insurance producer ~~or an individual title insurance producer~~;

(f) a verified statement of the agency title insurance producer's financial condition, transactions, and affairs of the preceding two calendar years, including:

- (i) a balance sheet;
- (ii) a cash flow statement; and
- (iii) an income statement; and
- (g) a list of all currently contracted underwriters.

R592-11-4. Electronic Filing of Title Insurance Producer Annual Report.

The Title Insurance Producer Annual Report shall be submitted electronically using the department's secure file upload site located at [~~https://forms.uid.utah.gov/fileUploads/~~]<https://portal.uid.utah.gov/sife>.

R592-11-5. Severability.

If any provision of this rule, Rule R592-11, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: title insurance

Date of Last Change: 2025~~[May 27, 2022]~~

Notice of Continuation: June 14, 2021

Authorizing, and Implemented or Interpreted Law: 31A-2-404(2)(a); 31A-23a-406(1)(g); 31A-23a-413; 31A-23a-503(8)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or Section Number:	R650-305	Filing ID: 56951

Agency Information

1. Title catchline:	Natural Resources, Outdoor Recreation	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 100	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Patrick Parsel	801-882-6579	pparsel@utah.gov
India Nielsen Barfuss	385-268-2570	Indianielsen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R650-305. Private Funding for Maintenance of Outdoor Recreation Facilities
3. Purpose of the new rule or reason for the change:
This is a new rule in accordance with H.B. 360, passed in the 2023 General Session.
4. Summary of the new rule or change:
This is a new rule in accordance with H.B. 360 (2023). This rule governs procedures for private funding for maintenance of outdoor recreation infrastructure, known as the Adopt-the-Outdoors Program, including program applications, eligibility, project selection, recognitions, reporting, and the Division of Outdoor Recreation (Division) procedures for funds and labor acceptance and expenditures.

Fiscal Information

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

A) State budget:

The Division does do not anticipate this to impact the state budget, it allows private entities to contribute funding and in-kind labor to outdoor recreation infrastructure.

B) Local governments:

The Division does not anticipate this to impact local governments, it allows private entities to contribute funding and in-kind labor to outdoor recreation infrastructure and the Division does not know the widespread impact to local governments because it is a new program.

However, the Division does not anticipate large enough donations to significantly offset local government expenditures on outdoor recreation infrastructure. Depending on the level of private donations, this program may supplement local governments.

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

The Division does not anticipate this to impact small businesses; this is a completely voluntary program and not mandatory for businesses.

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

The Division does not anticipate this to impact non-small businesses; this is a completely voluntary program and not mandatory for businesses

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

The Division does not anticipate fiscal impact to the persons listed above; it is a voluntary program that private entities may choose to participate in.

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

The Division does not anticipate this to have fiscal impact on the entities who to participate. It is voluntary and if they choose to participate, they may do so with monetary donations or in-kind labor.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 79-7-702	Subsection 79-7-702(4)	
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Public Notice Information

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

A) Comments will be accepted until: 01/14/2025

9. This rule change MAY become effective on: 01/21/2025

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:	Jason Curry, Director	Date:	11/12/2024
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R650. Natural Resources, Outdoor Recreation.
R650-305. Private Funding for Maintenance of Outdoor Recreation Facilities.
R650-305-1. Authority.

- (1) This rule is established pursuant to Section 79-7-702 and applies to private funding for maintenance of outdoor recreation infrastructure.
- (2) This rule governs procedures for private funding for maintenance of outdoor recreation infrastructure, known as the Adopt-the-Outdoors Program, including program applications, eligibility, project selection, recognitions, reporting, and division procedures for funds and labor acceptance and expenditures.

R650-305-2. Definitions.

As used in this rule:

- (1) "Adopt-the-Outdoors Program" means a project or undertaking in which a person provides volunteer labor of funding to facilitate outdoor recreation infrastructure maintenance pursuant to Section 79-7-702 and this rule.
- (2) "Division" means the Division of Outdoor Recreation.
- (3) "Manager" means the individual appointed by the Director pursuant to Subsection 79-7-702(3).
- (4) "Outdoor Recreation Infrastructure" means the same as that term is defined in Section 51-9-901.
- (5) "Outdoor Recreation Infrastructure Maintenance" means maintenance or reconstruction of outdoor recreation infrastructure undertaken to:
 - (a) protect public safety, natural resources, or cultural resources;
 - (b) restore or improve recreation opportunities;
 - (c) educate recreational users; or
 - (d) promote responsible recreation.
- (6) "Person" means an individual or Utah corporation, partnership, limited liability company, association, joint venture, or Utah of federal government or governmental subdivision, agency or instrumentality, or public corporation.

R650-305-3. Eligibility and Application to Provide Labor and Funding.

- (1) A person is eligible to provide labor or funding for an Adopt-the-Outdoors program if:
 - (a) the public land manager for which the labor or funding will be provided agrees to accept donated labor or funding;
 - (b) the person or entity submits an application to the division pursuant to the requirements of Subsection 79-7-702(2) and this rule; and
 - (c) the person meets all other requirements of this rule.
- (2) The division shall provide an Adopt-the-Outdoors program application form on the division's website that includes:
 - (a) submission instructions;
 - (b) outdoor recreation infrastructure maintenance projects available for inclusion in the Adopt-the-Outdoors program; and
 - (c) instructions regarding all documents and information the division determines necessary for the division to consider the application.

(3) The division shall supply a paper application to any person or entity requesting a paper application.

R650-305-4. Recognition of Persons Who Provide Labor or Funding.

(1) The division may recognize a person who provides labor or funding through:

(a) the division website;

(b) social media channels;

(c) email newsletters;

(d) division events and conferences; or

(e) at an applicable Adopt-the-Outdoors program site through signage or other indication as agreed upon by the relevant land management agency.

(2)(a) The division and the person providing labor funding shall consult in an attempt to agree on the exact recognition to be provided before the person providing labor or funding.

(b) Notwithstanding the requirements of Subsection (2)(a), the manager may, at the manager's discretion, determine the proper level of recognition to be provided to a person who provides labor or funding.

R651-305-5. Partnerships Between Private and Public Entities for Outdoor Recreation Infrastructure Maintenance.

(1) The division may facilitate partnerships for outdoor recreation infrastructure maintenance between private and public entities through means it determines, in its sole discretion, to be appropriate, including:

(a) providing a directory of existing persons with established volunteer, donation, or stewardship programs;

(b) consulting with local groups on development of their own programs similar to the Adopt-the-Outdoors program in partnership with area land managers where no similar programs or similar organizations exist;

(c) developing and maintaining on its website a public directory of people, business entities, organizations, public land managers, and volunteer groups with active Adopt-the-Outdoors programs;

(d) facilitating partnerships between private and public entities as outlined in a Adopt-the-Outdoors program guide created by the division and available on the division's website;

(e) taking any other action to advance the purposes of this rule and Section 79-7-702.

(3) Persons may, when appropriate, formalize partnerships through a Memorandum of Understanding (MOU) or similar agreement.

(4) The division may assist a person who desires to volunteer labor to find suitable outdoor recreation infrastructure maintenance projects approved by the manager of the land where the project is to take place.

(5) Outdoor recreation infrastructure maintenance projects include:

(a) Construction of new facilities or infrastructure made as part of an upgrade to existing outdoor recreation infrastructure facilities;

or

(b) Projects, undertakings, tools, or equipment that support maintenance of existing outdoor recreation infrastructure

(6)(a) If a private entity or a person provides funding, the division may create an account for money to be kept exclusively for outdoor recreation infrastructure maintenance as agreed upon between the division, the person providing funding and the manager of the land where the project will take place.

(b) Private entities and land managers shall annually report to the division:

(i) funding spent on maintenance; and

(ii) volunteer hours contributed to the funded project.

(c) The division shall:

(i) annually document use of provided funds; and

(ii) annually report to both the person or private entity providing the funding, and the land manager, on maintenance accomplishments achieved.

R650-305-6. Duties of Adopt-the-Outdoors Program Manager.

(1) The Adopt-the-Outdoors program manager shall:

(a) coordinate partnerships between private and public entities;

(b) draft and publish the Adopt-the-Outdoors program application;

(c) evaluate Adopt-the-Outdoors program applications and determine Adopt-the-Outdoors program eligibility;

(d) assist public land managers in identifying outdoor infrastructure maintenance projects that may qualify for the Adopt-the-Outdoors program;

(e) list on the division's website outdoor recreation infrastructure projects that are eligible for volunteer labor or funding;

(f) coordinate recognition of private labor and funding as appropriate;

(g) track volunteer hours and monetary contributions made pursuant to this rule and Section 79-7-702;

(h) maintain a webpage dedicated to the Adopt-the-Outdoors program; and

(i) coordinate with other division staff as appropriate to implement the Adopt-the-Outdoors program.

(2) The Adopt-the-Outdoors program manager shall publish an Adopt-the-Outdoors program guide on the division's website that contains Adopt-the-Outdoors program information.

KEY: outdoor recreation, recreation, infrastructure maintenance

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 79-7-702

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or Section Number:	R652-125	Filing ID: 56959

Agency Information

1. Title catchline:	Natural Resources, Forestry, Fire and State Lands	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state:	Salt Lake, UT	
Mailing address:	1594 W North Temple, Ste 3520	
City, state and zip:	Salt Lake, UT 84114-5703	
Contact persons:		
Name:	Phone:	Email:
Emily Hawley	385-441-6667	ehawleyt@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R652-125. Wildland Urban Interface Prevention, Preparedness, and Mitigation Fund
3. Purpose of the new rule or reason for the change:
This rulemaking is in accordance with H.B. 261, which passed in the 2023 General Session, which prescribes the Division of Forestry, Fire and State Lands (Division) to make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
4. Summary of the new rule or change:
This rule establishes guidelines for administration of and disbursements from the Wildland-Urban Interface Prevention, Preparedness, and Mitigation Fund.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed rule is not anticipated to have aggregated anticipated costs or savings to the state budget beyond that already described in the Fiscal Note to H.B. 261 (2023).
B) Local governments:
The aggregated anticipated cost or savings is inestimable due to the unpredictability of the fire season and unknown number of fire departments who may or may not apply for grant funding.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule is not anticipated to have aggregated anticipated costs or savings to small businesses due to the rule not having a direct connection to small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed rule is not anticipated to have aggregated anticipated costs or savings to non-small businesses due to the rule not having a direct connection 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**):

The proposed rule is not anticipated to have anticipated cost or savings for persons other than small business, non-small business, state or local government entities due to the rule not having a direct connection to these persons.

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 is not applicable due to the proposed rule not having costs associated with compliance. Instead, this rule establishes guidelines for administration of and disbursements from the Wildland-Urban Interface Prevention, Preparedness, and Mitigation Fund.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 63A-8-215

Public Notice Information

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

A) Comments will be accepted until: 01/14/2025

9. This rule change MAY become effective on: 01/21/2025

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:	Joel Ferry, Executive Director	Date:	11/18/2024
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R652. Natural Resources, Forestry, Fire and State Lands.

R652-125. Wildland-Urban Interface Prevention, Preparedness, and Mitigation Fund.

R652-125-100. Purpose and Authority.

Rule R652-125 implements Article XVIII of the Utah Constitution and Section 65A-8-215 and establishes guidelines for administration of and disbursements from the Wildland-Urban Interface Prevention, Preparedness, and Mitigation Fund.

R652-125-200. Definitions

(1) "Fire department assistance grant" means a grant disbursed from the Prevention, Preparedness, and Mitigation Fund to a department that is tasked with responding to and suppressing or controlling wildland fire within a particular geographic jurisdiction.

(2) "Prevention, Preparedness, and Mitigation Fund" means the Wildland-Urban Interface Prevention, Preparedness, and Mitigation Fund created in Section 65A-8-215.

(3) "Suppression Fund" means the Wildland Fire Suppression Fund created in Section 65A-8-204.

(4) "Wildland-Urban Interface" means the zone where structures and other human development meets, or intermingles with, undeveloped wildland.

R652-125-300. Use of Funds.

(1) The Prevention, Preparedness, and Mitigation Fund may be used:

(a) to pay the costs of prevention, preparedness, and mitigation projects and activities related to wildfire hazard reduction within the State, including the costs of a Participating Entity;

(b) in cases of catastrophic need, as determined by the State Forester, to pay costs that could be paid from the Suppression Fund under Section 65A-8-204; and

(c) to issue fire department assistance grants.

(3) Funded projects and activities under Subsection R652-125-300(1)(a) shall:

(a) Support wildfire hazard reduction;

(b) Support restoration of healthy resilient forests; or

(c) Support reduction of wildfire risk to human safety, water resources, and other natural resources in and near the Wildland-Urban Interface.

(4) Funded costs under Subsection R652-125-300(1)(a) may include:

(a) Personnel costs;

(b) Labor costs;

(c) Fringe benefit costs;

(d) Travel costs;

(e) Supply costs;

(f) Equipment costs;

(g) Contractual costs;

(h) Training costs; and

(i) Other costs necessary for completion of the project or activity, as determined by the division.

(5) Funded costs under Subsection R652-125-300(1)(a) shall include the costs of the base salary or salaries of:

(a) State-employed Wildland-Urban Interface coordinators;

(b) Wildland-Urban Interface specialists;

(c) Wildland-Urban Interface assistants; and

(d) Others whose primary job duties include Wildland-Urban Interface wildfire hazard reduction and whose positions are authorized by the State Forester.

(6) Fire department assistance grants under Subsection R652-125-300(1)(c) may not exceed 10% of the money in the Prevention, Preparedness, and Mitigation Fund each fiscal year.

R652-125-400. Application, Review, and Disbursement of Funds for Costs.

(1) The Prevention, Preparedness, and Mitigation Fund may be used to pay the costs of prevention, preparedness, and mitigation projects and activities related to wildfire hazard reduction within the State, including the costs of a Participating Entity.

(2) To receive funds from the Prevention, Preparedness, and Mitigation Fund, a Participating Entity or division program shall submit an application to the division demonstrating a project or activity with a clear connection to reducing wildfire risk to the Wildland-Urban Interface through a prevention, preparedness, or mitigation project or activity.

(3) Applications shall be submitted through the Prevention, Preparedness, and Mitigation Fund application, published on the division's website.

(4) The division shall publish a deadline for applications on the division website.

(5) The State Forester shall assign a Review Committee to review and prioritize applications.

(6) The Review Committee shall evaluate applications based on the applicant's eligibility, the merit of the proposed project or activity, and the criteria established by the division.

(7) Applications shall be reviewed and prioritized based on the following criteria:

(a) The Review Committee shall prioritize applications for projects and activities:

(i) Located in areas of higher wildfire risk to the Wildland-Urban Interface;

(ii) Proposing higher levels of reduction of wildfire risk, hazard, or effects;

- (iii) Proposing to utilize Prevention, Preparedness, and Mitigation funds as a match for federal grants or other funds; or
- (iv) Furthering the priorities of Utah's Forest Action Plan.
- (b) The division may provide further guidance on prioritization by posting additional criteria on the division's website.
- (8) Based on its evaluation of applications, the Review Committee shall make a recommendation to the State Forester regarding disbursements of funds.
- (9) The State Forester has the discretion to approve or deny an application.
- (10) Disbursements from the Prevention, Preparedness, and Mitigation Fund shall be made by written order of the State Forester or the State Forester's authorized representative.

R652-125-500. Application, Review, and Disbursement of Funds for Grants.

- (1) The Prevention, Preparedness, and Mitigation Fund may be used to issue fire department assistance grants.
- (2) Applicants for fire department assistance grants shall apply through the process in Rule R652-124.
- (3) The division shall review applications for fire department assistance grants based on the criteria in Rule R652-124 and shall make a recommendation to the State Forester regarding disbursements of funds.
- (4) The State Forester has the discretion to approve or deny an application.
- (5) Disbursements from the Prevention, Preparedness, and Mitigation Fund shall be made by written order of the State Forester or the State Forester's authorized representative.

KEY: WUI; prevention; preparedness and mitigation fund

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 63A-8-215

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R698-7	Filing ID: 56952

Agency Information

1. Title catchline:	Public Safety, Administration	
Building:	Calvin Rampton Building	
Street address:	4501 S 2700 W, 1st Floor	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 141775	
City, state and zip:	Salt Lake City, UT 84114-1775	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-965-4018	kgibb@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R698-7. Emergency Vehicles
3. Purpose of the new rule or reason for the change:
This rule filing is being submitted to authorize a private organ transport vehicle to be designated for part-time emergency use.
4. Summary of the new rule or change:
This rule change adds criteria to allow for a private organ transport vehicle to be designated as an emergency vehicle.
The rule change also includes formatting corrections to conform to the Rulewriting Manual for Utah guidelines.

Fiscal Information

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

A) State budget:

The proposed rule amendment is not anticipated to have a fiscal impact on the state budget because the amendment only includes a private organ transport vehicle as a vehicle that may be designated for part-time emergency use.

B) Local governments:

The proposed rule amendment is not anticipated to have a fiscal impact on the local governments because the amendment only includes a private organ transport vehicle as a vehicle that may be designated for part-time emergency use.

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

The proposed rule amendment is not anticipated to have a fiscal impact on small businesses because the amendment only includes a private organ transport vehicle as a vehicle that may be designated for part-time emergency use.

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

The proposed rule amendment is not anticipated to have a fiscal impact on non-small businesses because the amendment only includes a private organ transport vehicle as a vehicle that may be designated for part-time emergency use.

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 amendment is not anticipated to have a fiscal impact on persons other than small businesses, non-small businesses, state or local government entities because the amendment only includes a private organ transport vehicle as a vehicle that may be designated for part-time emergency use.

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 costs associated with this rule change because the amendment only includes a private organ transport vehicle as a vehicle that may be designated for part-time emergency use.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner of the Department of Public Safety, Jess L. Anderson, 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 41-6a-310	Subsection 53-1-108(1)(c)	
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Public Notice Information

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

A) Comments will be accepted until:	01/14/2025
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9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jess L. Anderson, Commissioner	Date:	11/21/2024
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R698. Public Safety, Administration.

R698-7. Emergency Vehicles.

R698-7-1. Purpose.

~~[This rule explains how vehicles can be designated as "authorized emergency vehicles." Authorized emergency vehicles shall be referred to in this rule as "emergency vehicles."]~~ This rule establishes the criteria and requirements to designate vehicles as emergency vehicles.

R698-7-2. Authority.

This rule is authorized by Section 41-6a-310 and Subsection 53-1-108(1)(c).

R698-7-3. Definitions.

(1) Terms used in this rule are defined in Section 41-6a-102. ~~[As used in this rule:]~~

~~(+)~~(2) In addition:

~~(a)~~ "[E]mergency" ~~[or "emergencies"]~~ means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential to the preservation of human life or property and justifies the operator of a vehicle to exercise the driving privileges in Subsection 41-6a-212(2)(-); and

~~(2)~~(b) "[I]ndustrial ambulance" means an ambulance that is owned and operated by a private company for the sole benefit of its employees.

R698-7-4. Publicly Owned Emergency Vehicles.

~~(+)~~ A publicly owned fire department vehicle, ~~[or]~~ publicly owned police vehicle, Department of Transportation incident management team vehicle, or Department of Public Safety vehicle ~~[can]~~ may be designated as an emergency vehicle if the vehicle:

~~(a)~~(1) responds to emergencies;

~~(b)~~(2) is in compliance with the emergency lights and siren requirements of Title 41, Chapter 6a, Traffic Code;

~~(c)~~(3) is properly licensed and insured; and

~~(d)~~(4) is approved as an emergency vehicle by the state agency or political subdivision that owns it.

R698-7-5. Privately Owned Emergency Vehicles.

Privately owned vehicles ~~[can]~~ may be designated as emergency vehicles by meeting the requirements set forth in this rule.

R698-7-6. Categories of Privately Owned Emergency Vehicles.

~~(+)~~ Privately owned emergency vehicles shall be divided into the following categories:

~~(a)~~(1) private fire response vehicles;

~~(b)~~(2) private police vehicles;

~~(c)~~(3) private search and rescue vehicles; ~~[and]~~

~~(d)~~(4) private ambulance vehicles; ~~[and]~~

(5) private organ transport vehicles.

NOTICES OF PROPOSED RULES

R698-7-7. Private Fire Response Vehicles, Private Police Vehicles, and Private Search and Rescue Vehicles.

~~[(1)]~~ A private fire response vehicle, private police vehicle, or private search and rescue vehicle ~~[can]~~ may be designated as an emergency vehicle if:

- ~~[(a)]~~ (1) the vehicle is used on a part time basis to assist a governmental agency in responding to emergencies;
- ~~[(b)]~~ (2) the owner of the vehicle receives written authorization to operate the vehicle as an emergency vehicle from the sheriff, chief of police, or fire chief of the governmental agency that the vehicle is authorized to assist;
- ~~[(c)]~~ (3) the vehicle is in compliance with the emergency lights and siren requirements of Title 41, Chapter 6a, Traffic Code;
- ~~[(d)]~~ (4) the vehicle is properly licensed and insured~~(and has a current safety inspection certificate)~~; and
- ~~[(e)]~~ (5) the governmental agency that authorizes the vehicle to operate as an emergency vehicle has adopted written policies regarding the operation of emergency vehicles in their jurisdiction. The policies shall require compliance with the statutory restrictions and requirements of Title 41, Chapter 6a, Traffic Code.

R698-7-8. Ambulance Vehicles.

(1) A publicly owned or privately owned ambulance vehicle ~~[can]~~ may be designated as an emergency vehicle if the vehicle is licensed by the ~~[Utah Department of Health,] Bureau of Emergency Medical Services~~ to provide emergency and non-emergency ambulance services under Title 53, Chapter 2d, Emergency Medical Services Act~~[Title 26, Chapter 8a]~~.

- (2) An industrial ambulance vehicle can be designated as an emergency vehicle if:
 - (a) the vehicle is in compliance with the emergency lights and siren requirements of Title 41, Chapter 6a, Traffic Code;
 - (b) the vehicle is properly insured;
 - (c) the vehicle is licensed~~(and has a current safety inspection certificate)~~; and
 - (d) the company that owns the vehicle receives written authorization to operate the vehicle as an emergency vehicle from:
 - (i) the sheriff of the county in which the company is located; and
 - (ii) the chief of police of the city, if any, in which the company is located.

R698-7-9. Private Organ Transport Vehicles.

A private organ transport vehicle may be designated as an emergency vehicle if:

- (1) the vehicle is solely used to transport human organs, human tissues, or surgical team members for transplant purposes;
- (2) the owner of the vehicle receives written authorization to operate the vehicle as an emergency vehicle from the commissioner;
- (3) the vehicle is in compliance with the emergency lights and siren requirements of Title 41, Chapter 6a, Traffic Code, using only red, or red and white flashing lights;
- (4) the vehicle is properly licensed, insured, and complies with vehicle safety requirements;
- (5) the vehicle is properly identified as an organ or tissue transplant vehicle; and
- (6) the operator of the vehicle has completed:
 - (a) an emergency vehicle operator course approved by the department; and
 - (b) a defensive driving course approved by the department.

KEY: emergency vehicle

Date of Last Change: ~~2025~~ September 11, 1997

Notice of Continuation: March 13, 2023

Authorizing, and Implemented or Interpreted Law: 41-6a-310; 53-1-108(1)(c)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R714-510

Filing ID: 56968

Agency Information

1. Title catchline:	Public Safety, Highway Patrol	
Building:	Calvin Rampton Complex	
Street address:	4501 S 2700 W	
City, state:	Salt Lake City UT	
Mailing address:	PO Box 141100	
City, state and zip:	Salt Lake City UT 84114-1100	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R714-510. 24-7 Sobriety Program

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

This rule amendment is being filed as a result of the passage of H.B. 395 during the 2024 General Session.

4. Summary of the new rule or change:

The rule amendment adds an option for a partial fee waiver for an individual ordered to participate in a 24-7 sobriety program if the court who ordered the individual to participate in a 24-7 sobriety program finds the individual to be indigent, clarifies that transdermal alcohol monitoring is acceptable for use in a 24-7 sobriety program, and allows for remote breath test monitoring if an individual has a medical condition that would prohibit the use of transdermal alcohol monitoring.

Fiscal Information

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

The proposed rule is expected to have a fiscal impact on the state budget because a person found to be indigent by a court who is ordered to participate in a 24-7 sobriety program will only have to pay \$1 of the required \$2 fee for twice daily testing. The local law enforcement agency that participates in a 24-7 sobriety program and conducts the required twice daily testing for the individual will collect the \$1 fee, and the state will not collect a fee for these individuals.

The minimum length of time an individual is required to participate in a 24-7 sobriety program for a first offense is 30 days, and for a second or subsequent offense is one year. The dollar amount is inestimable due to the fact that the Highway Patrol is not able to determine the number of individuals who may be found indigent after being convicted for a DUI offense that may be ordered to participate in a 24-7 sobriety program.

B) Local governments:

The proposed rule is not expected to have any fiscal impact on local governments.

Although the rule allows for a partial fee waiver for an individual found to be indigent by a court, the local law enforcement agency that participates in a 24-7 sobriety program will still collect a \$1 testing fee per test, consistent with current processes.

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

This rule could potentially affect small businesses that provide remote breath test monitoring.

The dollar amount is inestimable due to the fact that the addition of this testing apparatus is new and is still being implemented.

In addition, the Highway Patrol is not able to determine the number of individuals who may be ordered to participate in a 24-7 sobriety program and have a medical condition that prohibits the use of transdermal alcohol monitoring.

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

This rule could potentially affect non-small businesses that provide remote breath test monitoring.

The dollar amount is inestimable due to the fact that the addition of this testing apparatus is new and is still being implemented.

In addition, the Highway Patrol is not able to determine the number of individuals who may be ordered to participate in a 24-7 sobriety program and have a medical condition that prohibits the use of transdermal alcohol monitoring.

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 could potentially affect persons other than small businesses, non-small businesses, state, or local government entities because if a person who is ordered to participate in a 24-7 sobriety program is found to be indigent, they may have \$1 of the \$2 testing fee for twice daily breath testing waived.

The minimum length of time an individual is required to participate in a 24-7 sobriety program for a first offense is 30 days, and for a second or subsequent offense is one year. The dollar amount is inestimable due to the fact that the Highway Patrol is not able to determine the number of individuals who may be found indigent after being convicted for a DUI offense that may be ordered to participate in a 24-7 sobriety program.

In addition, the proposed rule could benefit individuals who are ordered to participate in a 24-7 sobriety program and have a medical condition that prohibits the use of transdermal alcohol monitoring because it allows for an alternate option for testing to twice daily testing.

The dollar amount is inestimable due to the fact that the addition of this testing apparatus is new and is still being implemented.

In addition, the Highway Patrol is not able to determine the number of individuals who may be ordered to participate in a 24-7 sobriety program and have a medical condition that prohibits the use of transdermal alcohol monitoring.

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 is not expected to result in any compliance costs for affected persons. The rule only clarifies that transdermal alcohol monitoring is acceptable for use in a 24-7 sobriety program and allows for remote breath test monitoring if an individual has a medical condition that would prohibit the use of transdermal alcohol monitoring.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Commissioner of the Department of Public Safety, Jess L. Anderson, 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 41-6a-515.5		
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Public Notice Information

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

A) Comments will be accepted until:	01/14/2025
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9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Michael Rapich, Colonel Utah Highway Patrol	Date:	12/02/2024
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R714. Public Safety, Highway Patrol.**R714-510. 24-7 Sobriety Program.****R714-510-1. Authority.**

This rule is authorized by Subsection 41-6a-515.5(7).

R714-510-2. Purpose.

The purpose of this rule is to establish criteria and procedures for a law enforcement agency to participate in a 24-7 sobriety program.

R714-510-3. Definitions.

~~(1)~~ Definitions used in the rule are found in Sections 41-6a-102 and 41-6a-515.5.

~~(2) In addition, "24-7 Sobriety Program Committee" or "committee" means a committee comprised of members from the Department of Public Safety, the Department of Technology Services, the Administrative Office of the Courts, and a participating law enforcement agency to establish criteria and procedures for a 24-7 sobriety program.~~

R714-510-4. Manner of Testing.

(1) An individual participating in a 24-7 program for in person alcohol testing shall:

(a) appear at the designated law enforcement agency or testing site twice a day, both between the hours of 6-8 am and 6-8 pm;

(b) submit to a portable breath test, and if the portable breath test result indicates alcohol consumption, submit to an Intoxilyzer test for a confirmation result; and

(c) pay the required testing fee for each test administered.

(2) An individual participating in a 24-7 program for drug testing shall:

(a) appear at the designated law enforcement agency or testing site on a random basis as requested;

(b) submit to required drug testing; and

(c) pay the required testing fee for each test administered.

R714-510-5. Apparatus to be Used for Testing.

(1) The following apparatus are acceptable for use in a 24-7 sobriety program;

~~(1)~~(a) portable breath test;

~~(2)~~(b) Intoxilyzer test;

~~(3)~~(c) urine test;

~~(4)~~(d) oral fluid test; ~~and~~

~~(5)~~(e) blood test[-]; and

(f) transdermal alcohol monitoring.

(2) Remote breath test monitoring may be used for an individual participating in a 24-7 sobriety program if the individual:

(a) would have otherwise been approved for use of transdermal alcohol monitoring; and

(b) provides documentation from a physician confirming that the individual has a medical condition that would prohibit the use of transdermal alcohol monitoring.

R714-510-6. Participation and Testing Fees.

A law enforcement agency that participates in a 24-7 sobriety program may require payment of a testing fee by a person participating in the program as follows:

(1) \$30 user fee for enrollment in the 24-7 sobriety program;

(2) \$2 for each portable breath test or Intoxilyzer test administered, \$1 of which will remain with testing program site;

~~(3)~~ (3) a fee as determined by the law enforcement agency to cover the cost for each urine or oral fluid drug test administered, which will remain with the testing program site; and

(4) \$10 per day for the use of transdermal alcohol monitoring, \$2 of which will remain with testing program site[-];

(5) \$10 per day for the use of remote breath test monitoring, \$2 of which will remain with testing program site; and

NOTICES OF PROPOSED RULES

(6) a reduced fee of \$1 for each portable breath test or Intoxilyzer test administered to an individual described in Subsection R714-510-7(2), which will remain with the testing program site.

R714-510-7. Partial Testing Fee Waiver for Indigent Individuals.

(1) If a court finds an individual who has been ordered to participate in a 24-7 sobriety program indigent, the court shall;

(a) notify the 24-7 sobriety testing program site administrator of the finding;

(b) review the finding after a period of 6 months to determine whether the individual is still indigent; and

(c) notify the 24-7 sobriety testing program site administrator of the subsequent finding related to indigency.

(2) An individual who is found to be indigent by the court may only participate in a 24-7 sobriety program through the use of in person portable breath testing or Intoxilyzer testing as described in Subsection R714-510-4(1).

(a) The fee for testing shall be reduced as described in Subsection R714-510-6(6) for an indigent individual.

(4) If the court determines the individual is no longer indigent, the individual will no longer be eligible for a reduced fee under Subsection R714-510-6(6).

(5) An individual will no longer be eligible for a reduced fee under Subsection R714-510-6(6) if:

(a) the court determines the individual is no longer indigent; or

(b) the court fails to notify the 24-7 sobriety testing program site administrator of a subsequent finding related to indigency.

R714-510-[7]8. Data Management Technology Plan.

A law enforcement agency that participates in a 24-7 sobriety program must use a data management technology plan approved by the department to manage the following:

- (1) testing;
- (2) data access;
- (3) fees;
- (4) fee payments; and
- (5) any required reports.

R714-510-8. Sanction Schedule for Program Noncompliance.

(1) A person who tests positive for alcohol or drugs under a 24-7 sobriety program may be subject to the following:

- (a) jail commitment of 8 hours for the first occurrence;
 - (b) jail commitment of 16 hours for the second occurrence;
 - (c) jail commitment of 24 hour for the third occurrence;
 - (d) appear before judge, may be removed from program for the fourth occurrence.
- (2) A person who fails to appear for a required test may be subject to the following:
- (a) jail commitment of 12 hours for the first occurrence;
 - (b) jail commitment of 24 hours for the second occurrence;
 - (c) jail commitment of 48 hour for the third occurrence;
 - (d) appear before judge, may be removed from program for the fourth occurrence.

[R714-510-9. Process for Piloting Alternate Components of the 24-7 Sobriety Program.

(1) The 24-7 Sobriety Program Committee may evaluate and pilot alternate components of the 24-7 sobriety program.

(2) Upon evaluation and determination of the committee that an alternate component of the 24-7 Sobriety Program is deemed effective, the committee may incorporate the alternate component into the 24-7 Sobriety Program.]

KEY: 24-7 Sobriety Program, sobriety testing

Date of Last Change: 2025[December 27, 2024]

Notice of Continuation: December 12, 2022

Authorizing, and Implemented or Interpreted Law: 41-6a-515.5

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R714-562

Filing ID: 56953

Agency Information

1. Title catchline:	Public Safety, Highway Patrol
Building:	Calvin Rampton Complex
Street address:	4501 S 2700 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 141100

City, state and zip:	Salt Lake City, UT 84114-1100	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R714-562. Early Intervention System Grant Program
3. Purpose of the new rule or reason for the change:
This rule filing is being submitted to remove the application deadline of 10/31/2024 and the requirement to ensure that an early intervention system will be in use before 01/01/2025 so that remaining funds can be distributed to law enforcement agencies.
4. Summary of the new rule or change:
This rule filing removes the application deadline of 10/31/2024 and the requirement to ensure that an early intervention system will be in use before 01/01/2025.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed rule amendment is not anticipated to have a fiscal impact on the state budget because the amendment only removes the application deadline and a requirement to ensure that an early intervention system will be in use before 01/01/2025, which will allow remaining funds that were appropriated during the 2023 General Session to be distributed to law enforcement agencies.
The legislature appropriated \$3,000,000 during the 2023 General Session to fund a grant program that allows for local law enforcement agencies to obtain financial assistance to establish an early intervention system. This rule change will allow local law enforcement agencies to continue to apply for funding from the approximately \$2,300,000 remaining of the \$3,000,000 originally appropriated by the Legislature during the 2023 General Session in order to purchase an early intervention system.
B) Local governments:
The proposed rule may have a positive fiscal impact on local governments because law enforcement agencies that have not yet established early intervention systems would be able to apply for grant funding after the current deadline of 10/31/2024, which would allow them financial assistance to establish such a system.
The Highway Patrol anticipates a cost savings from \$15,700 to \$31,700 to local governments that choose to apply for grant funding. This rule change will allow local law enforcement agencies to continue to apply for funding from the approximately \$2,300,000 remaining of the \$3,000,000 originally appropriated by the Legislature during the 2023 General Session in order to purchase an early intervention system.
C) Small businesses ("small business" means a business employing 1-49 persons):
The Highway Patrol is aware of five small businesses that would satisfy the minimum standards for an early intervention system. There may be other small businesses that are able to provide this service, as would be identified through an RFP.
Under the grant program created in Section 53-14-203, a business that is able to provide a system that meets minimum standards established in the administrative rule will have a potential to sell early intervention systems to law enforcement agencies in the amount of up to \$2,300,000 of the remaining \$3,000,000 in grant funding originally appropriated by the legislature during the 2023 General Session.
The proposed rule amendment could have a positive fiscal impact on small businesses that provide early intervention systems because law enforcement agencies that may not have otherwise established an early intervention system may be incentivized to purchase a system with the financial assistance available to them through the grant process.

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

The Highway Patrol is aware of six non-small businesses that would satisfy the minimum standards for an early intervention system. There may be other small businesses that are able to provide this service, as would be identified through an RFP.

Under the grant program created in Section 53-14-203, a business that is able to provide a system that meets minimum standards established in the administrative rule will have a potential to sell early intervention systems to law enforcement agencies in the amount of up to \$2,300,000 of the remaining \$3,000,000 in grant funding originally appropriated by the legislature during the 2023 General Session.

The proposed rule could have a positive fiscal impact on non-small businesses that provide early intervention systems because law enforcement agencies that may not have otherwise established an early intervention system may be incentivized to purchase a system with the financial assistance available to them through the grant process.

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

There are no anticipated costs or savings for persons other than small businesses, state, or local government entities because this rule only identifies the process for a law enforcement entity to apply for grant funding appropriated by the legislature for the purchase of an early intervention system.

The proposed rule only removes the application deadline and a requirement to ensure that an early intervention system will be in use before 01/01/2025, which will allow remaining funds that were appropriated during the 2023 General Session to be distributed to law enforcement agencies.

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

There are no compliance costs for affected persons because this rule only identifies the process for a law enforcement entity to apply for grant funding appropriated by the legislature for the purchase of an early intervention system. The amendment only removes the application deadline and a requirement to ensure that an early intervention system will be in use before 01/01/2025, which will allow remaining funds that were appropriated during the 2023 General Session to be distributed to law enforcement agencies.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Commissioner of the Department of Public Safety, Jess L. Anderson, 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 53-14-202	Section 53-14-203	
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Public Notice Information

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

A) Comments will be accepted until:	01/14/2025
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9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Michael Rapich, Colonel Utah Highway Patrol	Date:	11/21/2024
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R714. Public Safety, Highway Patrol.**R714-562. Early Intervention System Grant Program.****R714-562-1. Purpose.**

The purpose of this rule is to create a program to assist law enforcement agencies through monetary grants to establish early intervention systems.

R714-562-2. Authority.

This rule is authorized by Sections 53-14-202 and 53-14-203.

R714-562-3. Definitions.

- (1) Terms used in this rule are found in Section 53-14-201.
- (2) In addition:
 - (a) "commissioner" means the commissioner of the Department of Public Safety;
 - (b) "committee" means the Early Intervention System Grant Program Committee established under this rule;
 - (c) "department" means the Department of Public Safety; and
 - (d) "law enforcement agency" means the same as defined in Section 53-1-102.

R714-562-4. Early Intervention System Grant Program Committee.

This rule establishes the Early Intervention System Grant Program Committee, which shall be responsible for assisting the department in awarding funds to law enforcement agencies to buy an early intervention system in accordance with Section 17-22-34.

R714-562-5. Committee Membership.

- (1) The committee shall consist of three members made up of one representative from each of the following groups or organizations:
 - (a) Utah Highway Patrol Colonel or designee;
 - (b) Utah Sheriffs Association; and
 - (c) Utah Chiefs of Police Association.
- (2) Members of the committee shall:
 - (a) be approved by the commissioner;
 - (b) be appointed for four year terms; and
 - (c) cease to be members of the committee immediately upon the termination of their membership in the group or organization they represent.
- (3) If a vacancy occurs during the four year term of a committee member, a new member shall be appointed from the group or organization to complete the term of that member.
- (4) The committee shall select a chair and vice-chair from among its members.
- (5) Two members shall constitute a quorum for committee action.
- (6) The department's special counsel shall assist the committee as needed.

R714-562-6. Committee Meetings.

The committee shall meet at least quarterly, until all grant funding appropriated by the Legislature has been spent, to review and approve applications from law enforcement agencies.

R714-562-7. Applications.

~~[(1)]~~ Applications for the funding of early intervention systems shall:

~~[(a)]~~ (1) be made on department forms, or other forms if they contain the information included on department forms;

~~[(b)]~~ (2) include criteria required under Section 53-14-203; and

~~[(c)]~~ (3) meet minimum standards as required by the department under Section R714-562-11[~~1~~].

~~[(d)]~~ be submitted before October 31, 2024; and

~~[(e)]~~ ensure the early intervention system be in use before January 1, 2025.]

R714-562-8. Eligibility Criteria and Awards.

(1) The committee shall review timely applications from law enforcement agencies to determine:

(a) the agency does not currently have:

(i) an early intervention system in place; or

(ii) an early intervention system in place that meets the requirements under Sections 53-14-202 and 53-14-203; and

(b) the system the agency seeks to establish meets the minimum standards under Section R714-562-11.

(2) The committee shall approve funding awards to law enforcement agencies that have submitted completed applications to establish an early intervention system:

(a) that meet the requirements of this rule; and

(b) in amounts established under Section R714-562-9.

(3) The department shall notify each law enforcement agency that applied for grant funding of:

(a) the approval or denial of the application for funding; and

(b) the amount of funding that will be made available to the law enforcement agency.

R714-562-9. Method and Formula for Determining a Grant Amount.

The committee shall award grant funding to law enforcement agencies based on the criteria included in the application in an amount not to exceed:

(1) for an agency that employs 49 officers or less, \$15,700;

(2) for an agency that employs between 50 and 99 officers, \$18,700;

(3) for an agency that employs between 100 and 149 officers, \$20,700;

(4) for an agency that employs between 150 and 249 officers, \$23,700;

(5) for an agency that employs between 250 and 349 officers, \$27,700; and

(6) for an agency that employs 350 or more officers, \$31,700.

R714-562-10. Grant Recipient Reporting Requirements.

(1) Law enforcement agencies that receive funding shall:

(a) use the awarded resources only in the manner set forth in Section 53-14-203;

(b) use the awarded resources only to initially establish an early intervention system that meets the requirements of this rule;

(c) report to the department when the early intervention system was implemented and the amount of grant funds spent;

(d) maintain records for five years sufficient to show how the funding is used; and

(e) cooperate with the committee if and when the committee determines it is necessary to audit agency records, and evaluate use of the funding.

(2) If the law enforcement agency does not spend the funds for purposes specified in Section 53-14-203, the law enforcement agency shall return any grant funds back to the department.

R714-562-11. Early Intervention System Minimum Standards.

The minimum standards that an early intervention system shall meet in order for a law enforcement agency to comply with Subsection 53-14-202(1) include:

(1) the ability to record the following in relation to each law enforcement officer employed by the agency:

(a) citizen inquiries, complaints, commendations, or other concerns or requests for information;

(b) investigations or reviews of officer conduct, complaints, use of force, or other significant incidents, commendations; and

(c) other related information as determined by the agency that may include training, corrective or disciplinary actions, investigation findings or review findings;

(2) an alert process, function, or system to bring attention to the agency regarding officer patterns, frequency, or significant incidents that should result in a formal review; and

(3) the ability to maintain information considered part of an officers internal personnel file, and to be shared only pursuant to Section 53-14-103.

KEY: early intervention system, early intervention grant program

Date of Last Change: 2025[September 21, 2023]

Authorizing, and Implemented or Interpreted Law: 53-14-202, 53-14-203

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or Section Number:****R907-33****Filing ID: 56958****Agency Information**

1. Title catchline:	Transportation, Administration	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact persons:		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	Mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R907-33. Department of Transportation Procurement Rules
3. Purpose of the new rule or reason for the change:
The proposed changes are primarily for increased clarity and harmonizing the language and style of this rule with the Rulewriting Manual for Utah.
4. Summary of the new rule or change:
The one substantive change is a modification to Subsection R907-33-6(1)(b), which better describes the reasons the Department of Transportation may enter into a multiple award contract.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget because the changes to this rule are clerical in nature and only affect the administrative aspects governing the procurement process.
B) Local governments:
There is no anticipated cost or savings to local governments because the changes to this rule are clerical in nature and only affect the administrative aspects governing the procurement process.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses because the changes to this rule are clerical in nature and only affect the administrative aspects governing the procurement process.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses because the changes to this rule are clerical in nature and only affect the administrative aspects governing the procurement process.

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

There is no anticipated cost or savings to persons because the changes to this rule are clerical in nature and only affect the administrative aspects governing the procurement process.

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

There are no compliance costs for affected persons because the changes to this rule are clerical in nature and only affect the administrative aspects governing the procurement process.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 63G-6a-106(3)(a)	Subsection 72-1-201(h)	
-----------------------------	------------------------	--

Public Notice Information

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

A) Comments will be accepted until:	01/14/2025
--	------------

9. This rule change MAY become effective on:	01/21/2025
---	------------

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

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	11/27/2024
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R907. Transportation, Administration.**R907-33. Department of Transportation Procurement Rules.****R907-33-1. Authority and Purpose.**

(1) This ~~administrative~~ rule~~, R907-33,~~ is authorized by ~~Utah Code~~ Subsections 63G-6a-106(3)(a)~~, and 72-1-201(h).~~

(2) The purpose of this rule is to establish procedures for purchasing equipment, services, and supplies necessary to perform and exercise the department's functions, powers, duties, rights, and responsibilities as described in Utah Code~~mandated by Utah Code Section 72-1-201.~~

R907-33-2. Definitions.

~~Terms~~ (1) The terms used in this rule~~, R907-33,~~ are ~~as~~ defined in ~~Utah Code~~ Section 63G-6a-103 ~~unless stated otherwise by a section or subsection of this rule, R907-33.~~

(2) In addition to the terms described in Subsection (1), as used in this rule:

(a) "Department" means the Utah Department of Transportation.

(b) "Designee" means a department employee the executive director has designated to take a specific action or carry out a specific responsibility.

(c) "Executive director" means the executive director of the department.

R907-33-3. Application of Rule.

This rule~~, R907-33,~~ applies to ~~all~~ vendors that are bound by contracts with the ~~D~~ department, vendors competing for contracts with the ~~D~~ department, and to ~~all D~~ department divisions and work-groups ~~administering~~ administering contracts.

R907-33-4. Use of Similar Laws and Rules to Establish Precedent or Extrapolate Legal Intent - Title R33 Division of Purchasing and General Services.

(1) When the ~~D~~ department ~~or its legal counsel~~ determines a specific law or rule governing an issue does not exist, the ~~executive director or designee, or the Department's legal counsel~~ department may refer to other laws similar in nature ~~to the issue~~ to establish a precedent or ~~extrapolation of~~ to extrapolate legal intent ~~to assist in~~ in making a determination based on the reasonable person standard.

(2) For matters not addressed by this rule~~, R907-33,~~ or ~~F~~ Rule R907-66, ~~the applicable section or subsection of Title R33 Division of Purchasing and General Services shall apply~~ Title R33 applies.

R907-33-5. Competitive Procurement Required for Expenditure of Public Funds, Use of Public Property or Other Public Assets to Acquire Products and Services Unless Exception is Authorized, Need for Flexibility.

(1) ~~Employees and agents~~ If conducting or administering the ~~D~~ department's procurement processes, then a department procurement agent must maximize competition for contracts as much as practicable.

(2) Unless the executive director or a designee issues a written exception in accordance with provisions set forth in the Utah Procurement Code and applicable administrative rules documenting why a competitive procurement process is not required and why it is in the best interest of the ~~D~~ department to award a contract without engaging in a standard procurement process, the department must conduct a standard procurement process when~~ever~~:

(a) ~~P~~ public funds are expended or used to acquire a procurement item; or

(b) the ~~D~~ department's property, name, influence, assets, resources, programs, or other things of value are used as consideration in the formation of a contract for a procurement item.

(3) The standard of care the ~~D~~ department must exercise when designing, constructing, and maintaining a state highway in a reasonably safe condition for travel requires that its procurement practices are flexible enough to allow it to consider ~~all~~ characteristics, terms, and conditions relevant to satisfying its needs when procuring required products and services.

R907-33-6. Multiple Award Contracts.

(1) ~~Multiple Award Contracts. Awarding a contract for an indefinite quantity of a product or service to more than one seller. Contracts may be entered on a multiple award basis~~ The department may enter into a multiple award contract only if ~~when~~ the ~~manager of procurement services~~ procurement official determines that one or more of the following criteria applies~~is applicable~~:

(a) It is administratively or economically impractical to develop or modify specifications for a myriad of related supplies because of rapid technological changes.

(b) There are logistical considerations that favor the use of a multiple award contract.

~~(b) The subjective nature in the use of certain supplies and the fact that recognizing this need creates a more efficient use of the item.~~

(c) It is administratively or economically impractical to develop or modify specifications because of the heterogeneous nature or dissimilar attributes of the product lines.

(d) There is a need for compatibility with existing systems.

(e) The department should select the contractor to furnish the supply, service or construction based upon best value or return on investment.

(f) The product or service being procured serves a purpose of preventing or forestalling a threat to public health, welfare or safety.

(2) The ~~D~~ department may use invitations for bids or requests for proposals to solicit for multiple award contracts.

(3) If the ~~D~~ department anticipates entering into a multiple award contract before issuing the invitation for bids or request for proposals, it will:

NOTICES OF PROPOSED RULES

- (a) ~~[S]~~state in the solicitation that the ~~[D]~~department may enter into multiple award contracts at the end of the procurement process~~];~~ and
- (b) describe the methodology the ~~[D]~~department will use to determine the number of contract awards.

R907-33-7. Exceptions to Competition-Based Procurement.

(1)(a) ~~[Small Purchases.]~~The ~~[D]~~department will conduct small purchases as required by ~~[Utah Code]~~Section 63G-6a-506, and ~~[rules]~~Sections R33-105-104, R33-105-106, R33-105-106.5, and R33-105-107.

(b) The small purchase threshold for individual procurements will be \$5,000 rather ~~[that]~~than the threshold for individual procurements ~~[included]~~described in ~~[rule]~~Subsection R33-105-104(3)(a).

(c) The ~~[D]~~department will conduct small purchases of professional service providers and consultants as required by ~~[F]~~Rule R907-66.

(2)(a) ~~[Sole Source Procurement.]~~A contract may be awarded for a supply, service, or construction item without competition if the ~~[contracting officer]~~procurement official first determines in writing that one of the following conditions exists:

~~[(a)]~~(i) Only a single contractor is capable of providing the supply, service or construction.

~~[(b)]~~(ii) A ~~[Federal or State statute or Federal regulation]~~state or federal law exempts the supply, service or construction from the competitive procedure.

~~[(c)]~~(iii) The total cost of the supply, service, or construction is less than the amount established by the department for small purchases in Subsection (1)~~[no bid procurements pursuant to R33-5 relating to small procurements].~~

~~[(d)]~~(iv) The ~~[manager of procurement services]~~procurement official determines in writing it is clearly not feasible to award the contract for supplies or services on a competitive basis.

~~[(e)]~~(v) The services are to be provided by attorneys, legal services providers, or litigation consultants selected by the Attorney General's Office.

~~[(f)]~~(vi) The services are to be provided by expert witnesses.

~~[(g)]~~(vii) The services involve the repair, modification, or calibration of equipment and they are to be performed by the manufacturer of the equipment or by the manufacturer's authorized dealer provided the ~~[manager of procurement services]~~procurement official determines in writing that bidding is not appropriate under the circumstances.

~~[(h)]~~(viii) The executive director or a designee determines in writing the contract for supplies or services ~~[are]~~is to protect public health, welfare, or safety, or to protect the safety or security of a transportation system.

~~[(3)]~~(a) Pursuant to authority granted by Utah Code Subsection 63G-6a-802(3)(b)(ii), the Department is not required to publish a notice of any kind prior to making a sole source procurement.

(b) ~~[The manager of procurement services]~~Pursuant to Subsection 63G-6a-802(3)(b)(ii), the procurement official may require publication of a notice of the ~~[D]~~department's intent to make a sole source procurement if the ~~[manager]~~procurement official determines publishing such a notice is necessary to maintain the fair and equitable treatment of persons who deal with the ~~[D]~~department's procurement system.

~~[(4)]~~(c) ~~[Written determination and large sole source procurements.]~~The written determination authorizing sole source procurement must be included in the contract file. For procurements over \$250,000 made under ~~[s]~~Subsection R907-33-7(2)(i), the determination shall be approved by the attorney general's office.

~~[(5)]~~(3) ~~[Regularly scheduled audits.]~~The executive director or a designee may require regular audits of procurements made pursuant to ~~[any subsection of this rule R907-33-7]~~this section.

~~[(6)]~~(4)(a) ~~[Emergency procurement.]~~The executive director or a designee will make or authorize others to make an emergency procurement when there exists a threat to public health, welfare, or safety, or circumstances outside the control of the ~~[D]~~department create an urgency of need that does not permit the delay involved in using formal competitive procurement methods.

~~[(a)]~~(b) The executive director or a designee will authorize each~~[A written authorization to make an]~~ emergency procurement~~[-will be required]~~ described under this Subsection (4).

~~[(b)]~~(c) The department may only pay the provider of ~~[the supply, service, or construction procured pursuant to this subsection, R907-33-7(6) may be paid]~~an emergency procurement described in this Subsection (6) based on the written authorization required by ~~[subsection R907-33-7(6)(a)]~~Subsection (4)(b).

~~[(e)]~~(d) ~~[Procurements made according to the requirements of this section R907-33-7(6)]~~Emergency procurements described in this Subsection (4) may not ~~[to]~~be affected by divergent terms included in other contracts.

KEY: procurement, contractors, purchasing, vendors

Date of Last Change: 2025[November 7, 2019]

Notice of Continuation: July 19, 2024

Authorizing, and Implemented or Interpreted Law: 63G-6a-106(3)(a); 72-1-201(h)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R907-63

Filing ID: 56956

Agency Information

1. Title catchline:	Transportation, Administration	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
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
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R907-63. Structure Repair and Loss Recovery Procedure
3. Purpose of the new rule or reason for the change:
The Department of Transportation (Department) is filing these changes to clarify the language of this rule and have it better conform with statute and the Rulewriting Manual for Utah.
4. Summary of the new rule or change:
This rule filing: deletes redundant language already found in statute; uses consistent language to refer to damaged property; corrects statutory citations; and addresses capitalization, section descriptions, and references to Department divisions.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
These changes are clerical in nature and the Department estimates there is no aggregate cost or savings to the state budget.
B) Local governments:
These changes are clerical in nature and the Department estimates there is no aggregate cost or savings to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
These changes are clerical in nature and the Department estimates there is no aggregate cost or savings to small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
These changes are clerical in nature and the Department estimates there is no aggregate 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):
These changes are clerical in nature and the Department estimates there is no aggregate cost or savings to persons.

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

These changes are clerical in nature and the Department estimates there are no compliance costs for affected persons.

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

Regulatory Impact Table			
Fiscal Cost	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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Public Transportation, Carlos M. Braceras, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 72-7-301	Section 72-7-301	Sections 63A-3-301 through 63A-3-310
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Public Notice Information

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

A) Comments will be accepted until:	01/14/2025
--	------------

9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	11/27/2024
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R907. Transportation, Administration.

R907-63. ~~[Structure Repair and]~~ Loss Recovery Procedure for Damaged Property.

R907-63-1. Authority and Purpose.

This rule establishes a procedure for loss recovery for damages to structures, appurtenances, ~~[thereto]~~ and the roadway as provided in Sections 41-6a-409 and 72-7-301.

R907-63-2. Procedure to Collect for Damage to ~~Structures and Highways~~ Department Property.

(1) Upon notification of damage to ~~the~~ department[s] property, the department will repair or replace the damaged property~~[d state structures and highway elements]~~.

(2)(a) After the department repairs or replaces ~~[damaged structures and highway elements]~~the damaged property described under Subsection (1), the department will invoice the owner of the vehicle or object causing the damage for the total costs of repairing or replacing the damaged property.

~~(a)~~(b) If the person directly responsible for causing the damage does not own the vehicle or object causing the damage, the department will invoice both the owner and the person responsible for causing the damage for the total cost[s] of repairing or replacing the damaged property~~[as well as the owner]~~.

~~(b)~~(c) The owner and operator are jointly and severally liable under this Subsection (2) for any damage caused to ~~[highway structures and elements]~~department property by the operation or movement of the vehicle or object.

(3) If a vehicle damages ~~[a state structure or highway element]~~department property, the owner of the vehicle or object causing the damage, or the person directly responsible for causing the damage must reimburse the department for the total cost of repairing the damage.~~[Except for replacing a damaged motor vehicle, the costs described in Subsection (2) may not be reduced based on the depreciated value of the damaged property when the damage occurs.]~~

(4) If the department does not receive ~~[a]~~the total amount invoiced ~~[it]~~under Subsection (2) within 120 days of the date of the invoice, the department may pursue reimbursement by one of the following means:

(a) ~~[The Department may pursue]~~collection of a delinquent account ~~[under Sections 63A-3-301 through 63A-3-310, Accounts Receivable Collection,]~~as provided in Title 63A, Chapter 3, Part 3, Accounts Receivable Collection; or

(b) ~~[The Department may tender the account to]~~collection through a collection agency~~[for immediate collection]~~.

(5) In cases where the full payment of an invoice will cause undue financial pressure, the owner of the vehicle or person responsible for the damage may arrange to make installment payments on the debt.

R907-63-3. Eligible ~~Region~~ Recovery Costs.

The ~~[appropriate Region]~~department may seek recovery of ~~[all]~~costs associated with an incident as provided in Sections 41-6a-409 and 72-7-301~~[, including traffic control, maintenance and repair when such work is performed by Region work forces to maintain the integrity of the highway system, structure, or to restore the damaged system and facilities to their preexisting condition]~~.

R907-63-4. ~~Eligible Division Recovery Costs.~~ Additional Procedures for Damaged Structure.

When damage occurs to a bridge structure, the UDOT Structures Division shall:

(1) ~~[The Structures Division shall accumulate]~~track the ~~[all]~~costs for preparing design calculations, design plans, specifications, and engineering estimates, including professional engineering services and construction engineering with associated overhead costs, along with the~~[all]~~ costs related to publication, preparation, and advertising the bid package~~[, and]~~

(2) ~~[The Structures Division shall]~~award the project to the lowest responsive and responsible bidder~~[The Structures Division shall]~~; and

(3) submit the final ~~[accumulated]~~project costs, including ~~[all]~~eligible ~~[Region]~~department charges, to UDOT ~~[Risk Management]~~Division of Finance for the cost recovery process.

R907-63-5. Department Settlement Policy.

(1) The department's intent is to secure full recovery from the responsible party~~(s)~~ based on the full actual cost of such repairs to the ~~[structure or highway system]~~property damaged, including ~~[all]~~indirect costs associated with or resulting from an occurrence.

(2) The department may at its discretion elect to accept a settlement based on detailed engineering estimates and any direct or indirect costs associated with or resulting from an occurrence when the department determines that it is in the best interest of the motoring public and tax~~[]~~payers to delay or forgo repairs to the damaged ~~[structures or highway system]~~property.

(3) Settlements shall conform to the requirements of ~~[the State Settlement Agreements Act, Sections 63G-10-101 through 503]~~Title 63G, Chapter 10 State Settlement Agreements Act.

(4) The department may submit to the Attorney General any claim for recovery, which is in dispute, requesting legal action be taken to recover the State's losses and settle such claims based on the laws of liability or as directed by the courts.

KEY: bridges, damages, loss recovery, structures, property

Date of Last Change: 2025[February 7, 2022]

Notice of Continuation: December 20, 2019

Authorizing, and Implemented or Interpreted Law: 72-7-301; 63A-3-301 through 63A-3-310

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or Section Number:	R914-5	Filing ID: 56954

Agency Information

1. Title catchline:	Transportation, Operations, Aeronautics	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
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
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R914-5. Advanced Air Mobility Aircraft Registration
3. Purpose of the new rule or reason for the change:
The Utah Department of Transportation (UDOT) proposes this new rule to establish a registration fee for an unmanned aircraft system and an advanced air mobility system, and to provide for the administration of that registration fee. This new rule is required by S.B. 24 passed in the 2023 General Session.
4. Summary of the new rule or change:
This new rule establishes a registration and application process for aircraft that are part of an unmanned aircraft system or advanced air mobility system and are used for commercial operations described in the Code of Federal Regulations, including 14 C.F.R. Parts 107 and 135.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Pursuant to Subsection 72-10-110(7), after deducting the costs of administering aircraft inspections under this rule, UDOT shall deposit all remaining registration fees into the Aeronautics Restricted Account, created by Section 72-2-126. UDOT estimates that it will collect a total amount of fees ranging from \$25,000 to \$50,000.
B) Local governments:
There is no anticipated cost or savings to local governments, as this rule only pertains to commercial aircraft that are part of an advanced air mobility system or an unmanned aircraft system.
C) Small businesses ("small business" means a business employing 1-49 persons):
For a small business registering an aircraft under this rule, the cost to comply with this rule is \$5 per aircraft. UDOT is unable to calculate the total fiscal impact on small businesses due to the lack of data regarding the commercial use of drones. The only data on commercial drones of which UDOT is aware is collected by the Federal Aviation Administration (FAA) through their registration program. Unfortunately, the FAA declined to share data with UDOT at this time. Based on UDOT's knowledge of the commercial drone industry as a whole, UDOT estimates the total cost to all businesses and persons to be between \$25,000 and \$50,000.

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

For a non-small business registering an aircraft under this rule, the cost to comply with this rule is \$5 per aircraft.

UDOT is unable to calculate the total fiscal impact on non-small businesses due to the lack of data regarding the commercial use of drones. The only data on commercial drones of which UDOT is aware is collected by the FAA through their registration program.

Unfortunately, the FAA declined to share data with UDOT at this time. Based on UDOT's knowledge of the commercial drone industry as a whole, UDOT estimates the total cost to all businesses and persons to be between \$25,000 and \$50,000.

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**):

For persons registering an aircraft under this rule, the cost to comply with this rule is \$5 per aircraft.

UDOT is unable to calculate the total fiscal impact to persons due to the lack of data regarding the commercial use of drones. The only data on commercial drones of which the department is aware is collected by the FAA through their registration program.

Unfortunately, the FAA declined to share data with UDOT at this time. Based on UDOT's knowledge of the commercial drone industry as a whole, UDOT estimates the total cost to all businesses and persons to be between \$25,000 and \$50,000.

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

For persons registering an aircraft under this rule, compliance with this rule costs \$5 per aircraft.

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	\$25,000 - \$50,000	\$0	\$0
Non-Small Businesses	\$25,000 - \$50,000	\$0	\$0
Other Persons	\$25,000 - \$50,000	\$0	\$0
Total Fiscal Cost	\$25,000 - \$50,000	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$25,000 – \$50,000	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0 - \$25,000	\$0	\$0
Net Fiscal Benefits	\$0 - \$25,000	\$0	\$0

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

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 72-10-102	Section 72-10-109	Section 72-10-110
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Public Notice Information

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

A) Comments will be accepted until:	01/14/2025
--	------------

9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	11/19/2024
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R914. Transportation, Operations, Aeronautics.

R914-5. Advanced Air Mobility Aircraft Registration.

R914-5-1. Purpose and Authority.

The purpose of this rule is:

- (1) to establish a registration fee for an unmanned aircraft system and an advanced air mobility system as provided in Sections 72-10-109 and 72-10-110;
- (2) to provide for the administration of that registration fee; and
- (3) to generate revenue for the support of state infrastructure and administration related to advanced air mobility and unmanned aircraft systems as provided in Section 72-2-126.

R914-5-2. Definitions.

As used in this rule:

- (1) "Advanced air mobility system" means the same as that term is defined in Section 72-10-102.
- (2) "Aircraft" means the same as that term is defined in Section 72-10-102.
- (3) "Maximum gross operating weight" means the maximum certified weight determined by the manufacturer at which the aircraft may operate, including everything that is on board or otherwise attached to the aircraft.
- (4) "Public aircraft" means the same as that term defined in Section 72-10-102.
- (5)(a) "Qualifying aircraft" means an aircraft that is:
 - (i) part of an advanced air mobility system or an unmanned aircraft system; and
 - (ii) used for commercial operation for which certification is required under Section 72-10-109.
- (b) "Qualifying aircraft" does not include:
 - (i) a public aircraft;
 - (ii) an aircraft that is subject to property tax under Title 59, Chapter 2, Property Tax Act;
 - (iii) an aircraft owned by a Utah institution of higher education or technical college unless the aircraft is used to carry persons or goods for commercial purposes;
 - (iv) an aircraft that is owned by a nonresident and registered by another state, if the aircraft remains in the state for a period less than 30 days; or
 - (v) aircraft used exclusively for hobby or recreation.
- (6) "Unmanned aircraft system" means the same as that term is defined in Section 72-10-102.

R914-5-3. Registration Requirement--Application--Fee.

- (1)(a) A person may not operate a qualifying aircraft in this state unless the qualifying aircraft has a current certificate of registration issued by the department as provided in Section 72-10-109.
- (b) A certificate of registration must be renewed annually with the department.
- (2) To receive an original certificate of registration or renew an existing certificate of registration for a qualifying aircraft, a person shall submit an application to the department as provided in this rule.
- (3) An application for aircraft registration under this rule shall contain:
 - (a) a description of the aircraft, including:
 - (i) manufacturer;
 - (ii) model;
 - (iii) current Federal Aviation Administration registration number; and
 - (iv) maximum gross operating weight;
 - (b) the legal name and address of each owner of the qualifying aircraft;
 - (c) the legal name and address of the person responsible for payment of the registration fee; and
 - (d) the location where the aircraft is usually used and the storage location of the aircraft when not in use.
- (4) As part of the application, an applicant shall include a registration fee of \$5 per qualifying aircraft.
- (5) The department may send a notice to businesses that are reasonably likely to own and operate a qualifying aircraft informing the business that they may own an aircraft that is subject to registration under this rule.

(6) The department, or its agent, may conduct compliance audits and inspections as needed to enforce applicable state laws and rules related to aircraft registration under this rule.

(7) The department may suspend or revoke a registration described in this rule due to a failure to comply with federal or state aviation laws, rules, or regulations.

KEY: aircraft registration

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 72-10-102, 72-10-109, 72-10-110

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R916-5	Filing ID: 56960

Agency Information

1. Title catchline:	Transportation, Operations, Construction	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
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
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R916-5. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation
3. Purpose of the new rule or reason for the change:
The Department of Transportation (Department) is submitting this filing to clarify the language in this rule and to have it better confirm with statute and the Rulewriting Manual for Utah.
4. Summary of the new rule or change:
The proposed changes: delete redundant definitions, antiquated language, and language restating statutory requirements; implement consistent language to refer to qualified health coverage; correct statutory citations and website references; edit the language to use the active voice; and address capitalization and section descriptions.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed rule changes are clerical in nature and the Department does not anticipating any costs or savings to the state budget.

B) Local governments:			
The proposed rule changes are clerical in nature and the Department does not anticipating any costs or savings to local governments.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
The proposed rule changes are clerical in nature and the Department does not anticipating any costs or savings to small businesses.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
The proposed rule changes are clerical in nature and the Department does not anticipating any costs 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):			
The proposed rule changes are clerical in nature and the Department does not anticipating any costs or savings to other persons.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
The proposed rule changes are clerical in nature and the Department does not anticipate any compliance costs for affected persons.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Utah Department of Transportation, Carlos M. Bracerias, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 72-6-107.5		

Public Notice Information

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

A) Comments will be accepted until:	01/14/2025
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9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	11/25/2024
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R916. Transportation, Operations, Construction.**R916-5. ~~Health Reform~~ Health Insurance Coverage in State Contracts ~~—~~ Implementation.****R916-5-1. Purpose.**

The purpose of this rule is to comply with Section 72-6-107.5.

R916-5-2. Authority.

This rule is authorized pursuant to ~~Subs~~Section 72-6-107.5~~(6)~~, which requires the Utah Department of Transportation to adopt administrative rules that establish the requirements and procedures contractors and subcontractors must follow to comply with Section 72-6-107.5.

R916-5-3. Definitions.

- (1) Except as otherwise stated, terms used in this rule are defined in ~~Subs~~Section 72-6-107.5~~(4)~~.
- (2) In addition to the definitions ~~stated in R916-5-3~~described in Section 72-6-107.5~~(4)~~, the following definitions apply:
- (a) "Contractor" means a person ~~that is~~awarded a contract with the department.
- (b) "Consultant" means a contractor that is an expert or trained professional that performs professional services as may be necessary ~~for~~the planning, progress, and completion of any design, engineering, and engineering-related service for the department.
- (c) "Executive Director" means the Executive Director of the Department of Transportation, including, unless otherwise stated, the executive director's designee.
- (d) "Department" means the Department of Transportation established pursuant to Section 72-1-201.
- (e) "Employee" is as defined in Subsection 34A-2-104(1)(b) who lives or works in the ~~S~~state together with ~~his or her~~their dependents.
- (f) "Project" means the design, construction, or maintenance of a road or associated facility on the right of way owned by the state.
- ~~(f) "Subcontractor" means a person or entity under contract with a contractor or another subcontractor.~~
- ~~(i) A "subconsultant" is a subcontractor that contracts with a consultant.~~
- ~~(ii) Subcontractor does not include a supplier who provides only materials, equipment, or supplies to a contractor or subcontractor.]~~
- ~~(g) "Subconsultant" means a subcontractor that contracts with a consultant.~~

R916-5-4. Application.

- ~~(1) Except as provided in Subsection (2) this rule applies to contracts entered into by the department on or after July 1, 2009,~~
- ~~(a) with a contractor if its contract is for \$2,000,000.00 or greater on the execution date, and~~
- ~~(b) to a contract between a contractor and a subcontractor if the subcontract is for \$1,000,000.00 or greater on the execution date.~~
- ~~(2) This rule does not apply if:~~
- ~~(a) application of this rule jeopardizes the receipt of federal funds,~~
- ~~(b) the contract is awarded without engaging in a standard procurement process pursuant to Section 63G-6a-802 (sole source),~~
- ~~(c) the contract is an emergency procurement awarded pursuant to Section 63G-6a-803, or~~
- ~~(d) the rule conflicts with federal law.~~
- ~~(3) This rule only applies when Subsection R915-5-4(1) applies.~~
- ~~(4) A person who intentionally uses a change order or contract modification to circumvent the requirements of subsection R916-5-4(1) is guilty of an infraction.]~~

As described in Section 72-6-107.5, this rule applies to contractors and subcontractors.

R916-5-5. Not Basis for Protest, Suspension, Disruption, or Termination.

- ~~(1) Failure of a contractor or subcontractor to comply with Section 72-6-107.5:~~
- ~~(a) may not be the basis for a protest or other action pursuant to Title 63G, Chapter 6a, Part 16; and~~
- ~~(b) may not be a basis for action or suit that would suspend, disrupt, or terminate the design or construction of a project.]~~
- (1) As described in Section 72-6-107.5, the failure of a contractor or subcontractor to comply with Section 72-6-107.5 may not be the basis for a bid protest or any action or suit that would suspend, disrupt, or terminate the design or construction of a project.

NOTICES OF PROPOSED RULES

(2) A contractor who ~~cannot~~~~[is unable to]~~ demonstrate compliance with Section 72-6-107.5 when submitting the executed contract, signed by the successful bidder, may be declared non-responsive and the department may award the contract to the next lowest responsive and responsible bidder.

(3) A consultant to which the department awards a contract pursuant to Section 63G-6a-507 that is unable to demonstrate compliance with Section 72-6-107.5 within 14 calendar days after being ranked first during a consultant selection process may be declared non-responsive. The department may then enter negotiations with the new first-ranked responsive consultant.

R916-5-6. Requirements and Procedures a Contractor Must Follow.

(1) ~~To demonstrate compliance with Section 72-6-107.5, a~~~~[A]~~ contractor or subcontractor ~~[must]~~~~shall~~ comply with the ~~[following]~~ requirements and procedures ~~[and demonstrate to the department,]~~ ~~of this section~~ no later than the date the relevant contract is executed, ~~[, full compliance with Section 72-6-107.5.]~~

~~[(a) By providing]~~(2) A contractor shall provide to the department:

~~(a)~~ a written certification ~~[to the Executive Director]~~ that the contractor and each subcontractor have and will maintain ~~[for the duration of]~~during the contract an offer of qualified health ~~[insurance]~~ coverage for each employee; and

~~(b)~~ ~~[a contractor must also provide such]~~ written certification from each relevant subcontractor at any tier that ~~[is subject to the requirements of this rule prior to the date the contract is executed]~~ the subcontractor has and will maintain during the contract an offer of qualified health coverage for each employee.

~~[(c) The contractor must:]~~

~~[(i) Include]~~(2)(a) A contractor shall include a requirement in the subcontract and certify to the department that a subcontractor must obtain and maintain an offer of qualified health ~~[insurance]~~ coverage for the subcontractor's employees and the employee's dependents during the duration of the subcontract. ~~[, and]~~

~~[(ii)]~~(b) A contractor shall certify to the department that each subcontractor has and will maintain an offer of qualified health ~~[insurance]~~ coverage for each employee including dependents during the duration of the contract.

~~[(2) Recertification.]~~(3)(a) The ~~[executive director or designee]~~department may require a contractor to recertify by submitting a written request to the contractor that must be submitted within ten business ~~[,]~~ days of receiving the written request ~~[,].~~

~~(b)~~ The department may not require a contractor to recertify ~~[however, the contractor will not be required to demonstrate such compliance]~~ more than twice in any 12-month period.

~~[(3) Demonstrating Compliance with Actuarially Equivalent Determination.]~~

~~(4)~~(a) ~~[When]~~If a contractor becomes subject to the requirements of Section 72-6-107.5, the contractor must obtain and submit to the ~~[executive director]~~department a written ~~[S]~~ statement of ~~[C]~~ compliance ~~[in the form published on the department's website].~~

~~(b)~~ ~~[When]~~If a subcontractor becomes subject to the requirements of Section 72-6-107.5, the contractor must obtain from the subcontractor a written ~~[S]~~ statement of ~~[C]~~ compliance ~~[in the form published on the division's website].~~

~~[(e)]~~(5) The commercially equivalent benchmark for the qualified health ~~[insurance]~~ coverage required pursuant to Section 72-6-107.5 that is provided by the Utah Department of Health and Human Services in accordance with ~~[Utah Code Subsection 26-40-115(2)]~~Section 26B-3-909 is available on the department's website at: ~~[https://chip.health.utah.gov/wp-content/uploads/2017/07/2019-Benchmark.pdf]~~https://chip.utah.gov/resource-and-materials/.

~~[(4) The required offer of health insurance must be]~~(6) To meet the requirements of Section 72-6-107.5, a contractor or subcontractor must make the qualified health coverage available to the employee no later than on the first day of the calendar month following the initial 90 days from the date of hire.

~~[(5) Consultant Compliance Process.]~~

~~(7)~~(a) Consultants that must comply with Section 72-6-107.5 must demonstrate compliance in their ~~[initial]~~annual ~~[F]~~ financial ~~[S]~~ screening ~~[A]~~ application.

~~(b)~~ ~~[During the procurement process and no later than the execution of the contract, the consultant will confirm it and its subconsultants comply with this rule.]~~

~~(e)~~ ~~[The department must include in the contract]~~ ~~[The contract must include]~~ a provision requiring the consultant and its subconsultants to maintain and confirm compliance with this rule.

R916-5-7. Compliance is S[s]ubject to Audit.

The compliance of a contractor ~~[or]~~and subcontractor ~~[s compliance]~~ is subject to audit by the department or the Office of the Legislative Auditor General.

R916-5-8. Penalties.

The penalties that may be imposed if a contractor or subcontractor intentionally violates ~~[the provisions of]~~ Section 72-6-107.5 may include:

(1) a three-month suspension of the contractor or subcontractor from entering into future contracts with the state upon the first violation~~[,];~~

(2) a six-month suspension of the contractor or subcontractor from entering into future contracts with the state upon the second violation~~[,];~~

(3) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6a-904 upon the third or subsequent violation~~[,];~~ and

(4) monetary penalties that may not exceed 50% ~~[percent]~~ of the amount necessary to purchase qualified health insurance coverage for an employee and the dependents of an employee of the contractor or subcontractor who were not offered qualified health insurance coverage during the duration of the contract.

R916-5-9. Does Not Create a Contractual Relationship With a Subcontractor or Subconsultant.

Nothing in this rule may be construed to create any contractual relationship ~~[whatever]~~ between the department or the state with any subcontractor or subconsultant at any tier.

KEY: contracts, health insurance, health insurance in state contracts, ~~health reform~~

Date of Last Change: 2025 ~~March 10, 2020~~

Authorizing, and Implemented or Interpreted Law: 72-6-107.5

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or Section Number:	R918-7	Filing ID: 56957

Agency Information

1. Title catchline:	Transportation, Operations, Maintenance	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
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
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R918-7. Highway Sponsorship Programs
3. Purpose of the new rule or reason for the change:
The Department of Transportation (Department) amends this rule to clarify some of the language of this rule and to make it better conform with statute and the Rulewriting Manual for Utah.
4. Summary of the new rule or change:
This amendment deletes redundant information found in the Utah Manual on Uniform Traffic Control Devices, clarifies definitions, removes specific mention of traveler service programs, and addresses capitalization and references to the Code of Federal Regulations.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
These changes are clerical in nature and the Department does not anticipate any aggregate cost or savings to the state budget.
B) Local governments:
These changes are clerical in nature and the Department does not anticipate any aggregate cost or savings to local governments.

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

These changes are clerical in nature and the Department does not anticipate any aggregate cost or savings to small businesses.

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

These changes are clerical in nature and the Department does not anticipate any aggregate 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*):

These changes are clerical in nature and the Department does not anticipate any aggregate cost or savings to other persons.

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

There are no compliance costs associated with these changes.

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

Regulatory Impact Table			
Fiscal Cost	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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Utah Department of Transportation, Carlos M. Braceras, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 72-6-401	Section 72-6-402	Section 72-6-403
23 CFR 752.7		

Public Notice Information

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

A) Comments will be accepted until:	01/14/2025
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9. This rule change MAY become effective on:	01/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	11/25/2024
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R918. Transportation, Operations, Maintenance.

R918-7. Highway Sponsorship Programs.

R918-7-1. Authority.

This rule is authorized by ~~[Utah Code]~~Section 72-6-403 and is promulgated pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act and Transportation Code Section 72-1-201.

R918-7-2. Purpose and Background.

~~[Sections 72-6-401, 72-6-402, and 72-6-403 enact the "Highway Sponsorship Programs", and define the parameters around which sponsorship programs may be operated by the Department.]~~ Title 72, Chapter 6, Part 4 Highway Sponsorship Program Act provides the requirements the department must follow when establishing a sponsorship program for department operational activities such as rest areas, safety programs, and litter control. Section 72-6-403 directs the ~~[D]~~department to make ~~[and enforce]~~rules governing certain aspects of such programs. ~~[Sponsorship programs allow for private sponsorship of Department operational activities, facilities or highway related services and programs.]~~ The purpose of the sponsorship ~~[of a roadside facility or traveler service]~~program is to ~~[provide a product, service, or monetary contribution which will]~~generate an ongoing revenue stream or cost savings to offset costs associated with a supported operational activity and the operation and maintenance of the state highway system~~[support the operation and maintenance of the Department's network of roadside facilities and/or of its traveler service programs].~~

R918-7-3. Definitions.

(1) "Acknowledgement plaque" means a plaque that is:

~~(a) [is]intended only to inform the traveling public that a person, firm, or entity is participating in the department's highway sponsorship program; and[highway related service, product, or monetary contribution has been sponsored by a person, firm, or entity. Acknowledgment plaques are]~~

~~(b) installed only in the same sign assembly below a primary sign that provides the road user specific information on accessing the service being sponsored.[Consistent with the MUTCD, a plaque legend is displayed on a separate substrate from that of the sign below which it is mounted.]~~

(2) "Acknowledgement Sign" has the same meaning as defined in Section 72-6-402.

(3) "Advertisement" or [f]"advertising sign" means a sign or other device that promotes commercial products or services through:

~~(a) slogans[;];~~

~~(b) information on where to obtain the products and services[;]; or~~

~~(c) other means.~~

(4) "Department" and "UDOT" ~~[both]~~mean the Utah Department of Transportation.

(5) "Facility within a Rest Area" means an enclosed building, or freestanding bulletin board or partial enclosure within a ~~[R]rest [A]area or [W]welcome [C]center~~, constructed by the ~~[D]~~department to provide~~[for the purpose of providing]~~ specific information to the motorist as to services, places of interest within the ~~[S]tate~~, and other such information as the ~~[D]~~department may consider desirable.~~[This definition is intended to be consistent with 23 C.F.R. 752.7, which is hereby incorporated and made a part of this Rule R918-7-3(5).]~~

(6) "FHWA" means the Federal Highway Administration.

(7) "Legend" has the same meaning as in the MUTCD.

(8) "Main Traveled Way" means the portion of the roadway for the movement of vehicles, exclusive of the shoulders, ramps, berms, sidewalks, and parking lanes.

(9) "MUTCD" means the most recently adopted version of the Utah Manual on Uniform Traffic Control Devices~~[, most recent edition]~~ as adopted by the ~~[D]~~department in accordance with Section 41-6a-301~~[,]~~ and~~[Utah Administrative]~~ Rule R920-1~~[, commonly called the Utah MUTCD].~~

(10) "Recipient agency" means an organization that directly receives the highway-related service, product, or monetary contribution from the sponsor entity. -The recipient agency might be the ~~[D]~~department, or a contractor engaged by the ~~[D]~~department to administer the highway-related service and~~[or]~~ manage the sponsorship program.

(11) "Roadside ~~[F]facility"~~ means a facility constructed to support the highway system.~~[Examples include Rest Areas, Welcome Centers, View Areas, Scenic Overlooks, Ports of Entry, Chain-Up Areas, etc.]~~

(12) "RWIS" means ~~[Road Weather Information System]~~a road weather information system that uses technology to collect, transmit, model, and disseminate weather and road condition information.

NOTICES OF PROPOSED RULES

(13) "Sponsor" means a person, firm, or entity that provides a monetary contribution[?] or highway-related service or product[?] to [the] a recipient agency[?] in [return] exchange for a logo display on an acknowledgement sign or plaque or some other recognition for providing the contribution, service or product to the recipient agency[~~for recognition in some form for doing so (such as logo display on an acknowledgement sign or plaque)~~].

(14) "Sponsorship agreement" has the same meaning as defined in Section 72-6-402.

(15) "Sponsorship program" means a program that allows a person, a firm, or an entity to sponsor an element of the [D] department's highway operation through the provision of highway-related services, products, or monetary contributions.

~~(16) "Traveler Service Programs" means systems developed to support the collection, analysis, and distribution of information about UDOT's highway network, or programs used to positively impact traffic operations and maintenance. These include systems such as UDOT's Internet web pages, UDOT Traffic Mobile Application (UDOT Traffic App), Traveler Information 511 System, Express Lanes, Zero Fatalities, and others.]~~

~~(17)~~(16) "Visible" means the sign legend is capable of being seen by the viewer from the main traveled way

R918-7-4. Allowable Sponsorship Programs.

(1) The following elements of the [D] department's operation are eligible for sponsorship:

(a) [R] roadside [F] facilities, physical facilities directly adjacent to highway infrastructure including:

- (i) [R] rest [A] areas[?];
 - (ii) [W] welcome c[€]enters[?];
 - (iii) [V] view [A] areas[?];
 - (iv) [S] scenic [O] overlooks[?];
 - (v) [P] ports of [E] entry[?];
 - (vi) [C] chain-[U] up [A] areas[?]; and
 - (vii) [R] runaway [T] truck ramps;
- (b) [E] litter control;

~~(c) Traveler services, including:~~

- ~~(i) 511 Traveler Information system;~~
- ~~(ii) UDOT Traffic App;~~
- ~~(iii) UDOT Web Site;~~
- ~~(iv) RWIS stations;~~
- ~~(v) Traffic cameras; and~~
- ~~(vi) Express Lanes;~~

~~(c)~~(c) [S] safety programs, including:

- (i) Zero Fatalities[?];
- (ii) Student Neighborhood Access Program[-(SNAP)];
- (iii) [B] bicycle [S] safety[?];
- (iv) [T] truck [S] safety; and
- (v) shared use paths; and

~~(e)~~(d) [O] other programs that positively impact traffic operations and maintenance.

R918-7-5. Acknowledgement Signs and Plaques - Size, Placement, and Content Restrictions.

(1) The placement of acknowledgement signs or plaques for [R] roadside [F] facility sponsorship is prohibited on the main traveled way. Such acknowledgement signs or plaques are permissible within the [R] roadside [F] facility, provided that [they] the signs are placed such that the [R] legend on the sign is not visible from any main traveled way, and such that [they] the signs do not pose safety risks to [R] roadside [F] facility users. ~~Acknowledgement signs or plaques acknowledging sponsorship of Traveler Service Programs may be placed along the main traveled way, as long as they conform to the design, size, and spacing requirements set forth in this Rule.~~

~~(2) All acknowledgment signs shall meet the general principles and specific criteria prescribed in the MUTCD, including the provisions for acknowledgment signs in Section 2H.08. Furthermore, these acknowledgment signs shall not be placed at key decision points where a driver's attention is more appropriately focused on traffic control devices, roadway geometry, or traffic conditions.]~~

~~(3)~~(2) Acknowledgment signs and acknowledgment plaques:

(a) [S] shall meet ~~all~~:

(i) any relevant requirements of the MUTCD, including:

~~(A) the general criteria, purposes, and principles of traffic control devices provided in Parts 1 and 2; and~~

~~(B) specific sign criteria provided in Part 2 [design and placement criteria for acknowledgment signs as covered in Part 2 of the MUTCD and]; and~~

(ii) ~~all~~ relevant sign design principles covered in the Standard Highway Signs and Markings Book;

(b) ~~When located on a bikeway or shared use path,~~ should ~~also~~ be appropriately sized commensurate with the legibility needs of the bikeway or path user;

(c) may only be static, non-changeable, and non-electronic;

(d) may only be roadside, post-mounted installations;

~~(e) may not be placed at a key decision point where the attention of a driver is more appropriately focused on traffic control devices, roadway geometry, or traffic conditions.~~

~~_____~~(c) Shall be placed near the site(s) being sponsored, consistent with the purpose and principles of traffic control devices in Parts 1 and 2 of the MUTCD;

~~_____~~(d) May not display any directional information, in accordance with Section 2H.08 of the MUTCD;

~~_____~~(e) May not display telephone numbers, Internet addresses, or other legends prohibited by the MUTCD (consistent with Section 2H.08 of the MUTCD) for the purpose of contacting the sponsoring entity or to obtain information on the sponsorship program, such as how to become a sponsor at an available site; and]

(f) ~~[In accordance with the provisions of the MUTCD, the acknowledgment signs shall not-]unless specifically allowed by the MUTCD, may not be appended to any other sign, sign assembly, or other traffic control device[-]; and~~

(g) ~~[Acknowledgment signs and acknowledgment plaques-]shall remain in place only during[- for the duration of] the agreement.~~

~~(4)(3) For sponsorship of [travel service programs that are]a program that is not site-specific, [such as 511 Traveler Information, Radio Weather, and Radio Traffic, an]the acknowledgment plaque may be mounted in the same sign assembly below [the G]a general [S]service sign[s for these programs]. [-The acknowledgment plaque is a horizontally oriented rectangle, with the horizontal dimension longer than the vertical dimension. The size of the acknowledgment plaque shall not exceed the lesser of 1/3 of the area of the General Service sign below which it is mounted or 24 square feet. An acknowledgment plaque shall not exceed 1/3 of the area of the largest size prescribed in the MUTCD for a specified standard sign below which the acknowledgment plaque is mounted, even where the standard sign is enlarged in accordance with Sections 2A.11 and 2I.01 of the MUTCD or where the size of a standard sign used is designated as Oversized in the MUTCD for its application. Where the legend of a standard sign is modified based on the Utah MUTCD, and results in a sign size larger than that of the standard sign in the National MUTCD, the size of the corresponding acknowledgment plaque is governed by the size of the standard sign in the National MUTCD with the standard, unmodified legend. The sponsor legend on an acknowledgment plaque shall not exceed 1/3 of the area of the plaque.]~~

~~(5)(4) [The]The department will consider the provision of highway-related services, products, or monetary contributions that occurs through naming sponsorship, [sometimes referred to as "naming rights,"] of officially mapped, named, or numbered highways [is, by definition,]to be sponsorship. Consistent with [Section 2H.08 of]the MUTCD, an unofficial overlay or secondary designation in the name of a sponsor on the official highway name or number through proclamation, contract, agreement, or other means, may be acknowledged within the highway right-of-way only with an acknowledgment sign. -An acknowledgment sign may not display a legend that states, either explicitly or by implication, that the highway is named for the sponsor.~~

~~_____~~(6) In accordance with Section 2H.08 of the MUTCD, in order to maintain the recognition value of official devices used for traffic control, acknowledgment signs and acknowledgment plaques shall only take the form of static, non-changeable, non-electronic legends.]

~~(7)(5) [Except as provided for acknowledgment plaques in Paragraph R918 7-5(4) of this Rule, a]Acknowledgment sign and acknowledgment plaque messages may not [shall not-]be interspersed, combined, or alternated with other official traffic control messages, either in the same display space, by adjacency in the same assembly, or by adjacency of multiple assemblies whose longitudinal separation does not meet the placement criteria contained in the MUTCD, including when placed on opposite sides of the roadway facing the same direction of travel.~~

~~_____~~(8) Consistent with the provisions of Section 2H.08 of the MUTCD, due to the limit on their maximum overall size, acknowledgment signs and acknowledgment plaques may not be overhead installations. Only roadside, post-mounted installations of acknowledgment signs and acknowledgment plaques are allowed.

~~_____~~(9) In order that the focus remains on the service provided rather than the sponsoring entity, the sponsor logo area on an acknowledgment sign or acknowledgment plaque shall be a horizontally oriented rectangle, consistent with the MUTCD provisions on business logos in Chapter 2J of the MUTCD. The width of this rectangle shall be at least 1.67 times its height, the total area of which may not exceed the maximum reference or specified elsewhere in this Rule and in the MUTCD. The word legend describing the activity, such as "SPONSORED BY," shall be composed of upper case lettering of the FHWA Standard Alphabets at least 3 inches high on conventional roads and at least 4 inches high on expressways and freeways.]

~~(10)(6) [When]If a graphic logo is used to represent the sponsor [instead of a word legend using the FHWA Standard Alphabets], the logo [shall]may only be the principal trademarked official logo that represents the corporate name of the sponsor. -Secondary logos or representations, even if trademarked, copyrighted, or otherwise protected, are classified as promotional advertising and [may-]will not be allowed[- in accordance with Section 1A.01 of the MUTCD].~~

~~(11)(7) An alternative business name whose sole or primary purpose appears to be to circumvent the provisions of the MUTCD or this rule is classified as promotional advertising rather than an acknowledgment of a sponsoring entity of a highway-related service. [-In accordance with Section 1A.01 of the MUTCD, promotional advertising shall not be allowed on any traffic control device or its supports.]~~

~~(12)(8) [A]The department may not allow acknowledgment signs or acknowledgment plaques that include displays mimicking advertising[- shall not be allowed]. -The determination of whether a sign mimics or constitutes advertising lies with the FHWA.~~

~~_____~~(9) In accordance with [Section 2H.08 of]the MUTCD, a brief [D]department-wide slogan may be displayed on an acknowledgment sign. -The slogan displayed is that of the program name, such as "[ADOPT]SPONSOR-A-HIGHWAY." -Slogans for companion, supplementary, or other programs unrelated to the service being sponsored [shall]may not be displayed on any acknowledgment sign or acknowledgment plaque.

~~(13)(10) Acknowledgement signs and acknowledg[e]ment plaques for [Traveler Service Programs or-]safety programs[-] or other operational elements that are not [R]roadside [F]facilities[-, such as 511 Traveler Information, UDOT Traffic App, and UDOT Traffic Web Site, shall] may not be placed any closer than one [(1)-]mile from any other acknowledg[e]ment sign or acknowledg[e]ment plaque in the same direction on the main traveled way. -The one-mile restriction applies regardless of which [travel service program or safety-]program sponsorship is being acknowledged, with the exception that Sponsor-A-Highway litter control recognition signs may be placed independently of signs acknowledging any other program. -Sponsor-A-Highway litter control recognition signs may be placed as close as one [(1)-]mile from each other if facing in the same direction.~~

NOTICES OF PROPOSED RULES

~~(14)~~(11) As determined by UDOT, an~~The~~ acknowledgment sign or acknowledgment plaque ~~shall~~may not:

- (a) ~~create~~ a safety concern~~;~~ or
- (b) ~~interfere~~ with the free and safe flow of traffic.

~~(15)~~(12) ~~No~~As determined by UDOT, an acknowledgment sign or plaque ~~shall~~may not promote or acknowledge sponsorship of:

- (a) ~~Any~~a substance or activity that is illegal for minors, such as alcohol, tobacco, drugs, or gambling~~;~~;
- (b) ~~Any~~a political party, candidate, purpose, or issue~~;~~ or~~;~~
- (c) ~~Sexual~~ material.

R918-7-6. Advertising - Size, Placement, and Content Restrictions.

(1) The placement of any advertising within the right of way, except in a ~~F~~facility within a ~~R~~rest ~~A~~area or ~~W~~welcome ~~C~~center, is prohibited. Any advertisement within ~~R~~rest ~~A~~area[s] and ~~W~~welcome ~~C~~center[s] facilities shall meet ~~all of~~the following:

- (a) ~~F~~the advertising legend may not ~~shall not~~be visible from the main traveled way;~~and;~~
- (b) ~~F~~the advertisement may not ~~shall not~~resemble any traffic control device;~~and;~~
- (c) ~~S~~signed advertisement shall only consist of printed or electronic media affixed within the interior of the building, or if the facility is in the form of a bulletin board or a partial enclosure, on the side facing away from any main traveled way;~~and;~~

~~Any audio advertisement shall only be inside of a doored building so that the sound shall not be heard outside of building when the door is closed; and;~~

~~(e)~~d ~~F~~individual mounted signs and electronic displays are limited to four ~~(4)~~feet by eight ~~(8)~~feet in either portrait or landscape format~~;~~ and

any advertisement requirement described in 23 C.F.R. 752.7.

(2) Any advertising sign or other advertisement ~~shall~~may not:

- (a) ~~create~~ a safety concern~~;~~ or
- (b) ~~interfere~~ with the free and safe flow of traffic.
- (3) No advertising sign or other advertisement ~~shall~~may promote:
 - (a) ~~A~~any substance or activity that is illegal for minors, such as alcohol, tobacco, drugs, or gambling;
 - (b) ~~A~~any political party, candidate, purpose, or issue; or~~;~~
 - (c) ~~Sexual~~ material.

KEY: maintenance, rest area, sponsorships~~, traveler services~~

Date of Last Change: ~~2025~~April 23, 2015

Notice of Continuation: January 2, 2020

Authorizing, and Implemented or Interpreted Law: 72-6-401; 72-6-402; 72-6-403; 23 CFR 752.7

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R58-7	Filing ID: 56244
Effective Date:	11/25/2024	

Agency Information

1. Title catchline:	Agriculture and Food, Animal Industry	
Building:	Taylorsville State Office Building, South bldg., Floor 2	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amanda Price	801-982-2244	amandaprice@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	amberbrown@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R58-7. Livestock Markets, Satellite Video Livestock Market, Livestock Sales, Dealers, and Livestock Market Weighpersons	
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	Section 4-30-104 gives the Department of Agriculture and Food (Department) the rulewriting authority to administer and enforce Title 4, Chapter 30, Livestock Markets.	
	This rule provides uniformity and fairness in the marketing of livestock in Utah regardless if sold in an established livestock market or in another type of sale.	
	This rule provides information to clarify the licensing requirements, including specific disease and health requirements, temporary licenses, requirements for dealers, duties for bonds and weighpersons, and requirements for satellite markets.	

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 public comments regarding the continuation of 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:

The Department finds this rule necessary because livestock markets are the primary outlet for the sale of livestock in the state. This rule ensures a fair marketing system for the producers and ensures that the markets are complying with disease and health requirements. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Craig Buttars, Commissioner	Date:	11/25/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R58-21	Filing ID: 53311
Effective Date:	11/25/2024	

Agency Information

1. Title catchline:	Agriculture and Food, Animal Industry	
Building:	Taylorsville State Office Building, South bldg., Floor 2	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amanda Price	801-982-2244	amandaprice@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	amberbrown@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R58-21. Trichomoniasis
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 4-31-109 gives the Department of Agriculture and Food (Department) rulewriting authority specifically for Trichomoniasis to prevent the spread of disease in animals.
This rule intends to eliminate or reduce the spread of bovine trichomoniasis in the state.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department has not received any public comments regarding 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:

The Department finds this rule necessary to provide the requirements to eliminate or reduce the spread of bovine trichomoniasis in Utah. Trichomoniasis is an economically devastating disease for Utah cattle herds and it spreads during breeding. Since 2019, trichomoniasis has affected nearly 50 bulls in 15 herds across Utah. The industry and cattle producers strongly support the continuation of this rule. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Craig Buttars, Commissioner	Date:	11/25/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R501-18	Filing ID: 55383
Effective Date:	12/02/2024	

Agency Information

1. Title catchline:	Health and Human Services, Human Services Program Licensing	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R501-18. Recovery Residence Services
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Sections 26B-2-104 and 26B-2-117 authorize the Office of Licensing within the Department of Health and Human Services to establish basic health and safety standards and administrative practices for recovery residences through rulemaking.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments regarding this rule submitted to the office since the last five-year review. It is anticipated that this rule, along with others under Human Services, will undergo a restructuring in the coming year, but this five-year review is intended to ensure that this rule remains in continual effect for statutory compliance until that restructuring can be completed.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
There are no comments in opposition to this rule that have been submitted to the office. Therefore, the office has not addressed any such comments. The continuation of this rule ensures there is no lapse in oversight of licensed recovery residences in Utah. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/02/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R512-77	Filing ID:	55634
Effective Date:	12/02/2024		

Agency Information

1. Title catchline:	Health and Human Services, Child and Family Services		
Building:	Multi-Agency State Office Building		
Street address:	195 N 1950 W		
City, state	Salt Lake City, UT		
Mailing address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Contact persons:			
Name:	Phone:	Email:	
Shawnee Ellis	833-353-3447	shawneeellis@utah.gov	
Mariah Noble	385-214-1150	mariahnoble@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R512-77. Child and Family Services Records
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 80-2-302 authorizes the Division of Child and Family Services (Division) to clarify the scope of services Child and Family Services provides to families in Utah through rulemaking.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments in support or opposition of this rule have been received by the Division since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary for the Division to define the nature of confidential information to be safeguarded by the Division, as well as to provide access to information regarding payments for services offered by the Division. Therefore, this rule should be continued.
As the Division has not received any comments in opposition to this rule, it has not responded to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/02/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R590-128	Filing ID: 53988
Effective Date:	11/25/2024	

Agency Information

1. Title catchline:	Insurance, Administration	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R590-128. Failure to Maintain Prior Owner's or Operator's Security	
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	The Department of Insurance has received no written comments regarding this rule during the past five years.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	This rule is necessary to prevent auto insurers from discriminating against an applicant of automobile insurance based solely upon the fact that they failed to maintain auto insurance for a period of time. An insurer must demonstrate that there are other reasons for denying coverage or increasing their premium, such as a poor driving record or loss history. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	11/25/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R590-132	Filing ID: 54184
Effective Date:	11/25/2024	

Agency Information

1. Title catchline:	Insurance, Administration	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R590-132. Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Insurance has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule identifies and restricts certain underwriting, classification, and declination practices that have been used to discriminate against individuals with HIV infection. In doing so, it makes certain that persons with HIV infection will not be singled out for either unfair discrimination or preferential treatment for insurance purposes. This rule also sets guidelines regarding the confidentiality of AIDS-related testing to protect consumers and their information. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	11/25/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-233	Filing ID: 51413
Effective Date:	11/25/2024	

Agency Information

1. Title catchline:	Insurance, Administration	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R590-233. Health Benefit Plan Insurance Standards
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
<p>Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.</p> <p>Sections 31A-2-202 and 31A-23a-412 authorize the insurance commissioner to request reports, conduct examinations, and inspect records of any licensee.</p> <p>Section 31A-22-605 requires the insurance commissioner to adopt rules to establish standards for disclosure in the sale of, and benefits to be provided by, individual and franchise accident and health policies.</p> <p>Section 31A-22-623 authorizes the insurance commissioner to establish by rule minimum standards of coverage for dietary products for inborn metabolic errors.</p> <p>Section 31A-22-626 authorizes the insurance commissioner to establish by rule minimum standards of coverage for diabetes for accident and health insurance.</p> <p>Section 31A-23a-402 authorizes the insurance commissioner to define by rule acts and practices that are unfair and unreasonable.</p> <p>Section 31A-26-301 authorizes the insurance commissioner to set standards for timely payment of claims.</p>
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Insurance received one written comment from a health insurer during the last five years. The requester asked the Department to reconsider the rule's outline of coverage requirements. However, the outline of coverage requirement is required by Subsection 31A-22-605(7), and thus cannot be removed.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of this rule is to provide reasonable standardization and simplification of terms and coverages of insurance policies to facilitate public understanding and comparison, and to prohibit provisions that may be misleading or confusing in connection either with the purchase of such coverages or with the settlement of claims, and to provide for full disclosure in the sale of such insurance. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	11/25/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R592-16	Filing ID: 54039
Effective Date:	11/25/2024	

Agency Information

1. Title catchline:	Insurance, Title and Escrow Commission
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state	Taylorville, UT
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R592-16. Escrow Settlement Closing Transactions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 31A-2-404(2) authorizes the Title and Escrow Commission to make rules for the administration of the Insurance Code related to title insurance, including rules related to standards of conduct for a title insurer, agency title insurance producer, or individual title insurance producer.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Insurance has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it identifies certain escrow practices involving two or more back-to-back sales and purchases of the same parcel of property that the Title and Escrow Commission finds may violate the Insurance Code or rules. This rule defines a land flip and describes permitted and prohibited escrow flip transactions. The continuation of this rule is being made at the direction of the Title and Escrow Commission, which voted 5 to 0 in favor of continuation at its 11/25/2024, meeting. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	11/25/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R597-2	Filing ID: 51475
Effective Date:	12/02/2024	

Agency Information

1. Title catchline:	Judicial Performance Evaluation Commission, Administration	
Building:	Senate Building, Utah State Capitol	
Street address:	350 N State Street	
City, state	Salt Lake City, UT	
Mailing address:	350 State Street, Senate Building Suite 330	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Mary-Margaret Pingree	801-538-1652	mmpingree@utah.gov
Madison Klein	801-538-1146	mklein@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R597-2. Administration of the Commission
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 78A, Chapter 12, outlines the provisions of the Judicial Performance Evaluation Commission Act. Rulemaking authority is required or granted in the following subsections: Subsection 78A-12-203(9) allows the commission to make rules as necessary to administer judicial performance evaluations. Subsection 78A-12-204(11) allows the commission to make rules as necessary to administer the judicial performance survey. Subsection 78A-12-205(3) allows the commission to make rules about certification standards. Specifically for justice court judges Subsection 78A-12-207(4)(a) allows the commission to create standards by administrative rule.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Title 78A, Chapter 12, allows the commission to make rules to administer the judicial evaluation process. It also provides high level direction, but the administrative rules provide the detailed guidance needed to administer the process effectively. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Mary-Margaret Pingree, Executive Director	Date:	12/02/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R907-63	Filing ID: 54161
Effective Date:	12/02/2024	

Agency Information

1. Title catchline:	Transportation, Administration	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact persons:		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R907-63. Structure Repair and Loss Recovery Procedure
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule establishes a procedure for loss recovery for damages to structures, appurtenances, and the roadway as provided in Sections 41-6a-409 and 72-7-301.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during the last five-year period.
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 still authorized under the statute and needed by the Department of Transportation. Therefore, this rule should be continued. Amendments to this rule are forthcoming.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Bracerias, PE, Executive Director	Date:	11/27/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R916-5	Filing ID: 52484
Effective Date:	11/26/2024	

Agency Information

1. Title catchline:	Transportation, Operations, Construction	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact persons:		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R916-5. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation

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

This rule is authorized pursuant to Subsection 72-6-107.5(6), which requires the Utah Department of Transportation to adopt administrative rules that establish the requirements and procedures contractors and subcontractors must follow to comply with Section 72-6-107.5.

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

There have been no written comments received within the five-year period.

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 still required by the statutes referenced above in box 3. Therefore, this rule should be continued.

Amendments to this rule are forthcoming.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	11/26/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R918-7	Filing ID: 52118
Effective Date:	12/02/2024	

Agency Information

1. Title catchline:	Transportation, Operations, Maintenance	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact persons:		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R918-7. Highway Sponsorship Programs
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Section 72-6-403 and is promulgated pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the Transportation Code, Section 72-1-201.

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:

No written comments have been received in the last five-year period.

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 still authorized by statute and needed by the Department of Transportation. Therefore, this rule should be continued.

Amendments to this rule are forthcoming.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	11/27/2024
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR EXPIRATIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

NOTICE OF EXPIRED RULE		
Rule Number:	R849-1	Filing ID: 52021
Effective Date:	11/26/2024	

Agency Information

1. Title Catchline:	School and Institutional Trust Fund Board of Trustees, Administration	
Street address:	102 S 200 E, Suite 600	
City and state:	Salt Lake City, UT	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R849-1. Appeal Rule
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

End of the Notices of Notices of Five-Year Expirations Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Alcoholic Beverage Services

Administration

No. 56796 (Amendment) R82-1: General

Published: 10/01/2024

Effective: 11/22/2024

No. 56797 (Amendment) R82-2: Consignment Inventory Package Agencies

Published: 10/01/2024

Effective: 11/22/2024

No. 56798 (Amendment) R82-3: Disciplinary Actions and Enforcement

Published: 10/01/2024

Effective: 11/22/2024

No. 56808 (Amendment) R82-5: General Retail License Provisions

Published: 10/01/2024

Effective: 11/22/2024

No. 56809 (Amendment) R82-6: Specific Retail Provisions

Published: 10/01/2024

Effective: 11/22/2024

No. 56810 (Amendment) R82-8: Resorts

Published: 10/01/2024

Effective: 11/22/2024

No. 56811 (Amendment) R82-9: Event Permits

Published: 10/01/2024

Effective: 11/22/2024

Commerce

Professional Licensing

No. 56813 (Amendment) R156-77: Direct Entry Midwife Act Rule

Published: 10/15/2024

Effective: 11/25/2024

Education

Administration

No. 56840 (Amendment) R277-301: Educator Licensing

Published: 11/01/2024

Effective: 12/10/2024

No. 56841 (Amendment) R277-323: Public Educator Evaluation

Published: 11/01/2024

Effective: 12/10/2024

No. 56842 (Amendment) R277-462: Comprehensive School Counseling Program

Published: 11/01/2024

Effective: 12/10/2024

No. 56843 (Amendment) R277-473: Utah Computer Science Grant

Published: 11/01/2024

Effective: 12/10/2024

No. 56844 (Repeal) R277-603: Autism Awareness Restricted Account Distribution

Published: 11/01/2024

Effective: 12/10/2024

No. 56845 (Amendment) R277-630: Child Sex Abuse and Human Trafficking Prevention Training and Instruction

Published: 11/01/2024

Effective: 12/10/2024

No. 56846 (Amendment) R277-746: Driver Education Programs for Utah Schools

Published: 11/01/2024

Effective: 12/10/2024

Environmental Quality

Air Quality

No. 56636 (Amendment) R307-202: Emission Standards: General Burning

Published: 08/01/2024

Effective: 12/02/2024

No. 56636 (Change in Proposed Rule) R307-202: Emission Standards: General Burning

Published: 11/01/2024

Effective: 12/02/2024

Government Operations

Technology Services

No. 56833 (Amendment) R895-5: Acquisition of Information Technology

Published: 11/01/2024

Effective: 12/10/2024

Governor

Criminal and Juvenile Justice (State Commission on)

No. 56827 (Repeal and Reenact) R356-1: Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates

Published: 10/15/2024

Effective: 12/10/2024

No. 56838 (New Rule) R356-11: Sentencing Commission

Published: 11/01/2024

Effective: 12/10/2024

NOTICES OF RULE EFFECTIVE DATES

Health and Human Services

Administration

No. 56667 (Amendment) R380-350: Community Health Worker Certification

Published: 08/15/2024

Effective: 12/02/2024

Substance Use and Mental Health

No. 56671 (Amendment) R523-19: Community Mental Health Crisis and Suicide Prevention Training Grant Standards

Published: 08/15/2024

Effective: 12/02/2024

No. 56672 (Amendment) R523-20: Community Firearms Violence and Suicide Prevention Standards

Published: 08/15/2024

Effective: 12/02/2024

Insurance

Administration

No. 56839 (Amendment) R590-164: Electronic Data Interchange Transactions

Published: 11/01/2024

Effective: 12/11/2024

Money Management Council

Administration

No. 56822 (Amendment) R628-22: Conditions and Procedures for the Use of Negotiable Brokered Certificates of Deposit

Published: 10/15/2024

Effective: 11/21/2024

Natural Resources

Wildlife Resources

No. 56818 (Amendment) R657-13: Taking Fish and Crayfish

Published: 10/15/2024

Effective: 12/02/2024

No. 56817 (Repeal and Reenact) R657-61: Valuation of Real Property Interests for Purposes of Acquisition or Disposal

Published: 10/15/2024

Effective: 12/02/2024

Tax Commission

Administration

No. 56819 (Amendment) R861-1A-43: Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207

Published: 10/15/2024

Effective: 11/21/2024

Property Tax

No. 56782 (Amendment) R884-24P-33: 2025 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-107

Published: 09/15/2024

Effective: 01/01/2025

No. 56782 (Change in Proposed Rule) R884-24P-33: 2025 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-107

Published: 10/15/2024

Effective: 01/01/2025

No. 56820 (Amendment) R884-24P-19: Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702

Published: 10/15/2024

Effective: 01/01/2025

Transportation

Preconstruction

No. 56847 (Amendment) R930-7: Utility Accommodation

Published: 11/01/2024

Effective: 12/11/2024

No. 56848 (Amendment) R930-8: Utility Relocations Required by Highway Projects

Published: 11/01/2024

Effective: 12/11/2024

End of the Notices of Rule Effective Dates Section