

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed February 15, 2020, 12:00 a.m. through March 02, 2020, 11:59 p.m.

Number 2020-06
March 15, 2020

Sunnie Burningham, Managing Editor

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

The Portable Document Format (PDF) version of the *Digest* 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 *Digest* should be addressed to the contact person for the rule. Questions about the *Digest* 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 *Utah State Digest* summarizes the contents of the *Utah State Bulletin* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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

Utah state digest.

Semimonthly.

1. Delegated legislation--Utah--Digests. I. Utah. Office of Administrative Rules.

KFU38.U8

348.792'025--DDC

86-658042

TABLE OF CONTENTS

EDITOR'S NOTES.....	1
EXECUTIVE DOCUMENTS	3
NOTICES OF PROPOSED RULES.....	5
NOTICES OF CHANGES IN PROPOSED RULES	15
NOTICES 120-DAY (EMERGENCY) RULES.....	19
FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION	21
NOTICES FIVE-YEAR REVIEW EXTENSION	27
NOTICES OF RULE EFFECTIVE DATES.....	29

EDITOR'S NOTES

There was a typographical error in the publication of the notice of effective date for: Rule R414-22, file number 52462, "Administrative Sanction Procedures and Regulations."

The correct effective date should be 02/14/2020.

If you have any questions about the issues addressed in this editor's note, please contact the Office of Administrative Rules by telephone at (801) 957-7110, or by email at rulesonline@utah.gov

End of the Editor's Notes Section

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

Declaring a State of Emergency Due to Infectious Disease COVID-19 Novel Coronavirus

WHEREAS, On January 21, 2020, the Utah Department of Health activated its Department Operations Center in response to the evolving the global outbreak of novel coronavirus;

WHEREAS, The Utah Department of Health recognizes COVID-19 as a threat to the health and safety of the residents of Utah;

WHEREAS, Although no confirmed cases have been diagnosed in the state, the Utah Department of Health, local health departments, and health and medical partners have activated response plans and protocols to prepare for the likely arrival of the virus in Utah;

WHEREAS, These partners have also worked to identify, contact, and test individuals in the State of Utah who have been potentially exposed to COVID-19 in coordination with the United States Centers for Disease Control and Prevention (CDC);

WHEREAS, Proactively implementing mitigation measures to slow the spread of the virus is in the best interests of the state of Utah and its people;

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person;

WHEREAS, The CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high," and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States;

WHEREAS, On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020;

WHEREAS, As of March 6, 2020, the CDC indicates there are over 100,000 confirmed cases of COVID-19 worldwide, with over 200 of those cases in the United States;

WHEREAS, On February 28, 2020, the State Emergency Operations Center raised its activation level to Level 3 - Elevated Action and the Utah Division of Emergency Management and Department of Health activated a Joint Information System for public information;

WHEREAS, The Utah Department of Public Safety, Division of Emergency Management, State Emergency Operations Center, is coordinating resources across state government to support the Utah Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude and long-term effects of the incident with the Utah Department of Health;

EXECUTIVE DOCUMENTS

WHEREAS, The State of Utah has implemented the Utah COVID-19 Community Task Force to coordinate the response to the incident throughout the entire state and among all levels of government;

WHEREAS, the circumstances of this outbreak may exceed the capacity of the services, personnel, equipment, supplies and facilities of any single city, county, or city and county, and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS, these conditions do create a “State of Emergency” within the intent of the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code Annotated 1953, as amended:

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, declare a “State of Emergency” due to the aforesaid circumstances requiring aid, assistance, and relief available from State resources and hereby order:

The continued execution of the State Emergency Operations Plan;

Assistance from State government to political subdivisions as needed and coordinated by the Utah Department of Health, the Utah Department of Public Safety, and other state agencies as necessary;

The continued dissemination of timely and accurate information by state agencies to the public that will slow the spread of COVID-19, prevent unnecessary confusion and alarm, and mitigate impacts to the economy;

The continued outreach and assistance to the populations most vulnerable to COVID-19; and

Coordination with local authorities and the private sector to maximize access to appropriate medical care while preserving critical services for those most in need.

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 6th day of March, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/001/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between February 15, 2020, 12:00 a.m., and March 02, 2020, 11:59 p.m. are included in this, the March 15, 2020, issue of the *Utah State Digest*.

In this publication, each **PROPOSED RULE** is represented 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.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least April 14, 2020. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through July 13, 2020, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R430-90	Filing No.	52592

Agency Information

1. Department:	Health		
Agency:	Family Health and Preparedness, Child Care Licensing		
Building:	Highland		
Street address:	3760 South Highland Drive		
City, state:	Salt Lake City, UT 84114		
Mailing address:	PO Box 142003		
City, state, zip:	Salt Lake City, UT 84114		
Contact person(s):			
Name:	Phone:	Email:	
Simon Bolivar	801-803-4618	sbolivar@utah.gov	

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

General Information

2. Rule or section catchline:
Licensed Family Child Care
3. Purpose of the new rule or reason for the change:
These amendments were already collected and discussed during the previous year but were accidentally omitted on the latest filing of the proposed rule changes. These changes are necessary to make sure processes for all child care providers are consistent.
4. Summary of the new rule or change:
The proposed amendments are a better and simplified language for the current background check process already included and implemented for all other facility types. They are numerals one through eight under section eight of the background check process accidentally omitted, clarification about the fire extinguisher, and the number of children participating in disaster drills which was also missed in the previous submission.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The Division of Family Health and Preparedness, Child Care Licensing (Division) does not anticipate any additional costs or savings due to the proposed rule changes because the program's current practice follows the proposed rule changes.

B) Local governments:
These proposed amendments are not expected to have any fiscal impacts on local governments' revenues or expenditures because there are no licensed family child care providers operated by local governments to whom these changes will affect.

C) Small businesses ("small business" means a business employing 1-49 persons):
The Division does not expect any additional costs associated with the proposed rule amendments because all child care providers already operate following the proposed rule changes.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The Division does not anticipate any additional costs or savings due to the proposed rule changes because all family providers operate as small business.

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 any additional costs or savings due to the proposed rule changes because all family providers operate as small business.

F) Compliance costs for affected persons:
The Division does not anticipate any additional costs due to the proposed rule changes because all child care providers already operate following the proposed rule 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	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

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

These rule changes clarify requirements, simplify processes, and remove the requirement that child care providers pay for and have a background clearance run on each employee annually because now the process is automated. There is no fiscal cost to businesses from any of these changes.

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

Joseph K, Miner, MD, Executive Director

Citation Information

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

Title 26, Chapter 39		
----------------------	--	--

Public Notice Information

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

A) Comments will be accepted until: 04/14/2020

10. This rule change MAY become effective on: 04/21/2020

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

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	02/27/2020
--	---	--------------	------------

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R495-810	Filing No.	52591

Agency Information

1. Department:	Human Services		
Agency:	Administration		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state:	SALT LAKE CITY, UT 84116		
Mailing address:	195 N 1950 W		
City, state, zip:	SALT LAKE CITY, UT 84116		
Contact person(s):			
Name:	Phone:	Email:	
Jonah Shaw	801-538-4219	jshaw@utah.gov	
Sonia Sweeney	801-538-8241	ssweeney@utah.gov	

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

General Information

2. Rule or section catchline:
Government Records Access and Management Act
3. Purpose of the new rule or reason for the change:
This amendment is to ensure Department of Human Services' (DHS) rule reflects that fees are as established in DHS's fee schedule, that the collection and waiver of fees is permissive consistent with the statute. It will also

update the formatting and numeration with the current rulewriting manual.

4. Summary of the new rule or change:

Clarification in regards to when Government Records Access Management Act (GRAMA) requests and appeals are received has been added to clarify the calculation of the legislature time frames. Section R495-810-2 is being amended to refer the public to DHS's fee schedule and to align with the permissive language established in Title 63G, Chapter 2, primarily Subsection 203(4) and (8) related to fee waivers and past due and estimated fees. Further language and formatting changes have been made to meet the standards set forth in the current rulewriting manual.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

At this time, any fiscal impact to the state budget is considered inestimable. The adjustments to the language within this rule are clarifying in nature and do not alter the GRAMA fee schedule. It does, however, adjust the language to ensure that DHS is not mandated to waive or collect fees. Currently, there is no way to calculate how many requests would fall under the provisions of this rule and would not be waived in accordance with Subsection 63G-2-203(4), thus, any fiscal benefit associated with this amendment is considered inestimable.

B) Local governments:

Any impact to the local governments is considered inestimable. The language set forth in this amendment is done in accordance with our fee schedule and statutory guidelines. Currently, there is no way to calculate how many requests would fall under the provisions of this rule and would not be waived in accordance with Subsection 63G-2-203(4), thus, any fiscal cost associated with this amendment is considered inestimable.

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

Any impact to small businesses is considered inestimable. The language set forth in this amendment is done in accordance with our fee schedule and statutory guidelines. Currently, there is no way to calculate how many requests would fall under the provisions of this rule and would not be waived in accordance with Subsection 63G-2-203(4), thus, any fiscal cost associated with this amendment is considered inestimable.

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

Any impact to non-small businesses is considered inestimable. The language set forth in this amendment is

done in accordance with our fee schedule and statutory guidelines. Currently, there is no way to calculate how many requests would fall under the provisions of this rule and would not be waived in accordance with Subsection 63G-2-203(4), thus, any fiscal cost associated with this amendment is considered inestimable.

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

Any impact to persons other than small businesses, non-small businesses, state, or local government entities is considered inestimable. The language set forth in this amendment is done in accordance with our fee schedule and statutory guidelines. Currently, there is no way to calculate how many requests would fall under the provisions of this rule and would not be waived in accordance with Subsection 63G-2-203(4), thus, any fiscal cost associated with this amendment is considered inestimable.

F) Compliance costs for affected persons:

Currently, there is no way to calculate how many requests would fall under the provisions of this rule and would not be waived in accordance with Subsection 63G-2-203(4), thus, any compliance costs associated with this amendment would be considered inestimable.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis.

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

After conducting a thorough analysis, it has been determined that this proposed rule change may result in an inestimable fiscal impact.

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

Ann Williamson, Executive Director

Citation Information

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

Section 63G-2-203 | Section 62A-1-111

Public Notice Information

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

A) Comments will be accepted until: 04/14/2020

10. This rule change MAY become effective on: 04/21/2020

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

Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Ann Williamson, Executive Director	Date:	02/24/2020
--	------------------------------------	--------------	------------

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R501-12	Filing No.:	52595
--------------------------------------	----------------	--------------------	--------------

Agency Information

1. Department:	Human Services	
Agency:	Administration, Services, Licensing	Administrative
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	SALT LAKE CITY, UT, 84116	
Mailing address:	195 N 1950 W	
City, state, zip:	SALT LAKE CITY, UT, 84116	
Contact person(s):		
Name:	Phone:	Email:
Jonah Shaw	801-538-4219	jshaw@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov
Elisabeth Kitchens	385-303-2953	ehkitchens@utah.gov

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

General Information

2. Rule or section catchline:

Foster Care Services

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

This rule amendment is set to meet federal requirements and clean up language that has been noted as difficult to comprehend. Adjustments to meet the standards set forth in the rule writing manual are also included.

4. Summary of the new rule or change:

This proposed amendment is in response to the Families First Prevention Services Act to assist our sister agency Division of Child and Family Services (DCFS) in meeting their obligations to align with model foster care standards

and add clarifying language regarding kinship and agency requirements. This amendment also modifies preexisting language and formatting to be more in line with the rulewriting manual.

Fiscal Information

6. Aggregate anticipated cost or savings to:

A) State budget:

There is no estimable impact on state government. By complying with federal standards, DCFS will be eligible to collect federal funding.

B) Local government:

There is no anticipated cost to local governments through this rule amendment.

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

In regards to Child Placing Foster Agencies, model foster care standards are already in place throughout Utah. With these federal requirements mostly in practice, the impact is not measurable.

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

Non-small businesses will not be impacted through these changes.

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

Most of the model foster care standards are already in place in Utah, but the federal requirements for locks on hot tubs, carbon monoxide detectors, and other safety devices will require existing and prospective foster parents to spend between \$0 and \$40 to comply with the new rule requirements. This is a one time purchase for these providers.

F) Compliance costs for affected persons:

As noted in Other persons above, the model foster care standards are mostly in place throughout the state, but with the federal requirement to have a lock for hot tubs, a carbon monoxide detector on site, along with various other safety devices, this could create an inestimable compliance cost for the affected persons. The cost is considered inestimable due to not knowing exactly how many existing and prospective foster parents would not meet these standards.

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	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis.			
7. A) Comments by the department head on the fiscal impact the rule may have on businesses:			
After conducting a thorough analysis, it was determined that these proposed rule amendments will not result in a significant fiscal impact to small businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Ann Williamson, Executive Director			

Citation Information

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

Subsection 62A-2-101(19)		
--------------------------	--	--

Public Notice Information

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

A) Comments will be accepted until:	04/14/2020
--	------------

11. This rule change MAY become effective on:	04/21/2020
--	------------

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 11, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Ann Williamson Executive Director	Date:	02/28/2020
--	--------------------------------------	--------------	------------

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R590-277-4	Filing No.	52585

Agency Information

1. Department:	Insurance
Agency:	Administration
Room no.:	3110
Building:	State Office Building
Street address:	450 N. State St.
City, state, zip:	Salt Lake City, UT 84114
Mailing address:	PO Box 146901
City, state, zip:	Salt Lake City, UT 84114-6901

Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
Prohibited Policy Provisions
3. Purpose of the new rule or reason for the change:
The rule is being amended to allow an insurer to exclude from coverage losses that come as a direct result of an insured driving under the influence.
4. Summary of the new rule or change:
This rule adds a subsection that allows insurers to exclude from coverage losses that come as a direct result of an insured driving under the influence. The subsection sets forth the parameters for such exclusions.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The amendment simply allows insurers to use an additional exclusion in their contracts.
B) Local governments:
There is no anticipated cost or savings to local governments. The amendment simply allows insurers to use an additional exclusion in their contracts.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The amendment simply allows insurers to use an additional exclusion in their contracts.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
An insurer that chooses to exclude from coverage losses related to a person driving under the influence may see a positive fiscal impact. However, the Insurance Department (Department) is aware of only one insurer that expects to use this exclusion, and the insurer did not have any losses that would be affected by this change in the past five years.

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**):

An individual who operates a vehicle while under the influence of alcohol or drugs may be denied coverage for any losses sustained as a result of an accident that occurs while operating the vehicle.

F) Compliance costs for affected persons:

There are no compliance costs for any affected persons. An insurer may elect to submit a filing to the Department to change their forms to apply the exclusion, but there is no cost to submit a filing to the Department. The insurer will likely have minimal administrative costs due to creating the filing, but the Department cannot estimate what those costs will be.

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	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Commissioner of the Insurance Department, Todd E. Kiser, has reviewed and approved this fiscal analysis.

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

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

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

Todd E. Kiser, Commissioner

Citation Information

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

Subsection 31A-2-201(3)(a)	Section 31A-202	Subsection 31A-23a-402(8)
Subsection 31A-23a-412	Section 31A-45-103	

Public Notice Information

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

A) Comments will be accepted until: 04/14/2020

10. This rule change MAY become effective on: 04/21/2020

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

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	02/20/2020
--	---	--------------	------------

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R994-508	Filing No.	52589

Agency Information

1. Department:	Workforce Services		
Agency:	Unemployment Insurance		
Building:	Olene Walker Building		
Street address:	140 East 300 South		
City, state:	Salt Lake City, Utah		
Mailing address:	PO Box 45244		
City, state, zip:	Salt Lake City, UT 84145-0244		
Contact person(s):			
Name:	Phone:	Email:	
Amanda B. McPeck	801-517-4709	ampeck@utah.gov	

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

General Information

2. Rule or section catchline:
Appeal Procedures

3. Purpose of the new rule or reason for the change:
This amendment modifies the requirements for filing an appeal by mail to the Workforce Appeals Board. It makes the process consistent with the requirements for filing an appeal of an initial Department of Workforce Services (Department) determination. The amendment also clarifies where an appeal may be filed or delivered, in keeping with current Department practice and policy.

4. Summary of the new rule or change:
This amendment modifies the requirements for filing an appeal by mail to the Workforce Appeals Board and clarifies that the date of filing will be the date of the postmark, consistent with the requirements for filing an appeal of an initial Department determination. The amendment also clarifies that an appeal may be filed or delivered to any Department office, rather than the Appeals Unit or Board office specifically.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:

This rule change is not expected to have any fiscal impact on state government revenues or expenditures because the amendment does not provide new services.

B) Local governments:

This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because this rule change does not affect local governments.

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

This rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures because the Department is merely changing this rule to make filing requirements consistent at both the initial appeal and Board appeal levels, and to reflect current practice.

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

This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because the Department is merely changing this rule to make filing requirements consistent at both the initial appeal and Board appeal levels, and to reflect current practice.

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

This rule change is not expected to have any fiscal impact on other persons' revenues or expenditures because the Department is merely changing this rule to make filing requirements consistent at both the initial appeal and Board appeal levels, and to reflect current practice.

F) Compliance costs for affected persons:

There are no compliance costs associated with this change. There are no fees associated with this change.

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

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

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

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Subsection 35A-4-508(2)	Subsection 35A-4-508(5)	Subsection 35A-4-508(6)
Section 35A-4-406	Section 35A-4-103	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	4/14/2020

10. This rule change MAY become effective on:	4/21/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Jon Pierpont, Executive Director	Date:	02/24/2020
--	----------------------------------	--------------	------------

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends April 14, 2020.

From the end of the 30-day waiting period through July 13, 2020, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Utah Admin. Code Ref (R no.):	R986-100-113	Filing No. 52521

Agency Information

1. Department:	Workforce Services	
Agency:	Employment Development	
Building:	Olene Walker Building	
Street address:	140 East 300 South	
City, state, zip:	Salt Lake City, Utah 84111	
Mailing address:	PO Box 45244	
City, state, zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda B. McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:		
Employment Support Programs		
3. Change in Proposed Rule:		
Changes Name, date of prior filing:	FILING Publication	Employment Support Programs, Filing No. 52521, Published 02/15/2020
4. Reason for this change:		
Provides technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah.		
5. Summary of this change:		
Provides technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah.		

Fiscal Information

6. Aggregate anticipated cost or savings to:	
A) State budget:	
This change in proposed rule is not expected to have any fiscal impact on state revenues or expenditures because it provides only technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah. There are no additional state employees or resources needed to oversee the proposed rule amendment because the changes reflect existing Department policy.	

B) Local government:

This change in proposed rule is not expected to have any fiscal impact on local governments' revenues or expenditures because it provides only technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah.

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

This change in proposed rule is not expected to have any fiscal impact on small businesses' revenues or expenditures because it provides only technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah. Further the program does not interact directly or indirectly with small businesses.

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

This change in proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because it provides only technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah. Also, the program does not interact directly or indirectly with non-small businesses.

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

This change in proposed rule is not expected to have any fiscal impact on other persons' revenues or expenditures because it provides only technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah.

F) Compliance costs for affected persons:

The original proposed rule amendment and the change in proposed rule are not expected to cause any compliance costs for affected persons because the proposed amendment and rule changes do not create any new administrative fees and are consistent with existing Department policy.

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	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Workforce Services, Jon Pierpont, has reviewed and approved this fiscal analysis.			
7. A) Comments by the department head on the fiscal impact the rule may have on businesses:			
After a thorough analysis, it was determined that these proposed rule changes will not result in a fiscal impact to businesses.			

B) Name and title of department head commenting on the fiscal impacts:
Jon Pierpont, Executive Director

Citation Information

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

Section 35A-3-101 et seq.	Section 35A-3-301 et seq.	Section 35A-3-401 et seq.
---------------------------	---------------------------	---------------------------

Public Notice Information

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

A) Comments will be accepted until:	4/14/2020
--	-----------

11. This rule change MAY become effective on:	4/21/2020
--	-----------

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 11, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Jon Pierpont, Executive Director	Date:	03/02/2020
--	----------------------------------	--------------	------------

End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text (~~example~~). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R68-32	Filing No. 52593

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state, zip:	Salt Lake City, UT 84115	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-538-6023	ambermbrown@utah.gov
Andrew Rigby	385-285-6347	adrigby@utah.gov
Kelly Pehrson	385-538-7102	kwpehrson@utah.gov

Please address questions regarding information on this

notice to the agency.

General Information

2. Rule or section catchline:
Sale and Transfer of Industrial Hemp Waste to Medical Cannabis Cultivators
3. Effective Date:
02/28/2020
4. Purpose of the new rule or reason for the change:
This new rule provides guidelines governing the sale of industrial hemp waste to medical cannabis cultivators, which was allowed in recently passed legislation.
5. Summary of the new rule or change:
This new rule provides guidelines governing the sale of industrial hemp waste to medical cannabis cultivators, including related to department pre-approval of sales, sale requirements, and record keeping and transportation requirements.

NOTICES OF 120-DAY (EMERGENCY) RULES

6. Regular rulemaking would:	
<input type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/>	place the agency in violation of federal or state law.
Specific reason and justification:	
Emergency rulemaking is necessary to allow for the recently statutorily prescribed sale of industrial hemp waste to medical cannabis cultivators to take place as soon as possible.	

Fiscal Information

7. Aggregate anticipated cost or savings to:	
A) State budget:	
There is no anticipated cost or savings to the state budget because sales would occur under existing licenses of industrial hemp processors and cultivators and medical cannabis cultivators. No additional inspections will be required. Industrial hemp waste will be tested in the same way as other cannabis products and testing fees cover the cost of testing.	
B) Local governments:	
There is no anticipated cost or savings to local governments because local governments are not industrial hemp or cannabis cultivators or processors and do not participate in the sale or regulation of the sale of industrial hemp waste.	
C) Small businesses ("small business" means a business employing 1-49 persons):	
There are no anticipated additional costs or to small businesses (industrial hemp cultivators and processors and cannabis cultivators) because the testing and licensing required would be the same as for other cannabis products. Those who are able to sell industrial hemp waste will benefit from the sale although it is difficult to know at the outset of this program how many sales will occur.	

D) 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 benefits to persons other than small businesses, non-small businesses, or state or local government entities because other persons are not regulated as industrial hemp cultivators or processors or cannabis cultivators and do not participate in the sale of industrial hemp waste under this program.	
8. Compliance costs for affected persons:	
Compliance costs would not change for cannabis cultivators as the industrial hemp waste products would be subject to the same testing requirements as other cannabis products. Industrial hemp cultivators and processors would be subject to the same licensing requirements as prior to the new rule.	
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:	
This rule is necessary to allow for the sale of industrial hemp waste into the medical cannabis marketplace to cultivators as allowed under recently passed legislation. The rule is not associated with an anticipated fiscal impact on businesses.	
B) Name and title of department head commenting on the fiscal impacts:	
Kelly Pehrson, Interim Commissioner	

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Subsection 4-2-103(1)(i)	Subsection 4-41a-603(3)	Title 4, Chapter 41a
Section 4-41a-102		

Agency Authorization Information

Agency head or designee, and title:	Kelly Pehrson, Interim Commissioner	Date:	02/28/2020
--	-------------------------------------	--------------	------------

End of the Notices of 120-Day (Emergency) 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 <https://rules.utah.gov/>. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R58-12	Filing No. 50123

Agency Information

1. Department:	Agriculture and Food	
Agency:	Animal Industry	
Street address:	350 N Redwood Road	
City, state, zip:	Salt Lake City, UT 84115	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-538-6023	ambermbrown@utah.gov
Leann Hunting	801-538-7166	leannhunting@utah.gov
Noel McSpadden	801-538-7117	NMcSpaddenjr@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments

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

Promulgated under the authority of Section 4-32-109 that allows the Department of Agriculture and Food to make rules to enforce the Utah Meat and Poultry Products Inspection and Licensing Act.

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

No comments have been received.

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

This rule is still required because it provides guidelines to ensure that proper records are kept of carcasses slaughtered at meat exempt (custom cut) establishments and that such carcasses are properly identified with "NOT FOR SALE" tags affixed to each quarter of the carcass. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Kelly Pehrson, Interim Commissioner	Date:	02/24/2020
--	-------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R152-1	Filing No. 50235

Agency Information

1. Department:	Commerce	
Agency:	Consumer Protection	
Building:	Heber Wells	
Street address:	160 E 300 S	
City, state, zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 146704	
City, state, zip:	Salt Lake City, UT 84114-6704	
Contact person(s):		
Name:	Phone:	Email:
Daniel Larsen	801-530-6145	dblarsen@utah.gov

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

General Information

2. Rule catchline:
Division of Consumer Protection Buyer Beware List Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is enacted pursuant to Subsection 13-2-5(1), which authorizes the director of the Division of Consumer Protection (Division) to issue rules to administer and enforce the chapters listed in Section 13-2-1.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Division is not aware of any comments supporting or opposing the rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule should be continued because it assists the Division in its administration and enforcement of the chapters listed in Section 13-2-1, and is an important tool the Division may use to carry out some of its core functions. These functions include assisting industry in attempting to correct unfair business practices between competitors, and providing consumer information and education to the public. See Subsections 13-2-5(4) and (5).
A number of the statutes administered and enforced by the Division include among their purposes promoting

public awareness of deceptive practices and suppliers who commit deceptive practices. See Subsections 13-2-8(3)(a) (creating a consumer protection education fund); 13-11-7(1)(c) (directing the Division to inform consumers and suppliers of the acts that violate the law); 13-22-3(6) (allowing the Division to provide public education on the chapter's requirements); 13-34-102(3) (directing the Division to protect students from deceptively promoted schools). This rule furthers those purposes by making available in a single location a list of suppliers that have engaged in deceptive acts and practices. It also makes available an explanation of the conduct that led to a supplier's placement on the buyer beware list, which assists other suppliers in their compliance efforts, and makes the public aware of deceptive practices that it should avoid.

Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Daniel O'Bannon, Division Director	Date:	02/25/2020
--	------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-459	Filing No. 50246

Agency Information

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

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

General Information

2. Rule catchline:
Teacher Supplies and Materials Appropriation
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized under Utah Constitution, Article X, Section 3, which gives general control and supervision of the public school system to the Board, by Subsection 53E-3-501(1)(b) which directs the Board to establish rules and minimum standards for school programs, and by state legislation which provides a designated appropriation for teacher supplies and materials.

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 were no written comments received.

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

This rule continues to be necessary because the purpose of this rule is to distribute money through local education agencies (LEAs) to classroom teachers for school materials, supplies, field trips, and purposes or equipment that protect the health of teachers in instructional or lab settings or in conjunction with field trips. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	02/18/2020
--	--	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R380-40	Filing No. 50878
--------------------------------------	----------------	-------------------------

Agency Information

1. Department:	Health	
Agency:	Administration	
Room no.:	430	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141000	
City, state, zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Marc Babitz, MD	801-538-6111	MBABITZ@UTAH.GOV
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

Local Health Department Minimum Performance Standards

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

This rule is promulgated as required by Subsection 26A-1-106(1)(c). The minimum performance standards apply to all local health department services, regardless of funding sources.

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 Health (Department) received one comment regarding this rule in the last five years from Nate Selin, Health Officer Central Utah Health Department. Mr. Selin commented that the performance measures were good and he recommended no changes be made.

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

Under Subsection 26A-1-106(1)(c), the Department is required to establish by rule a minimum performance standards for basic programs of public health administration, personal health, laboratory services, health resources, and other preventive health programs not in conflict with state law as it finds necessary or desirable for the protection of the public health. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	02/24/2020
--	---	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R384-300	Filing No. 50906
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Health	
Agency:	Disease Control and Prevention, Health Promotion	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142102	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Allyn Nakashima	801-538-6119	anakashima@utah.gov
Kathy Paras	801-538-6242	kparas@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
Parkinson's Disease Reporting Rule

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

The Parkinson's Disease Reporting Rule, Rule R384-300, is adopted under authority Sections 26-1-30 and 26-5-3. The Utah State Legislature designated Parkinson's Disease as a reportable disease in 2015 and appropriated \$200,000 to create a computerized registry entitled, Utah Parkinson's Disease Registry (UPDR.org). After the initial appropriation, starting in 2016, the Utah Legislature approved an on-going appropriation of \$100,000 to continue to support the UPDR. Administered by the Department of Neurology at the University of Utah, the Utah Department of Health (Department) retains all ownership and all rights to the records in the UPDR.

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 is not aware of any opposition to this rule by any groups or individuals.

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

Parkinson's Disease (PD) is a common neurodegenerative disease that affects 1 in 100 persons over the age of 65 years. PD is a progressive, ultimately fatal condition, which may be more common in Utah than in other states. The growth rate of the over-65 segment of the population in Utah is more than 30%.

The purpose of the Utah Parkinson's Disease Registry (Registry) is to develop a central database of accurate historical and current information for research and public health purposes. The continuation of the Parkinson's Disease Reporting Rule and the funding to support the Registry will provide for screening and collection of patient data that may be useful in detecting the incidence, prevalence and possible risk factors

concerning PD and related movement disorders. The information gained will help increase understanding of this disease and aid in planning for early diagnosis; developing health education for patients and providers; providing the information that the Department and other service providing agencies need to better understand the needs of PD patients and their care givers; and providing information on treatments as these are developed for this devastating disease.

Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	02/18/2020
--	---	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R414-33D	Filing No. 50986
--------------------------------------	-----------------	-------------------------

Agency Information

1. Department:	Health
Agency:	Health Care Financing, Coverage and Reimbursement Policy
Building:	Cannon Health Building
Street address:	288 North 1460 West
City, state, zip:	Salt Lake City, UT
Mailing address:	PO Box 143102
City, state, zip:	Salt Lake City, UT 84114-3102
Contact person(s):	
Name:	Phone: Email:
Craig Devashrayee	801-538-6641 cdevashrayee@utah.gov

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

General Information

2. Rule catchline:
Targeted Case Management for Individuals with Serious Mental Illness

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 26-18-3 requires the Department of Health (Department) to implement the Medicaid program through administrative rules. In addition, Section 26-1-5 grants the Department the authority to adopt, amend, or rescind rules as necessary.

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 did not receive any written or oral comments regarding this rule.

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

The Department will continue this rule because it implements targeted case management for individuals with serious mental illness, as described in the Medicaid provider manual and in the Medicaid State Plan.

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	02/27/2020
--	---	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION	
Utah Admin. Code Ref (R no.):	R606-6
Filing No.	51491

Agency Information

1. Department:	Labor Commission	
Agency:	Antidiscrimination and Labor, Antidiscrimination	
Room no.:	3rd Floor	
Building:	Heber M. Wells	
Street address:	160 East 300 South	
City, state, zip:	Salt Lake City UT 84111	
Mailing address:	PO Box 146600	
City, state, zip:	Salt Lake City UT 84114-6600	
Contact person(s):		
Name:	Phone:	Email:
Kendra Shirey	801-530-6800	shirey@utah.gov
Chris Hill	801-530-6800	chill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
Regulation of Practice and Procedure on Employer Reports and 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 43A-5-104 gives the Labor Commission (Commission) jurisdiction over the subject of employment practices and discrimination made unlawful by Title 34A, Chapter 5. It also gives the Commission authority to adopt, publish, amend, and rescind rules, consistent with and for the enforcement of Title 34A, Chapter 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:

No written comments have been received during and since the last five-year review of this rule from interested persons supporting or opposing the rule.

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

The Commission continues to have jurisdiction over discrimination in employment. This rule establishes the procedures for employers to follow in keeping personnel records in order to defend a claim of discrimination. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jaceson R Maughan, Commissioner	Date:	02/18/2020
--	---------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION	
Utah Admin. Code Ref (R no.):	R708-51
Filing No.	51894

Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Room no.:	3rd floor	
Building:	Calvin Rampton Complex	
Street address:	4501 S 2700 W	
City, state, zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 1445001	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Kim Gibb	801-965-4018	kgibb@utah.gov

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Tara Zamora	801-964-4483	tarazamora@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
Mobility Vehicle Permit
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized under Section 41-6a-1118, which states that the Driver License Division (Division) shall make rules to establish procedures for certification of a mobility vehicle to include vehicle requirements, acceptable documentation for applicant's identity and Utah resident status, and procedures to examine and issue a permit to operate a mobility vehicle.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Division has not received any written comments regarding this rule during and since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required under Section 41-6a-1118 and is necessary to outline the procedures for certification of a mobility vehicle, outline safety requirements for mobility vehicles, and procedures for the Division to examine applicants of a mobility vehicle and issue a permit to operate a mobility vehicle on public highways. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Christopher Caras, Division Director	Date:	02/25/2020
--	--------------------------------------	--------------	------------

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	R765-609	Filing No. 52002

Agency Information

1. Department:	Regents (Board of)	
Agency:	Administration	
Building:	Board of Regents Building, The Gateway	
Street address:	60 S 400 W	
City, state, zip:	Salt Lake City, UT 84101-1284	
Mailing address:	PO Box 45202	
City, state, zip:	Salt Lake City, UT 84145-0202	
Contact person(s):		
Name:	Phone:	Email:
Geoff Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
Regents' Scholarship
3. Reason for requesting the extension and the new deadline date:
Due to time constraints because of the 2020 General Session, the Board requests more time to review this rule. The new deadline is 06/24/2020.

Agency Authorization Information

Agency head or designee, and title:	David R. Woolstenhulme, Commissioner	Date:	02/25/2020
--	---	--------------	------------

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	R765-611	Filing No. 51993

Agency Information

1. Department:	Regents (Board of)	
Agency:	Administration	
Building:	Board of Regents Building, The Gateway	
Street address:	60 S 400 W	
City, state, zip:	Salt Lake City, UT 84101-1284	
Mailing address:	PO Box 45202	
City, state, zip:	Salt Lake City, UT 84145-0202	
Contact person(s):		
Name:	Phone:	Email:
Geoff Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
Veterans Tuition Gap Program
3. Reason for requesting the extension and the new deadline date:
Due to time constraints because of the 2020 General Session, the Board requests more time to review this rule. The new deadline is 06/24/2020.

Agency Authorization Information

Agency head or designee, and title:	David R. Woolstenhulme, Commissioner	Date:	02/25/2020
--	---	--------------	------------

End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Administrative Services

Finance

No. 52480 (Amendment): R25-7. Travel-Related Reimbursements for State Employees
Published: 02/01/2020
Effective: 03/10/2020

No. 52503 (New Rule): R25-21. Medical Cannabis Payment Provider Standard
Published: 02/01/2020
Effective: 03/10/2020

Commerce

Occupational and Professional Licensing

No. 52481 (Amendment): R156-69. Dentist and Dental Hygienist Practice Act Rule
Published: 02/01/2020
Effective: 03/10/2020

Environmental Quality

Air Quality

No. 52414 (Amendment): R307-110. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County.
Published: 01/01/2020
Effective: 03/05/2020

No. 52415 (Amendment): R307-110. Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County
Published: 01/01/2020
Effective: 03/05/2020

No. 52316 (Amendment): R307-401. Permit: New and Modified Sources
Published: 12/15/2019
Effective: 03/05/2020

Health

Child Care Center Licensing Committee

No. 52369 (Amendment): R381-60. Hourly Child Care Centers
Published: 12/15/2019
Effective: 02/25/2020

No. 52378 (Amendment): R381-70. Out of School Time Child Care Programs
Published: 12/15/2019
Effective: 02/25/2020

No. 52371 (Amendment): R381-100. Child Care Centers
Published: 12/15/2019
Effective: 02/25/2020

Disease Control and Prevention, Environmental Services

No. 52333 (Amendment): R392-302. Design, Construction and Operation of Public Pools
Published: 12/01/2019
Effective: 02/26/2020

Health Care Financing, Coverage and Reimbursement Policy

No. 52389 (Amendment): R414-49. Dental, Oral and Maxillofacial Surgeons and Orthodontia
Published: 12/15/2019
Effective: 03/01/2020

No. 52461 (Amendment): R414-312. Adult Expansion Medicaid
Published: 01/01/2020
Effective: 02/18/2020

Family Health and Preparedness, Child Care Licensing

No. 52372 (Amendment): R430-8. Exemptions From Child Care Licensing
Published: 12/15/2019
Effective: 02/25/2020

NOTICES OF RULE EFFECTIVE DATES

Family Health and Preparedness, Licensing
No. 52375 (Amendment): R432-35. Background Screening
-- Health Facilities.
Published: 12/15/2019
Effective: 03/01/2020

Insurance

Administration
No. 52500 (Amendment): R590-102. Insurance
Department Fee Payment Rule
Published: 02/01/2020
Effective: 03/10/2020

No. 52490 (Amendment): R590-160. Agency Review
Published: 02/01/2020
Effective: 03/10/2020

No. 52489 (New Rule): R590-284. Corporate Governance
Annual Disclosure Rule
Published: 02/01/2020
Effective: 03/10/2020

Natural Resources

Parks and Recreation
No. 52363 (Amendment): R651-601. Definitions as Used in
These Rules
Published: 01/15/2020
Effective: 02/24/2020

No. 52410 (Amendment): R651-601-20. Primary
Jurisdiction Zone (PJZ)
Published: 01/15/2020
Effective: 02/24/2020

No. 52413 (Amendment): R651-614. Fishing, Hunting and
Trapping.
Published: 01/15/2020
Effective: 02/24/2020

No. 52364 (Amendment): R651-620. Protection of
Resources Park System Property
Published: 01/15/2020
Effective: 02/24/2020

Transportation

Operations, Construction
No. 52484 (New Rule): R916-5. Health Reform -- Health
Insurance Coverage in State Contracts -- Implementation
Published: 02/01/2020
Effective: 03/10/2020

Workforce Services

Administration
No. 52463 (Repeal): R982-700. Employment Opportunities
Website
Published: 01/01/2020
Effective: 02/18/2020

End of the Notices of Rule Effective Dates Section