

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed December 16, 2020, 12:00 a.m. through December 31, 2020, 11:59 p.m.

Number 2021-02
January 15, 2021

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

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Utah state digest.

Semimonthly.

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

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348.792'025--DDC

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EDITOR'S NOTES

Duplicate Filing Number

The Office of Administrative Rules was recently made aware that there were two filings published with the same filing number. The five-year review for Rule R154-2 was published in the January 1, 2021, Bulletin with the filing number of 50246. This is correct.

The five-year review for Rule R277-459 that was published in the March 15, 2020, Bulletin also had the filing number of 50246. After research was done, it was discovered that the filing number should have been 50426. It was correct when it was filed with our Office, but the number got changed by the time it was published.

The Office regrets any confusion this may have caused. Any questions can be sent to 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 2020-76

Rescinding Prior Executive Orders

WHEREAS, executive orders are intended to be temporary; and

WHEREAS, some prior executive orders have completed their purpose, become unnecessary, or have been replaced by subsequent orders or superseded by state statute;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the following executive orders rescinded:

1. Executive Order 2010-6, Executive Agreement to the Executive Authority of the State of Idaho;
2. Executive Order 2011-3, Providing Public Services on Fridays;
3. Executive Order 2012-5, Automotive Idling Reduction;
4. Executive Order 2013-6, Reauthorizing the State of Utah Martin Luther King, Jr. Human Rights Commission;
5. Executive Order 2013-7, Creating the Utah Multicultural Affairs Office and Utah Multicultural Commission;
6. Executive Order 2013-12, Veterans Transition Support;
7. Executive Order 2014-8, Creating the Refugee Board of Advisors for the Refugee Services Office;
8. Executive Order 2015-2, Implementing the Utah Conservation Plan for Greater Sage-Grouse;
9. Executive Order 2015-4, Water Conservation; and
10. Executive Order 2018-1, Establishing a Policy for Legislative Communications of Executive Branch Departments and Employees.

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 3rd day of January, 2021.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/076/EO

**EXECUTIVE ORDER
2021-01**

Requiring a Review of All Regulated Occupations and Professions

WHEREAS, government provides necessary protections for Utah residents by regulating certain occupations and professions;

WHEREAS, excessive regulation creates barriers to working;

WHEREAS, government should impose only those regulations that are necessary to protect the health, safety, and well-being of Utah residents;

WHEREAS, government should periodically review regulations to ensure they are serving the intended purpose;

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do hereby order that:

1. As used in this order, "agency" means an agency within the Executive Branch that establishes administrative rules or other regulations for an occupational or professional license.

2. No later than June 30, 2021, each agency shall:

a. review administrative rules and other regulations for occupational or professional licenses within the agency's scope of authority and identify rules and regulations that are no longer necessary or can be amended to reduce barriers to working while still protecting the health, safety, and well-being of Utah residents; and

b. submit a report to the Governor's Office including recommendations regarding ways to remove barriers to licensing and limit unnecessary government regulation.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Fillmore, Utah, on this, the 4th day of January, 2021.

(State Seal)

**Spencer J. Cox
Governor**

ATTEST:

**Deidre M. Henderson
Lieutenant Governor**

2021/001/EO

**EXECUTIVE ORDER
2021-02**

Establishing a COVID-19 Vaccination Plan

WHEREAS, COVID-19 is a worldwide pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, as of January 8, 2021, 301,110 Utah residents have been infected with COVID-19; 11,679 Utah residents have been hospitalized due to COVID-19; and 1,381 Utah residents have died as a result of COVID-19;

WHEREAS, COVID-19 will continue to cause serious illness and death until a sufficient number of Utah residents are vaccinated or have immunity after recovering from this infection;

WHEREAS, the United States Food and Drug Administration has recently authorized the use of multiple COVID-19 vaccinations;

WHEREAS, Utah is receiving regular distributions of vaccines;

WHEREAS, older adults and individuals with certain medical conditions are at higher risk for serious illness or death because of COVID-19;

WHEREAS, it is necessary to implement a plan to offer the vaccine to higher-risk individuals before lower-risk individuals in order to prevent as much serious illness and death as possible and to prevent overwhelming hospitals;

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do hereby order that:

1. **Definitions.** As used in this Order:

- a. "COVID-19" means Novel Coronavirus Disease 2019 caused by Severe Acute Respiratory Syndrome Coronavirus 2, also known as SARS-CoV-2.
- b. "COVID-19 Vaccine" means a COVID-19 vaccine and adjuvant (if applicable) provided to a vaccine provider as part of the CDC COVID-19 Vaccination Program.
- c. "Vaccine provider" means any person, including a CDC COVID-19 Vaccination Program Provider, that administers a COVID-19 vaccine in the state of Utah.

2. **Vaccine eligibility.**

- a. Except as provided in Section (3), the following individuals are immediately eligible to receive a COVID-19 vaccine:
 - i. Hospital healthcare workers;
 - ii. Front line public healthcare workers;
 - iii. Tribal healthcare workers;
 - iv. Long-term health care facility residents and staff;
 - v. Non-hospital healthcare workers;
 - vi. Essential protective service workers; and
 - vii. K-12 educators and staff having in-person interaction with students.
- b. Beginning January 18, 2021, except as provided in Section (3), individuals age 70 or older are eligible to receive a COVID-19 vaccine.

3. **Vaccine provider requirements.** A vaccine provider shall:

- a. prior to administering a COVID-19 vaccine to an individual, take reasonable efforts to determine whether the individual has tested positive for COVID-19 within the 90 days immediately preceding the date that the vaccine is to be administered;
- b. discourage an individual from receiving a COVID-19 vaccine if the vaccine provider knows the individual has tested positive for COVID-19 within the 90 days immediately preceding the date that the COVID-19 vaccine is to be administered;
- c. administer each COVID-19 vaccine within seven days of receiving the vaccine; and
- d. each day by 6:59 a.m.:
 - i. report to the Utah Statewide Immunization Information System COVID-19 vaccines administered during the previous calendar day by the vaccine provider; and
 - ii. report to VaccineFinder the number of COVID-19 vaccines on-hand by the vaccine provider.

4. **Reduced distribution for noncompliance.** A vaccine provider that does not comply with this Order may be subject to a reduced COVID-19 vaccine distribution or no distribution for future distribution periods.

5. **Redistribution of unused vaccines.** A COVID-19 vaccine not used within seven days of distribution is subject to redistribution.

6. **Access by underserved communities.** The Utah Department of Health shall coordinate with local health departments and community stakeholders to establish procedures to offer the COVID-19 vaccine to eligible individuals in traditionally underserved communities.

7. **Monoclonal antibodies.** The Utah Department of Health shall coordinate with local health departments to establish procedures to offer monoclonal antibodies to residents of long-term care facilities who have tested positive for COVID-19.

This Order is effective January 11, 2021, and shall remain in effect until 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 8th day of January, 2021.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2021/002/EO

EXECUTIVE ORDER
2021-03

Requiring Agency Review of Remote Work Opportunities

WHEREAS, quality of life is a priority for Utah residents;

WHEREAS, commuting contributes significantly to poor air quality and road conditions throughout Utah;

WHEREAS, government should be a wise steward of state taxpayer dollars in the management of state resources, including in the need and usage of physical facilities;

WHEREAS, as an employer, government should support families by reducing unnecessary travel time and costs of employees in order to enable greater time at home;

WHEREAS, Utah faces unprecedented growth in the coming years and an increasing demand for government services;

WHEREAS, implementation of remote work programs can positively impact air and road quality, employee satisfaction and retention, and employment opportunities in rural and other communities;

WHEREAS, expanding remote work programs will help enable the State to exit an expected 29 locations over the next ten years, saving an estimated \$13 million annually;

WHEREAS, future requests for new space are anticipated to be significantly reduced, avoiding an estimated \$300 million in new construction costs over the next ten years;

WHEREAS, increased implementation of remote work throughout the COVID-19 pandemic has improved Utah air quality by avoiding emissions of 4,600 pounds per month during the COVID-19 pandemic remote work surge months;

WHEREAS, implementation of remote work allowed the Department of Heritage and Arts to continue operating remotely while the Rio Grande building closed due to the March 2020 earthquake;

WHEREAS, approximately 40% of the state's workforce has worked remotely during the COVID-19 pandemic;

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do hereby order that:

1. As used in this order:
 - a. "Agency" means a state executive branch agency, including:
 - i. the State Tax Commission;
 - ii. the Board of Pardons and Parole;
 - iii. a public institution of higher education; and
 - iv. the Utah Board of Higher Education.
 - b. "Remote work" means work at a place other than a regularly assigned office location, such as an employee's residence or an alternative location approved by the employee's supervisor.
2. Each agency shall:
 - a. review "A New Workplace: Modernizing Where, How, and When Utah Works," prepared by the Governor's Office of Management and Budget;
 - b. review each agency position to determine whether it can be performed remotely and deliver a report containing the findings of the review to the Governor's Office no later than July 1, 2021;

EXECUTIVE DOCUMENTS

- c. on an ongoing basis, evaluate whether each job vacancy at the agency can be filled as a remote work position;
 - d. where possible, offer any new job vacancy as a remote work position; and
 - e. where appropriate, prepare and assist agency employees and supervisors to participate when a remote work opportunity becomes available.
3. The Department of Human Resource Management shall assist agencies in complying with Section (2).
 4. The Department of Technology Services shall assist agencies to:
 - a. implement information technology solutions to support a secure and productive remote work environment; and
 - b. improve cost-effective utilization of equipment that supports remote work.

This Order is effective January 11, 2021, and shall remain in effect until 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 11th day of January, 2021.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2021/003/EO

EXECUTIVE ORDER
2021-4

Moving Jobs to Rural Utah

WHEREAS, residents of Utah should be able to work where they live;

WHEREAS, Utah enjoys one of the strongest economies in the world, but that economic strength is not enjoyed equally by all areas in Utah;

WHEREAS, our response to the COVID-19 pandemic has encouraged government and businesses to rely more heavily on remote work;

WHEREAS, government and businesses have learned that remote work can be highly productive;

WHEREAS, additional jobs can be performed through remote work;

WHEREAS, employers throughout Utah are searching for talented individuals with a commitment to high quality work;

WHEREAS, talented individuals with a commitment to high quality work reside throughout all of Utah;

WHEREAS, many individuals in rural Utah leave rural Utah because they cannot find adequate employment opportunities, but would prefer to remain in rural Utah and contribute to the success of those communities;

WHEREAS, rural Utah has a history of innovation and entrepreneurship that can be integral in Utah's economic prosperity;

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah do hereby order that:

1. As used in this order:
 - a. "Agency" means a state executive branch agency, including:
 - i. the State Tax Commission;
 - ii. the Board of Pardons and Parole;
 - iii. a public institution of higher education; and
 - iv. the Utah Board of Higher Education.
 - b. "Remote work" means work at a place other than a regularly assigned office location, such as an employee's residence or an alternative location approved by the employee's supervisor.
2. Agencies shall:
 - a. develop and implement a plan to actively recruit in rural Utah;
 - b. identify jobs, offices, divisions, and functions that can be transferred to an onsite location in rural Utah;
 - c. deliver a report to me by July 1, 2021 of the jobs, offices, divisions, and functions that will be transferred to an onsite location in rural Utah; and
 - d. as appropriations from the Legislature permit, invest in infrastructure that supports increased remote work opportunities in rural Utah, including:
 - i. high-speed broadband deployment; and
 - ii. remote and coworking innovation centers.
3. The Utah Board of Higher Education shall develop and implement a plan to provide training opportunities to individuals in rural Utah that will help them compete in the global economy and secure gainful employment while residing in rural Utah.
4. The Department of Workforce Services shall:
 - a. expand coordination efforts with private sector partners to support non-government job growth; and
 - b. ensure the state's labor exchange system is modernized and responsive to the individualized needs of citizens seeking rural and remote employment opportunities.
5. The Department of Technical Services shall make itself available to consult with local governments and community partners to identify and propose solutions to infrastructure needs in rural Utah that create obstacles to remote work.
6. The Department of Human Resource Management shall assist agencies in complying with Sections (2)(a) and (2)(b) of this Order.

FURTHERMORE, I invite businesses and individuals throughout Utah to assist in these efforts by:

1. expanding recruiting and hiring opportunities in rural Utah;
2. expanding remote work opportunities in rural Utah;
3. investing in infrastructure that supports increased remote work opportunities in rural Utah, including:
 - a. high-speed broadband deployment; and
 - b. remote and coworking innovation centers; and
4. moving jobs to an onsite location in rural Utah.

This Order is effective January 11, 2021, and shall remain in effect until 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 11th day of January, 2021.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2021/004/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 December 16, 2020, 12:00 a.m., and December 31, 2020, 11:59 p.m. are included in this, the January 15, 2021, issue of the *Utah State Digest*.

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.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least February 16, 2021. 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 May 15, 2021, 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.):	R25-7-10	Filing No. 53269

Agency Information

1. Department:	Administrative Services	
Agency:	Finance	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W, Floor 3	
City, state:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141031	
City, state, zip:	Salt Lake City, UT 84114-1031	
Contact person(s):		
Name:	Phone:	Email:
Marilee P. Richins	801-957-7734	mprichins@utah.gov
Cory Weeks	801-957-7713	cweeks@utah.gov

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

General Information

2. Rule or section catchline:
R25-7-10. Reimbursement for Transportation
3. Purpose of the new rule or reason for the change:
This section is amended because the IRS announced a decrease in the reimbursement rate for private vehicle use from 57 cents per mile to 56 cents per mile. The Division of Finance (Division) has determined that the reimbursement rate for private vehicles should decrease to 56 cents per mile to avoid exceeding federal mileage reimbursements.
4. Summary of the new rule or change:
This rule decreases reimbursement rates for mileage on private vehicles from 57 cents per mile to 56 cents per mile. (EDITOR'S NOTE: A corresponding emergency (120-day) rule that was effective as of 01/01/2021 is under Filing No. 53273 in this issue, January 15, 2021, of the Bulletin.)

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There will potentially be a decrease in cost to the state as mileage reimbursements are decreasing. However, the Division cannot determine exactly what the decrease will

be because it is impossible to anticipate how much travel state employees will do.

B) Local governments:

There will potentially be a decrease in cost to local governments as mileage reimbursements are decreasing. However, the Division cannot determine exactly what the decrease will be because it is impossible to anticipate how much travel local government employees will do.

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

Because the change deals only with reimbursement rates for mileage for state employees, small businesses are not affected.

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

Because the change deals only with reimbursement rates for mileage for state employees, non-small businesses are not affected.

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**):

Individuals eligible for reimbursement will see a slight decrease in their mileage reimbursement amounts for travel in private vehicles.

F) Compliance costs for affected persons:

Because the amendment only changes mileage reimbursement rates and does not require any new action on the part of persons applying for reimbursements, there are no compliance costs.

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	FY2021	FY2022	FY2023
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 Administrative Services, Tani Pack Downing, has reviewed and approved this fiscal analysis.

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

I have reviewed these changes with the Division of Finance interim director and believe these changes are warranted. Individuals may see a slight decrease in reimbursement amounts. However, the Division cannot determine exactly what the decrease will be as that depends on the amount of travel by individuals eligible for mileage reimbursement. This rule will have no impact on business.

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

Tani Pack Downing, 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 63A-3-107	Section 63A-3-106	
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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: 02/16/2021

10. This rule change MAY become effective on: 02/23/2021

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:	Marilee P. Richins, Interim Director	Date:	12/29/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R68-24	Filing No. 53258

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Cody James	801-982-2376	codyjames@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov

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

General Information

2. Rule or section catchline:
R68-24. Industrial Hemp License for Growers

<p>3. Purpose of the new rule or reason for the change:</p> <p>The changes are needed to clarify this rule and improve mechanisms for the Department of Agriculture and Food (Department) to manage and enforce the industrial hemp cultivation program.</p>
<p>4. Summary of the new rule or change:</p> <p>Key participant is added as a definition, and a requirement is added that key participants in industrial hemp cultivation obtain a background check that is submitted to the Department with a license application. Additionally, a requirement is added that licensees harvest industrial hemp within 30 days of the sample collection date. A requirement is added for corrective actions plans to be implemented if there is a negligent violation of the law and negligent is defined in this rule. Key participants are also added into in the violation section of this rule, rather than just licensees.</p>

Fiscal Information

<p>5. Aggregate anticipated cost or savings to:</p>
<p>A) State budget:</p> <p>There are no anticipated costs or savings to the state budget associated with these changes because they simply clarify this rule and improve the Department's ability to manage the industrial hemp program. Fees charged by the Department and Department costs should not change.</p>
<p>B) Local governments:</p> <p>There are no anticipated costs or savings to local governments because they do not administer the industrial hemp cultivation program or act as industrial hemp cultivators.</p>
<p>C) Small businesses ("small business" means a business employing 1-49 persons):</p> <p>There could be some additional costs to small businesses that are applying for an industrial hemp cultivation license and now need to obtain a background check for key participants in their business. The Department estimates that an additional 1,000 individuals program wide would need to get a background check at a cost of approximately \$20 each with roughly half from small businesses. This would be a total cost of \$20,000 or \$10,000 to small businesses.</p>

<p>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</p> <p>There could be some additional costs to non-small businesses that are applying for an industrial hemp cultivation license and now need to obtain a background check for key participants in their business. The Department estimates that an additional 1,000 individuals program wide would need to get a background check at a cost of approximately \$20 each with roughly half from non-small businesses. This would be a total cost of \$20,000 or \$10,000 to non-small businesses.</p>
<p>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):</p> <p>Other persons should not be affected by this rule change because they do not operate as industrial hemp cultivation licensees.</p>

<p>F) Compliance costs for affected persons:</p> <p>Compliance costs for each affected person will increase by approximately \$20.</p>

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

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$10,000	\$10,000	\$10,000
Non-Small Businesses	\$10,000	\$10,000	\$10,000
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$20,000	\$20,000	\$20,000
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	\$(20,000)	\$(20,000)	\$(20,000)

H) Department head approval of regulatory impact analysis:

The Commissioner of the Utah Department of Agriculture and Food, R. Logan Wilde, has reviewed and approves the regulatory impact analysis.

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

This fiscal impact will have a small impact on businesses in Utah due to the cost of background checks, however having key participants checked is vital to ensuring that those participating in industrial hemp cultivation do not have a criminal background, which should help decrease violations and diversion of product.

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

R. Logan Wilde, 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 4-41-103(4)		
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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: 02/16/2021

10. This rule change MAY become effective on:	02/23/2021
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:	R. Logan Wilde, Commissioner	Date:	12/17/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R305-10	Filing No. 53259

Agency Information

1. Department:	Environmental Quality	
Agency:	Administration	
Room no.:	Fourth Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144810	
City, state, zip:	Salt Lake City, UT 84114-4810	
Contact person(s):		
Name:	Phone:	Email:
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Renette Anderson	801-536-4478	renetteanderson@utah.gov

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

General Information

2. Rule or section catchline:
R305-10. Local Health Department Minimum Performance Standards
3. Purpose of the new rule or reason for the change:
This rule is required under Subsection 26A-1-106(4).

4. Summary of the new rule or change:
 State law requires that the Utah Department of Environmental Quality establish, by rule, minimum performance standards for basic programs of environmental health for the local health departments. This rule has been developed in conjunction with them. This new rule outlines minimum performance standards for local health environmental programs in coordination with the .

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
 There are no anticipated costs or savings to the state budget as existing staff will coordinate on this new rule.

B) Local governments:
 There are no additional anticipated costs or savings to local governments, specifically the local health departments, as the departments should already have the outlined requirements in this rule in place.

C) Small businesses ("small business" means a business employing 1-49 persons):
 There are no anticipated costs or savings to small businesses as this rulemaking does not apply to them.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 There are no anticipated costs or savings to non-small businesses as this rulemaking does not apply to them.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):
 There are no anticipated costs to any persons other than small businesses, non-small businesses, state, or local government entities.

F) Compliance costs for affected persons:
 There are no anticipated compliance costs for affected persons as there are no expected compliance requirements of 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	FY2021	FY2022	FY2023
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 Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
There are no anticipated fiscal impacts as a result of this rulemaking to state or local governments or to small or non-small businesses. The requirements outlined in this rulemaking should already be followed by local health departments.			
B) Name and title of department head commenting on the fiscal impacts:			
L. Scott Baird, 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 26 A-1-106(4)	Section 19-1-201	
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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:	02/16/2021
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10. This rule change MAY become effective on:	02/23/2021
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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:	L. Scott Baird, Executive Director	Date:	12/07/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R384-415	Filing No. 53257

Agency Information

1. Department:	Health
Agency:	Disease Control and Prevention, Health Promotion
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT 84116
Mailing address:	PO Box 142106
City, state, zip:	Salt Lake City, UT 84114-2106

Contact person(s):

Name:	Phone:	Email:
Braden Ainsworth	801-538-6187	tobaccorulescomments@utah.gov
Christy Cushing	801-538-6260	tobaccorulescomments@utah.gov

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

General Information

2. Rule or section catchline:
R384-415. Electronic Cigarette Substance Standards

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

These changes revise this rule to align with changes in Section 26-57-103, which became effective 07/01/2020. The changes are needed due to the passage of H.B. 23 during the 2020 General Session, requiring the Department of Health (Department) to establish labeling; nicotine content; packaging; and product quality standards for manufacturer sealed electronic cigarette substances. Between July and September 2020, the Department consulted with representatives from local health departments and members of the public to establish the language for this rule amendment.

4. Summary of the new rule or change:

This rule amendment to Rule R384-415 revises this rule to align with definition changes throughout the Utah Code. In addition, the rule amendment establishes labeling; nicotine content; packaging; and product quality standards and requirements for retailers that sell manufacturer sealed electronic cigarette substances.

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

Enactment of this rule amendment is not expected to have any fiscal costs to the state budget, as existing allocated resources can cover an increase for Quit Line cessation services.

There are costs to Utahns who use electronic cigarettes, especially to those who use them now during the COVID-19 pandemic.

An electronic cigarette with a higher concentration of nicotine has a greater likelihood of being more addictive. Utahns who are addicted to nicotine products and want to quit are more likely to need tobacco cessation services to be able to quit successfully. Currently, tobacco cessation services are provided by the Utah Department of Health through the state tobacco quit line and through quit services covered by health insurance plans. The

continued sale of addictive products results in higher cost to the state tobacco quit line and health insurance companies to cover treatment for nicotine dependence.

In 2018, 13.3% of Utah's Medicaid recipients used electronic cigarettes. Reducing the nicotine content in electronic cigarettes sold in Utah could reduce electronic cigarette use among this population and subsequently decrease nicotine dependence treatment and healthcare expenditures for Medicaid clients, both in the short and long term. The Utah Medicaid program currently spends an estimated \$125,900,000 each year to treat tobacco-related diseases.

The Utah state quit line budget is approximately \$1,000,000 annually and all the tobacco cessation services provided is free and confidential for users. The average state cost for treating nicotine dependence using the Utah quit line ranges between \$273 - \$300 per user. The Utah youth tobacco cessation program "My Life My Quit" (for both vaping and smoking), offered by the Utah tobacco quit line for individuals between the ages of 13 - 17, cost per user (counseling calls, text messaging, email support) is \$273. The Utah adult cessation program provided by the Utah tobacco quit line, cost per user (counseling calls, text messaging, email support, NRT) is \$300.

In Utah, an estimated 30,000 youth currently use electronic cigarette products (12.4%). 44.5% of U.S. adolescents who vape are seriously interested in quitting, and 24.9% tried to quit in the past year (Smith, 2020). To offer tobacco cessation services to 44.5% of Utah youth who vape (13,350) would cost Utah an estimated \$3,600,000. To offer tobacco cessation services to 50% of young adults who vape (ages 18 - 34) (~55,000) would cost Utah an estimated \$16,600,000.

Effective 07/01/2021, this rule amendment prohibits a tobacco retailer that sells a manufacturer sealed electronic cigarette substance from selling a manufacturer sealed electronic cigarette substance with a nicotine concentration higher than 5% nicotine by weight per container, or exceeding a 59mg/mL concentration of nicotine; and effective 01/01/2022, this rule amendment prohibits a tobacco retailer that sells a manufacturer sealed electronic cigarette substance from selling a manufacturer sealed electronic cigarette substance with a nicotine concentration higher than 3% nicotine by weight per container, or exceeding a 36mg/mL concentration of nicotine. An electronic cigarette substance with a higher concentration of nicotine has a greater likelihood of being more addictive, being that "the amount of nicotine delivered and the way in which it is delivered influences the addictiveness of a tobacco product" (Eaton DL et al., 2018; HHS, 2010b). Reducing the nicotine content in electronic cigarette substances sold in Utah can aid in preventing youth and adult initiation of electronic cigarette products among Utahans who do not already smoke or vape. Electronic cigarette use is more popular among Utah youth than all other tobacco products combined, therefore limiting youth access to highly addictive electronic cigarette products is critical for preventing a new

epidemic of nicotine addiction.

A study of youth and young adults ages 13 - 24 argues that those who have ever used e-cigarettes are five times more likely to contract COVID-19 than those who do not use tobacco products. Dual users of cigarettes and e-cigarettes are nearly seven times more likely to contract the respiratory disease (Gaiha, S. M, et al., 2020).

B) Local governments:

Enactment of this rule amendment is not expected to have any fiscal impact on local governments, as local health departments will continue to conduct retail observations and investigations in accordance with respective state tobacco control laws, state administrative rules, and local health department regulations using existing allocated resources to enforce this amended rule.

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

This rule amendment may result in a direct cost to small businesses that employ fewer than 50 employees and choose to sell manufacturer sealed electronic cigarette substances. This rule amendment may result in a direct fiscal cost to small businesses that primarily rely on the sale of tobacco products (retail tobacco specialty businesses) and operate under the North American Industry Classification System (NAICS) codes of 453991, and 424940. Other small businesses that sell manufacturer sealed electronic cigarette substances among other products they choose to sell include (445120) convenience stores, (447110) gas stations with convenience stores, (445110) supermarkets and other grocery stores, (452319) general merchandise and discount stores, (447190) other gasoline stations, (453991) tobacco stores, (424940) tobacco product merchant wholesalers, (453220) gift, novelty, and souvenir stores, (721110) hotels, (813410) civic and social organizations. A review of the Department combined local health department tobacco retail compliance check logs for fiscal year 2020 and cross-referenced with Utah Department of Workforce Services (DWS) Firm Find Data, shows that there are approximately 1,175 small businesses that sell some type of electronic cigarette substances in Utah, or approximately 88% of Utah tobacco retailers. The Department does not know how many of these 1,175 small businesses sell manufacturer sealed electronic cigarette substances with nicotine concentrations higher than either 5% by weight per container or exceed 59 mg/ml concentration of nicotine, or the number of small businesses that sell manufacturer sealed electronic cigarette substances with nicotine concentrations higher than 3% by weight per container or exceed 36 mg/ml concentration of nicotine. Approximately 168 small business tobacco retailers, or approximately 12% choose to not sell electronic cigarette substances and these businesses will not be affected by this rule amendment.

The proposed rule amendment labeling; packaging; and product quality standards and requirements for retailers that sell manufacturer sealed electronic cigarette substances are effective 07/01/2021. Whereas regarding nicotine content, effective 07/01/2021, this rule amendment prohibits a tobacco retailer that sells a manufacturer sealed electronic cigarette substance from selling a manufacturer sealed electronic cigarette substance with a nicotine concentration higher than 5% nicotine by weight per container, or exceeding a 59mg/mL concentration of nicotine; and effective 01/01/2022, this rule amendment prohibits a tobacco retailer that sells a manufacturer sealed electronic cigarette substance from selling a manufacturer sealed electronic cigarette substance with a nicotine concentration higher than 3% nicotine by weight per container, or exceeding a 36mg/mL concentration of nicotine.

Only tobacco retailers that currently sell manufacturer sealed electronic cigarette substances with a higher nicotine concentration may experience a direct fiscal impact. The additional six months' notice of the nicotine content limit from 5% nicotine by weight per container, or 59mg/mL concentration of nicotine to equal to or less than 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine may reduce the direct fiscal cost impact on tobacco retailers. The additional six months' time allows for tobacco retailers that sell manufacturer sealed electronic cigarette substances with a nicotine concentration higher than 3% nicotine by weight per container, or exceeds a 36mg/mL concentration of nicotine to sell their current inventory of manufacturer sealed electronic cigarette substance with a nicotine concentration of 5% nicotine by weight per container, or exceeds a 59mg/mL concentration of nicotine and avoid restocking these products before 01/01/2022.

According to Statista's E-cigarette market share in the United States in 2020, by brand, 09/04/2020 report, five electronic cigarette manufacturer brands account for 97% of the U.S. market share: Juul (42%), Vuse (36%), blu (9%), Logic (8%) and Njoy (2%). Some of these electronic cigarette brands sell products with a nicotine concentration that is more than 3% nicotine by weight or 36mg/ml concentration of nicotine. Nevertheless, all these brands also offer electronic cigarette products with less than a 3% nicotine by weight per container or 36 mg/ml concentration of nicotine. Utah tobacco retailers that sell manufacturer sealed electronic cigarette substances (or prefilled pods or cartridges) will continue to have the option to sell manufacturer sealed electronic cigarette substances with a nicotine concentration equal to or less than 5% nicotine by weight per container, or that do not exceed a 59mg/mL concentration of nicotine until 01/01/2022, when Utah tobacco retailers will be required to only sell manufacturer sealed electronic cigarette substances with a nicotine concentration equal to or less than 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine. As indicated, the five electronic cigarette manufacturer brands listed above all offer manufacturer sealed electronic cigarette substances that meet this 3% nicotine by weight per container, or that do

not exceed a 36mg/mL concentration of nicotine concentration requirement.

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

This rule amendment may result in a direct cost to non-small businesses that employ more than 50 employees and choose to sell manufacturer sealed electronic cigarette substances. The rule amendment may result in a direct fiscal cost to non-small businesses that sell manufacturer sealed electronic cigarette substances among other products they choose to sell include (445120) convenience stores, (447110) gas stations with convenience stores, (445110) supermarkets and other grocery stores, (452319) general merchandise and discount stores, (447190) other gasoline stations, and (453220) gift, novelty, and souvenir stores. A review of the Department combined local health department tobacco retail compliance check logs for fiscal year 2020 and cross-referenced with DWS Firm Find Data, shows that there are approximately 208 non-small businesses that sell some type of electronic cigarette substances in Utah, or approximately 12% of Utah tobacco retailers. The Department does not know how many of these 208 non-small businesses sell manufacturer sealed electronic cigarette substances with nicotine concentrations higher than either 5% by weight per container or exceed 59 mg/ml concentration of nicotine, or the number of non-small businesses that sell manufacturer sealed electronic cigarette substances with nicotine concentrations higher than 3% by weight per container or exceed 36 mg/ml concentration of nicotine. Approximately 164 non-small business tobacco retailers, or approximately 9.6%, choose to not sell any electronic cigarette substances and these businesses will not be affected by this rule amendment.

The proposed rule amendment labeling; packaging; and product quality standards and requirements for retailers that sell manufacturer sealed electronic cigarette substances are effective 07/01/2021. Whereas regarding nicotine content, effective 07/01/2021, this rule amendment prohibits a tobacco retailer that sells a manufacturer sealed electronic cigarette substance from selling a manufacturer sealed electronic cigarette substance with a nicotine concentration higher than 5% nicotine by weight per container, or exceeding a 59mg/mL concentration of nicotine; and effective 01/01/2022, this rule amendment prohibits a tobacco retailer that sells a manufacturer sealed electronic cigarette substance from selling a manufacturer sealed electronic cigarette substance with a nicotine concentration higher than 3% nicotine by weight per container, or exceeding a 36mg/mL concentration of nicotine.

Only tobacco retailers that currently sell manufacturer sealed electronic cigarette substances with a higher nicotine concentration may experience a direct fiscal impact. The additional six months' notice of the nicotine content limit from 5% nicotine by weight per container, or 59mg/mL concentration of nicotine to equal to or less than 3% nicotine by weight per container, or that do not exceed

a 36mg/mL concentration of nicotine may reduce the direct fiscal cost impact on tobacco retailers. The additional six months' time allows for tobacco retailers that sell manufacturer sealed electronic cigarette substances with a nicotine concentration higher than 3% nicotine by weight per container, or exceeds a 36mg/mL concentration of nicotine to sell their current inventory of manufacturer sealed electronic cigarette substance with a nicotine concentration of 5% nicotine by weight per container, or exceeds a 59mg/mL concentration of nicotine and avoid restocking these products before 01/01/2022.

According to Statista's E-cigarette market share in the United States in 2020, by brand, 09/04/2020 report, five electronic cigarette manufacturer brands account for 97% of the U.S. market share: Juul (42%), Vuse (36%), blu (9%), Logic (8%) and Njoy (2%). Some of these electronic cigarette brands sell products with a nicotine concentration that is more than 3% nicotine by weight or 36mg/ml concentration of nicotine. Nevertheless, all these brands also offer electronic cigarette products with less than a 3% nicotine by weight per container or 36 mg/ml concentration of nicotine. Utah tobacco retailers that sell manufacturer sealed electronic cigarette substances (or prefilled pods or cartridges) will continue to have the option to sell manufacturer sealed electronic cigarette substances with a nicotine concentration equal to or less than 5% nicotine by weight per container, or that do not exceed a 59mg/mL concentration of nicotine until 01/01/2022, when Utah tobacco retailers will be required to only sell manufacturer sealed electronic cigarette substances with a nicotine concentration equal to or less than 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine. As indicated, the five electronic cigarette manufacturer brands listed above all offer manufacturer sealed electronic cigarette substances that meet this 3% nicotine by weight per container, or that do not exceed a 36mg/mL concentration of nicotine concentration requirement.

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 amendment to Rule R384-415 may result in an indirect cost or indirect benefit to persons, which can include both consumers who buy electronic cigarette substances and individuals who work for small businesses or non-small businesses that sell electronic cigarette substances. The indirect costs or indirect benefits to persons is unknown and difficult to determine, as the potential impact on consumers is unknown as they could choose to vape electronic cigarettes with a lower nicotine concentration, or they may choose to quit using electronic cigarettes as a result of enactment of this rule amendment. Likewise, the indirect costs or indirect benefits to persons employed at tobacco retail businesses is unknown and it is difficult to determine the impact on individual tobacco retail employees, who may be employed at either small businesses or non-small businesses which could be

impacted as already indicated in 5c and 5d, as a result of enactment of this rule amendment.

F) Compliance costs for affected persons:

This rule amendment to Rule R384-415 may result in an indirect cost or indirect benefit to persons, which can include both consumers who buy electronic cigarette substances and individuals who work for small businesses or non-small businesses that sell electronic cigarette substances.

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	FY2021	FY2022	FY2023
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 Interim Executive Director of Department of Health, Richard G. Saunders, 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 is inestimable because retailers have the option to sell this product.

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

Richard G. Saunders, Interim 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 26-57-103(2)		
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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:	02/15/2021
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10. This rule change MAY become effective on:	2/22/2021
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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:	Richard G. Saunders, Interim Executive Director	Date:	12/17/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R414-505-6	Filing No.	53270
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Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
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 or section catchline:
R414-505-6. Intergovernmental Transfer (IGT) Certification
3. Purpose of the new rule or reason for the change:
The purpose of this change is to implement a submission requirement for non-state governmental entities (NSGEs) to obtain annual IGT certification.
4. Summary of the new rule or change:
This amendment includes a deadline for NSGEs to submit their annual IGT certification, using the annual IGT certification form.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no impact to the state budget as this change only specifies a time requirement for NSGEs to obtain IGT certification. It neither affects member services nor provider reimbursement.
B) Local governments:
There is no impact on local governments as this change only specifies a time requirement for NSGEs to obtain IGT certification. It neither affects member services nor provider reimbursement.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as this change only specifies a time requirement for NSGEs to obtain IGT certification. It neither affects member services nor provider reimbursement.

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

There is no impact on non-small businesses as this change only specifies a time requirement for NSGEs to obtain IGT certification. It neither affects member services nor provider reimbursement.

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

There is no impact on Medicaid providers and Medicaid members as this change only specifies a time requirement for NSGEs to obtain IGT certification. It neither affects member services nor provider reimbursement.

F) Compliance costs for affected persons:

There are no compliance costs to a single Medicaid provider or Medicaid member as this change only specifies a time requirement for NSGEs to obtain IGT certification. It neither affects member services nor provider reimbursement.

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	FY2021	FY2022	FY2023
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 Interim Executive Director of the Department of Health, Richard G. Saunders, 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 new requirements for annual IGT certification will not result in a fiscal impact to businesses.

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

Richard G. Saunders, Interim 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 26-1-5	Section 26-18-3	Section 26-18-21
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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: 02/16/2021

10. This rule change MAY become effective on: 02/23/2021

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:	Richard G. Saunders, Interim Executive Director	Date:	12/25/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R432-550	Filing No.	53262
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Agency Information

1. Department:	Health		
Agency:	Family Health and Preparedness, Licensing		
Room no.:	100		
Building:	Highland		
Street address:	3760 S Highland Drive		
City, state:	Salt Lake City, UT 84106		
Mailing address:	PO Box 144103		
City, state, zip:	Salt Lake City, UT 84114-4103		
Contact person(s):			
Name:	Phone:	Email:	
Kristi Grimes	801-273-2821	kristigrimes@utah.gov	
Joel Hoffman	801-273-2804	jhoffman@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R432-550. Birthing Centers
3. Purpose of the new rule or reason for the change:
The purpose of this amendment is to modify this rule regulating birthing centers to conform to the approval of H.B. 428, passed in the 2020 General Session, which allows for an alongside midwifery unit in a hospital.
4. Summary of the new rule or change:
This amendment defines an "alongside midwifery unit," provides regulation for the clinical director and the practicing midwife of such a unit. This amendment also defines the relationship between the hospital and the alongside midwifery unit, specifically regarding staffing, records, and transfer agreements. The Health Facility Committee reviewed and approved this rule amendment on 09/09/2020.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
State government birthing center survey process was thoroughly reviewed. This change will likely impact the current process, as "alongside midwifery units" will require licensure and re-licensure surveys. Approximately two surveyors will be required to conduct each survey inspection. The inspections are expected to take approximately four hours each. It is expected that two "alongside midwifery units" will require inspections the first year, and one inspection for each of the next two years. The surveyor wages will cause an increase to the state budget.
B) Local governments:
Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures. Birthing centers are regulated by the state health department and not local governments. There will be no change in local business licensing or any other item(s) with which local government is involved.
C) Small businesses ("small business" means a business employing 1-49 persons):
After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for small business Licensed Birthing Centers. There are six small birthing center businesses, as determined by the Department's licensing data system. (North American Industry Classification System (NAICS) codes used – Offices of Other Health Practitioners 6213, reports 1,859 small businesses). The proposed amendments will not apply to these small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for non-small business licensed birthing centers. There are no non-small business birthing centers, as determined by the Department's licensing data system. There are 47 non-small business hospitals, as determined by the Department's licensing data system, that may participate with the alongside midwifery unit. (NAICS codes used - General Medical and Surgical Hospitals 6221, reports 94 non-small businesses). The non-small business hospitals that choose to offer an alongside midwifery unit will still need the same amount of staffing to operate. Costs for care staff will remain the same.
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):

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to affected persons because this amendment modifies health care facility requirements and therefore, would not add cost for persons, businesses, or local government entities.

F) Compliance costs for affected persons:

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to affected persons because this amendment modifies health care facility requirements and therefore, would not add cost for persons, businesses, or local government entities.

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

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$448	\$224	\$224
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$448	\$224	\$224
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	-\$448	-\$448	-\$448

H) Department head approval of regulatory impact analysis:

The Interim Executive Director of the Department of Health, Richard G. Saunders, 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 amendment will not result in fiscal impact to businesses.

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

Richard G. Saunders, Interim 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 21		
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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: 02/16/2021

10. This rule change MAY become effective on: 02/23/2021

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.

NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal

Utah Admin. Code Ref (R no.): R495-862	Filing No. 53267
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Agency Information

1. Department:	Human Services
Agency:	Administration
Building:	MASOB
Street address:	195 N 1950 W

City, state:	Salt Lake City, UT 84115	
Contact person(s):		
Name:	Phone:	Email:
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R495-862. Communicable Disease Control Act
3. Purpose of the new rule or reason for the change:
Following a five-year review, it was determined that this rule is no longer necessary. The rule language and requirements are outdated. Any requirements or procedures are established in Utah Communicable Disease Control Act of Title 26, Chapter 6, which does not authorize or require Department of Human Services (DHS) rulemaking.
4. Summary of the new rule or change:
This rule is being repealed in its entirety.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
Due to the nature of this repeal, there is no anticipated cost or savings to the state budget.
B) Local governments:
Due to the nature of this repeal, there is no anticipated cost or savings to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
Due to the nature of this repeal, there is no anticipated cost or savings to small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Due to the nature of this repeal, there is no anticipated 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 <i>agency</i>):

Due to the nature of this repeal, there is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.

F) Compliance costs for affected persons:

There are no compliance costs through this repeal.

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

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
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 Service, 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 was determined that these proposed rule amendments will not result in a fiscal impact to small businesses

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 62A-1-110

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: 02/16/2021

10. This rule change MAY become effective on: 02/23/2021
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: Mark Brasher, Deputy Director	Date: 12/21/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R527-35	Filing No. 53260

Agency Information

1. Department:	Human Services
Agency:	Recovery Services
Street address:	515 E 100 S
City, state:	Salt Lake City, UT 84102-4211
Mailing address:	PO Box 45033

City, state, zip:	Salt Lake City, UT 84145-0033	
Contact person(s):		
Name:	Phone:	Email:
Scott Weight	801-741-7435	sweigh2@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	801-538-4225	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R527-35. Non-IV-A Fee Schedule
3. Purpose of the new rule or reason for the change:
Public Law No. 115-123 amended section 454(6)(B)(ii) of the Social Security Act (42 U.S.C. 654(6)(b)(ii)) to increase the Annual Collection Processing Fee for Child Support Services from \$25 to \$35. Additionally, the amount the state must collect before imposing the annual collection fee increased from \$500 to \$550 for each federal fiscal year (October 1st though September 30th). Section 62A-11-303.7 was amended on 05/14/2019 to reflect this change. This rule outlines all Office of Recovery Services' fees in one location and must be updated to match the existing laws.
4. Summary of the new rule or change:
The Annual Collection Processing Fee for Child Support Services was increased from \$25 to \$35. This amendment also cleans up preexisting language to meet the standards set forth in the Utah Rulewriting Manual.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The Annual Collection Processing Fee for Child Support Services is retained by the federal government. There is no anticipated cost or savings to the state budget due to the amendment to this rule.
B) Local governments:
Administrative rules of the Office of Recovery Services do not apply to local governments. There are no anticipated costs or savings for local governments due to this amendment.

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

The Annual Collection Processing Fee for Child Support Services is retained by the federal government. There are no anticipated costs or savings to small businesses due to the amendment to this rule.

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

The Annual Collection Processing Fee for Child Support Services is retained by the federal government. There are no anticipated costs or savings to non-small businesses due to the amendment to this 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**):

Any additional cost to individuals is due to the underlying federal law change, later codified in Utah state law in Section 62A-11-303.7. Per the Agency Estimate of the Fiscal Impact of Implementing Section 62A-11-303.7, it is estimated that fiscal year 2020, 27,000 individuals will pay the \$35 Annual Application fee or a portion thereof. The cost of this amendment to those individuals would be estimated at 27,000 times a \$10 increase for a total of \$270,000.

F) Compliance costs for affected persons:

\$270,000 was estimated based the federal law change, when codifying the change in Section 62A-11-303.7.

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	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$270,000	\$270,000	\$270,000
Total Fiscal Cost	\$270,000	\$270,000	\$270,000
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 Silverberg 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 was determined that this proposed rule will not result in a fiscal impact to businesses.

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):

42 U.S.C. 654(6)(b)(ii)	Section 62A-11-104	Section 62A-11-107
Subsection 63J-1-504(2)(a)		

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: 02/16/2021

10. This rule change MAY become effective on:	02/23/2021
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:	Liesa Stockdale, Director	Date:	10/13/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-102	Filing No. 53271

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	3110	
Building:	State Office Building	
Street address:	450 N State St	
City, state:	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:
R590-102. Insurance Department Fee Payment Rule
3. Purpose of the new rule or reason for the change:
The rule is being amended to make changes to the Insurance Department's (Department) captive fee structure.
4. Summary of the new rule or change:
The amendments change the cost of an initial captive insurer license dependent on the month it is filed and changes the annual license renewal amount. Additionally,

fees for an industrial insured captive are increased and separated from other captive types to better reflect the additional time and expertise necessary to regulate them.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The Department is increasing its annual captive license fee by \$2,250 a year. With 381 captive licensees currently, this will result in the Department collecting an additional \$857,250 in annual revenue.
B) Local governments:
There is no anticipated cost or savings to local governments. The fee relates to captive insurers only and has no bearing on any other parties.
C) Small businesses ("small business" means a business employing 1-49 persons):
A very small number of captives operating in Utah have employees. Of the 381 currently licensed captives, fewer than 20 are estimated to have 1 - 49 employees. These captives will have a cost increase of \$2,250 for their annual license fees, resulting in an aggregate cost increase of less than \$45,000 annually.
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. No captives operating in Utah have more than 50 employees.
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>):
Most captives operating in Utah have no employees. Of the 381 currently licensed captive, an estimated 362 have no employees. These captives will have a cost increase of \$2,250 for their annual license fees, resulting in an aggregate cost increase of \$814,500 annually.
F) Compliance costs for affected persons:
Any person that forms and runs a captive insurer in Utah will be required to pay an additional \$2,250 for their annual renewal cost. Captive legislation was initially passed in 2003 with the license fee amount of \$5,000. After nearly 20 years in existence Utah has yet to increase rates; the proposed increase to \$7,250 will not result in undue hardship to captive insurers and will keep Utah as one of, if not the most, price competitive captive domicile in the nation. Fees will be prorated for the last five months of the fiscal year starting in February by \$1,000 for each following month. This will help potential new captive formations in

those months to complete the licensing processing in the month they're ready rather than waiting until July to avoid a full double payment of the license fee, as renewal payments are due by July 1 every year regardless of when the captive initially formed.

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	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$137,750	\$145,000	\$152,250
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$2,624,500	\$2,762,250	\$2,900,000
Total Fiscal Cost	\$2,762,250	\$2,907,250	\$3,052,250
Fiscal Benefits			
State Government	\$2,762,250	\$2,907,250	\$3,052,250
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$2,762,250	\$2,907,250	\$3,052,250
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Interim Commissioner of the Insurance Department, Tanji J. Northrup, has reviewed and approved this fiscal analysis.			

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

The Department has not increased the cost of a captive insurer license in 20 years, despite the increasing costs of regulating them. Utah is one of the nation's most price competitive domiciles for captives and the proposed licensing fee structure will not pose an undue hardship on captives.

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

Tanji J. Northrup, Interim 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-3-103(3)		
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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: 02/16/2021

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

On:	At:	At:
01/19/2021	10:00 AM	Teleconference only due to COVID-19 restrictions. Contact sgooch@utah.gov for details.

10. This rule change MAY become effective on: 02/23/2021

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:	12/30/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-238-20	Filing No. 53272

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	3110	
Building:	State Office Building	
Street address:	450 N State St	
City, state:	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:
R590-238-20. Fee Schedule. Initial Application. Renewal
3. Purpose of the new rule or reason for the change:
This rule is being amended to explicitly clarify that captive cell companies are excluded from the Department of Insurance's (Department) annual e-commerce fee and to fix stylistic and citation errors.
4. Summary of the new rule or change:
These changes clarify the exclusion of a captive cell company from the requirement to pay an annual e-commerce fee and fix stylistic and citation errors.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. Captive cells are not subject to the e-commerce fee and do not currently pay it; these changes make it clear that they are not required to do so.

B) Local governments:																								
There is no anticipated cost or savings to local governments. These changes deal with the relationship between the Department and licensed captive cells and does not involve any other parties.																								
C) Small businesses ("small business" means a business employing 1-49 persons):																								
There is no anticipated cost or savings to small businesses. These changes deal with the relationship between the Department and licensed captive cells and does not involve any other parties.																								
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. These changes deal with the relationship between the Department and licensed captive cells and does not involve any other parties.																								
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>):																								
There is no anticipated cost or savings to any other persons. These changes deal with the relationship between the Department and licensed captive cells and does not involve any other parties.																								
F) Compliance costs for affected persons:																								
There are no compliance costs for any affected persons. Captive cells are not subject to the e-commerce fee and do not currently pay it; this change makes it clear that they are not required to do so.																								
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																								
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2021</th> <th>FY2022</th> <th>FY2023</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Non-Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Other Persons</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2021	FY2022	FY2023	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
Fiscal Cost	FY2021	FY2022	FY2023																					
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 Interim Commissioner of the Insurance Department, Tanji J. Northrup, 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 these proposed rule amendments will not result in a fiscal impact to businesses.

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

Tanji J. Northrup, Interim 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):

Section 31A-2-201	Section 31A-37-106	
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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: 02/16/2021

10. This rule change MAY become effective on: 02/23/2021

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:	12/30/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R657-9	Filing No.	53242
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Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources
Room no.:	Suite 2110
Building:	Department of Natural Resources
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84116
Mailing address:	PO Box 146301
City, state, zip:	Salt Lake City, UT 84114-6301

Contact person(s):

Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

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

General Information

2. Rule or section catchline:
R657-9. Taking Waterfowl, Wilson's Snipe and Coot

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to the taking of waterfowl, Wilson's snipe, and coot.

4. Summary of the new rule or change:
 The proposed amendments to this rule: 1) add Willard Spur Waterfowl Management Area (WMA) to the non-toxic shot list; 2) create a retrieval zone around Farmington Bay WMA rest area; and 3) require written permission for blinds constructed at Willard Spur WMA.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The proposed rule amendments clarify the requirements for Willard Spur WMA and the retrieval zone for Farmington Bay WMA, these changes can be initiated within the current workload and resources of DWR, therefore, DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since the proposed amendments only clarify regulations already in place, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in hunting at Willard Spur WMA or Farmington Bay WMA simply because there is not a cost associated with this amendment.

F) Compliance costs for affected persons:

DWR has determined that this amendment will not create additional costs for those participating in waterfowl hunting in Utah simply because there is not a cost associated with this amendment.

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	FY2021	FY2022	FY2023
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 Natural Resources, Brian Steed, 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:

Brian Steed, 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 23-14-18	Section 23-14-19
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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:	02/16/2021
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10. This rule change MAY become effective on:	02/23/2020
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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:	Mike Fowlks, DWR Director	Date:	12/10/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R657-38	Filing No. 53243

Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources
Room no.:	Suite 2110
Building:	Department of Natural Resources
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84116
Mailing address:	PO Box 146301
City, state, zip:	Salt Lake City, UT 84114-6301

Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R657-38. Dedicated Hunter Program
3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to Dedicated Hunters.
4. Summary of the new rule or change:
The proposed amendments to this rule allow for a minimum number of Dedicated Hunter Certificate of Registrations to be issued during the Big Game drawing.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The proposed rule amendments allow for a minimum number of Dedicated Hunter Certificate of Registrations to be available in the Big Game drawing, these changes can be initiated within the current workload and resources of DWR, therefore, DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.
B) Local governments:
Since the proposed amendments add a minimum number of Code of Regulations (CORs) for the Dedicated Hunter program, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in the Dedicated Hunter Program simply because there is not a cost associated with the amendment.

F) Compliance costs for affected persons:

DWR has determined that this amendment will not create additional costs for those participating in the Dedicated Hunter program in Utah simply because there is not a cost associated with the amendment.

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	FY2021	FY2022	FY2023
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
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Net Fiscal Benefits	\$0	\$0	\$0
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H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Brian Steed, 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:

Brian Steed, 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 23-14-18		
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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: 02/16/2021

10. This rule change MAY become effective on: 02/23/2021

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:	Mike Fowlks, DWR Director	Date:	12/10/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R671-302	Filing No. 53263

Agency Information

1. Department:	Pardons (Board of)	
Agency:	Administration	
Street address:	448 E Winchester Street, Suite 300	
City, state:	Murray, UT	
Contact person(s):		
Name:	Phone:	Email:
Mike Haddon	801-261-6467	mikehaddon@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R671-302. News Media and Public Access to Hearings
3. Purpose of the new rule or reason for the change:
The amended rule clarifies processes involved when the public and/or media want to attend an open public hearing conducted by the Board of Pardons and Parole (Board).
4. Summary of the new rule or change:
The incorporated changes clarify the public hearing process related to the Board. It also includes health and safety concerns as considerations for public access. It also specifies processes involved with in-person access to hearings which is needed due to some hearings now being conducted via video technology.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The changes to this rule should not result in either increased costs or cost savings in the state budget. Although not necessarily tied directly to this rule, the Board is conducting an increased number of hearings via video. That change could result in some additional hardware and software costs to the agency.

B) Local governments:			
As this rule primarily is clarifying the hearing process, there is nothing substantive incorporated that would change if or how local governments may participate in a hearing. As such, there should be no additional cost or savings to local governments based on the proposed rule change.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
Small businesses would likely only be involved in hearings before the Board if they happen to be the victim of a crime. If a small business that was a victim would like to participate in the hearing process, there is nothing in the changes to this rule that would lead to either an additional cost or a cost savings. Any participation would be similar to prior participant involvement.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
Non-small businesses would likely only be involved in hearings before the Board if they happen to be the victim of a crime. If a non-small business that was a victim would like to participate in the hearing process, there is nothing in the changes to this rule that would lead to either an additional cost or a cost savings. Any participation would be similar to prior participant involvement.			
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>):			
The changes to this rule do not substantively change the way the Board conducts hearings. The changes clarify processes for accessing and participating in hearings. The changes included are financially neutral.			
F) Compliance costs for affected persons:			
The changes to this rule do not significantly alter the way hearings are conducted, and, therefore, will not result in any compliance costs for individuals affected.			
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	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

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 Chair of the Board of Pardons and Parole, Carrie Cochran, has reviewed and approved this fiscal assessment.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
The changes incorporated in this rule will not have a fiscal impact on any businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Carrie Cochran, Chair			

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 63G-3-201(3)	Section 77-27-1 et seq.	Subsection 77-27-9(4)

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:	02/16/2021

10. This rule change MAY become effective on:	02/23/2021
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:	Carrie Cochran, Chair	Date:	12/24/2020
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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 February 16, 2021.

From the end of the 30-day waiting period through May 15, 2021, 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.):	R590-285	Filing No. 53179

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:	
R590-285. Limited Long-Term Care Insurance	
3. Change in Proposed Rule:	
Changes FILING Name, Publication date of prior filing:	R590-285, Limited Long-Term Care Insurance, 11/15/2020
4. Reason for this change:	
Based on conversations with industry, this change is being made to give more clarity regarding compliance dates for limited long-term care policies that are currently being sold in Utah.	
5. Summary of this change:	
Compliance dates were extended from January 1, 2021 to July 1, 2021. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the November 15, 2020, issue of the Utah State Bulletin, on page 29. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)	

Fiscal Information

6. Aggregate anticipated cost or savings to:			
A) State budget:			
There is no anticipated cost or savings to the state budget. This change is being made only to extend compliance dates.			
B) Local government:			
There is no anticipated cost or savings to local governments. This change is being made only to extend compliance dates.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There is no anticipated cost or savings to small businesses. This change is being made only to extend compliance dates.			
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. This change is being made only to extend compliance dates.			
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):			
There is no anticipated cost or savings to any other persons. This change is being made only to extend compliance dates.			
F) Compliance costs for affected persons:			
There are no compliance costs for any affected persons. The compliance dates for insurers currently selling limited long-term care insurance are being extended to clarify that they may continue selling such plans.			
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	FY2021	FY2022	FY2023
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 Interim Commissioner of the Insurance Department, Tanji J. Northrup, 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 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:			
Tanji J. Northrup, Interim Commissioner			

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 31A-2-203(3)(a)	Section 31A-22-2006	
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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:	02/16/2021
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11. This rule change MAY become effective on:	02/23/2021
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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:	Steve Gooch, Public Information Officer	Date:	12/23/2020
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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.

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.):	R25-7-10	Filing No. 53273

Agency Information

1. Department:	Administrative Services	
Agency:	Finance	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W, Floor 3	
City, state, zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141031	
City, state, zip:	Salt Lake City, UT 84114-1031	
Contact person(s):		
Name:	Phone:	Email:
Marilee P. Richins	801-957-7734	mprichins@utah.gov
Cory Weeks	801-957-7713	cweeks@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R25-7-10. Reimbursement for Transportation

3. Effective Date:
01/01/2021

4. Purpose of the new rule or reason for the change:
This section is amended because the IRS announced a decrease in the reimbursement rate for private vehicle use from 57 cents per mile to 56 cents per mile. The Division of Finance (Division) has determined that the reimbursement rate for private vehicles should decrease to 56 cents per mile to avoid exceeding federal mileage reimbursements.

5. Summary of the new rule or change:
This change decreases reimbursement rates for mileage on private vehicles from 57 cents per mile to 56 cents per mile. (EDITOR'S NOTE: A corresponding proposed amendment to Section R25-7-10 is under Filing No. 53269 in this issue, January 15, 2021, of the Bulletin.)

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:
The IRS announced a decrease in the reimbursement rate for private vehicle use from 57 cents per mile to 56 cents per mile effective 01/01/2021. If the state continued to pay 57 cents per mile, the extra 1 cent per mile would be

taxable to each recipient. The state does not have a cost-effective way to track and record this taxable income. Therefore, reducing the state rate to match the federal rate would prevent the state from violating federal tax law.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

There will potentially be a decrease in cost to the state as mileage reimbursements are decreasing. However, the Division cannot determine exactly what the decrease will be because it is impossible to anticipate how much travel state employees will do.

B) Local governments:

There will be no cost to local governments because this rule only governs reimbursements by the state to individuals traveling on state business.

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

Because the change deals only with reimbursement rates for mileage for state employees, small businesses are not affected.

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**):

Individuals eligible for reimbursement will see a slight decrease in their mileage reimbursement amounts for travel in private vehicles.

8. Compliance costs for affected persons:

Because the amendment only changes mileage reimbursement rates and does not require any new action on the part of persons applying for reimbursements, there are no compliance costs.

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

I have reviewed these changes with the Division of Finance interim director and believe these changes are warranted. Individuals may see a slight decrease in reimbursement amounts. However, the Division cannot determine exactly what the decrease will be as that depends on the amount of travel by individuals eligible for mileage reimbursement. This change will have no impact on business.

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

Tani Pack Downing, Executive Director

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):

Section 63A-3-107 | Section 63A-3-106

Agency Authorization Information

Agency head or designee, and title:	Marilee P. Richins, Interim Director	Date:	12/28/2020
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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.):	R25-15	Filing No. 50052

Agency Information

1. Department:	Administrative Services	
Agency:	Finance	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W Floor 3	
City, state, zip:	Taylorsville, UT 84127-2128	
Mailing address:	PO Box 141031	
City, state, zip:	Salt Lake City, UT 84114-1031	
Contact person(s):		
Name:	Phone:	Email:
Marilee P. Richins	801-957-7752	mprichins@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R25-15. Change Date and Set Aside Provisions for Annual Leave II

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 required by statute. Section 67-19-14.6 requires the Division of Finance to make rules to establish a change date for annual leave II; and for the determination, collection, and deposit of set-aside rates for annual leave II.

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 in the last five years.

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

The statutory policy need for the change date for annual leave II still exists. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Marilee P. Richins, Interim Director	Date:	12/21/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R131-4	Filing No. 50212

Agency Information

1. Department:	Capitol Preservation Board (State)	
Agency:	Administration	
Building:	State Capitol Building	
Street address:	350 N State Street	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Dana Jones		danajones@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R131-4. Capitol Preservation Board General Procurement 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 required by Section 63C-9-301 which requires that the Capitol Preservation Board adopt procurement rules substantially similar to the requirements of Title 63G, Chapter 6a, Utah Procurement 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:
There were no written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required by Section 63C-9-301. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Dana Jones, Interim Director	Date:	12/29/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R414-512	Filing No. 51004

Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
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:
R414-512. Use of Extrapolation in Provider Audits
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 while Section 26-1-5 authorizes the Department to adopt rules as necessary for program implementation. Additionally, Section 26-18-20 requires the Department to adopt rules that establish fair and consistent audit and investigation procedures.
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 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 establishes procedures, limits, and rights of appeal for the use of extrapolation in provider audits.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Interim Executive Director	Date:	12/21/2020
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Agency Authorization Information

Agency head or designee, and title:	Josh Loftin, Public Information Officer	Date:	12/04/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R455-6	Filing No. 51142

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R455-9	Filing No. 51128

Agency Information

1. Department:	Heritage and Arts	
Agency:	History	
Building:	Rio Grande Depot	
Street address:	300 S Rio Grande St	
City, state, zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Josh Loftin	801-245-7205	jloftin@utah.gov
Please address questions regarding information on this notice to the agency.		

Agency Information

1. Department:	Heritage and Arts	
Agency:	History	
Building:	Rio Grande Depot	
Street address:	300 S Rio Grande St	
City, state, zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Josh Loftin	801-245-7205	jloftin@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R455-6. State Register for Historic Resources and Archaeological Sites
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 purpose of this rule is to establish compatibility between the state and National Register, and to establish standards for state landmarks consistent with Sections 9-8-306, 9-8-401, 9-8-402, and 9-8-403.
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 were 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:
The continuation of this rule is justified to ensure continued compatibility between the state and National Register. The State Register for properties and sites incorporates by reference, within this rule, 36 CFR 60.4 (1996 Edition), for the selecting of properties and sites as historical places within Utah.

General Information

2. Rule catchline:
R455-9. Board of State History as the Cultural Sites Review Committee Review Board
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Rules for the Board of State History, those federal regulations regarding activities of the Cultural Sites Review Committee, Review Board as established by Subsection 9-8-205(1)(d).
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 were 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:
The continuation of this rule is justified for the state to comply with the requirements of the National Historic Preservation Act of 1966 as amended and the appropriate Code of Federal Regulations as now constituted.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agency Authorization Information

Agency head or designee, and title:	Josh Loftin, Public Information Officer	Date:	12/04/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R600-3	Filing No. 51488
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Agency Information

1. Department:	Labor Commission	
Agency:	Administration	
Room no.:	Third Floor	
Building:	Heber M. Wells	
Street address:	160 E 300 S	
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:
Chris Hill		chill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R600-3. Definitions Applicable to Construction Licensees

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

Subsections 34-28-2(2), 34A-2-103(8)(c), 34A-5-103(2), and 34A-6-103(2) authorize the Labor Commission (Commission) to adopt rules to establish the manner in which unincorporated entities can rebut a presumption that they are an employer in wage claim, workers' compensation, discrimination, and occupational safety and health claims before the Labor Commission. Pursuant to that authority, and as required by Section 63G-4-503, the Commission has adopted Rule R600-3, which establishes definitions and the manner to rebut the employer presumption.

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:

During the last five-year period, the Commission has received no written comments supporting or opposing this rule.

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

The Commission continues to handle unpaid wages, occupational safety and health, discrimination, and workers' compensation claims. In each type of case, the relationship between an employee and employer is a determining factor. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jacson R. Maughan, Commissioner	Date:	12/21/2020
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

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

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

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

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	R495-862	Filing No. 51168

Agency Information

1. Department:	Human Services	
Agency:	Administration	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84115	
Contact person(s):		
Name:	Phone:	Email:
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R495-862. Compliance with Communicable Disease Control Act
3. Reason for requesting the extension and the new deadline date:
This request for extension is being processed to allow enough time for the Department of Human Services and the Office of Administrative Rules to process, publish, and make the repeal effective for this rule. The new deadline date is Tuesday, 05/04/2021. (EDITOR'S NOTE: The proposed repeal of Rule R495-862 is under Filing No. 53267 in this issue, January 15, 2021, of the Bulletin.)

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	Date:	12/21/2020
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Administrative Services

Administration

No. 53213 (Amendment) R13-2: Management of Records and Access to Records
Published: 12/01/2020
Effective: 01/07/2021

Agriculture and Food

Plant Industry

No. 53205 (Amendment) R68-26: Industrial Hemp Product Registration and Labeling
Published: 12/01/2020
Effective: 01/08/2021

No. 53103 (Amendment) R68-29: Quality Assurance Testing on Cannabis
Published: 11/01/2020
Effective: 12/18/2020

No. 53110 (New Rule) R68-32: Sale and Transfer of Industrial Hemp Waste Material to Medical Cannabis Cultivators
Published: 11/01/2020
Effective: 12/18/2020

No. 53151 (New Rule) R68-34: Educational Event and Educational Material Rules
Published: 12/01/2020
Effective: 01/08/2021

Commerce

Administration

No. 53220 (Amendment) R151-4: Department of Commerce Administrative Procedures Act Rule
Published: 12/01/2020
Effective: 01/08/2021

Occupational and Professional Licensing

No. 53108 (Amendment) R156-11a: Cosmetology and Associated Professions Licensing Act Rule
Published: 11/01/2020
Effective: 12/17/2020

No. 53200 (Amendment) R156-31b: Nurse Practice Act Rule
Published: 12/01/2020
Effective: 01/08/2021

No. 53102 (Amendment) R156-46a: Hearing Instrument Specialist Licensing Act Rule
Published: 11/01/2020
Effective: 12/10/2020

No. 53162 (Repeal) R156-82: Electronic Prescribing Act Rule
Published: 11/15/2020
Effective: 12/24/2020

Education

Administration

No. 53206 (Amendment) R277-100: Definitions for Utah State Board of Education (Board) Rules.
Published: 12/01/2020
Effective: 01/08/2021

No. 53207 (New Rule) R277-311: Specialized Endorsements
Published: 12/01/2020
Effective: 01/08/2021

No. 53037 (Amendment) R277-326: Early Learning Professional Learning Grant Program
Published: 09/15/2020
Effective: 01/05/2021

NOTICES OF RULE EFFECTIVE DATES

No. 53038 (Amendment) R277-327: School Leadership Development Grant
Published: 09/15/2020
Effective: 01/05/2021

No. 53208 (Amendment) R277-445: Classifying Small Schools as Necessarily Existent
Published: 12/01/2020
Effective: 01/08/2021

No. 53111 (Amendment) R277-462: School Counseling Program
Published: 11/01/2020
Effective: 12/16/2020

No. 53112 (Amendment) R277-494: Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities
Published: 11/01/2020
Effective: 12/16/2020

No. 53209 (Repeal) R277-507: Driver Education Endorsement
Published: 12/01/2020
Effective: 01/08/2021

No. 53107 (Repeal) R277-508: Employment of Substitute Teachers
Published: 11/01/2020
Effective: 12/16/2020

No. 53113 (Repeal) R277-611: Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools
Published: 11/01/2020
Effective: 12/16/2020

No. 53114 (Amendment) R277-616: Education for Homeless and Emancipated Students
Published: 11/01/2020
Effective: 12/16/2020

No. 53210 (New Rule) R277-626: Special Needs Opportunity Scholarship Program
Published: 12/01/2020
Effective: 01/08/2021

No. 53106 (Amendment) R277-706: Public Education Regional Service Centers
Published: 11/01/2020
Effective: 12/16/2020

No. 53221 (Amendment) R277-726: Statewide Online Education Program
Published: 12/01/2020
Effective: 01/08/2021

No. 53109 (Amendment) R277-752: Special Education Intensive Services Fund
Published: 11/01/2020
Effective: 12/16/2020

No. 53222 (Amendment) R277-920: School Improvement - Implementation of the School Turnaround and Leadership Development Act
Published: 12/01/2020
Effective: 01/08/2021

Governor

Energy Development (Office of)
No. 53145 (Amendment) R362-4: High Cost Infrastructure Development Tax Credit Act
Published: 11/15/2020
Effective: 01/11/2021

Health

Disease Control and Prevention, Environmental Services
No. 53095 (New Rule) R392-105: Agritourism Food Establishment Sanitation
Published: 10/15/2020
Effective: 12/21/2020

Health Care Financing, Coverage and Reimbursement Policy
No. 53161 (Amendment) R414-49: Dental, Oral and Maxillofacial Surgeons and Orthodontia
Published: 11/15/2020
Effective: 01/01/2021

No. 53214 (Amendment) R414-60: Medicaid Policy for Pharmacy Program
Published: 12/01/2020
Effective: 01/12/2021

Human Services

Aging and Adult Services
No. 53036 (Amendment) R510-302: Adult Protective Services
Published: 10/01/2020
Effective: 01/04/2021

Insurance

Administration
No. 53218 (Amendment) R590-244: Individual and Agency Licensing Requirements
Published: 12/01/2020
Effective: 01/08/2021

No. 53178 (Amendment) R590-281: License Applications Submitted by Individuals Who Have a Criminal Conviction
Published: 11/15/2020
Effective: 12/23/2020

Labor Commission

Industrial Accidents
No. 53180 (Amendment) R612-100: Forms Used By Industrial Accidents Division
Published: 11/15/2020
Effective: 01/01/2021

No. 53176 (Amendment) R612-200: Reporting and investigating Injuries
 Published: 11/15/2020
 Effective: 01/01/2021

No. 53174 (Amendment) R612-300: Workers' Compensation Rules - Medical Care
 Published: 11/15/2020
 Effective: 01/01/2021

No. 53166 (Amendment) R612-400: Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund
 Published: 11/15/2020
 Effective: 01/01/2021

Natural Resources

Parks and Recreation
 No. 53117 (Amendment) R651-601: Posted
 Published: 11/15/2020
 Effective: 01/05/2021

No. 53116 (Amendment) R651-606: Camping
 Published: 11/15/2020
 Effective: 01/05/2021

Wildlife Resources

No. 53118 (Repeal) R657-48: Wildlife Sensitive Species
 Published: 11/15/2020
 Effective: 12/23/2020

No. 53119 (Amendment) R657-58: Fishing Contests and Clinics
 Published: 11/15/2020
 Effective: 01/07/2021

No. 53120 (Amendment) R657-62: Deployed Military
 Published: 11/15/2020
 Effective: 01/07/2021

Public Safety

Fire Marshal
 No. 53085 (Repeal) R710-10: Rules Pursuant to Fire Service Training, Education, and Certification
 Published: 10/15/2020
 Effective: 01/11/2021

Criminal Investigations and Technical Services, Criminal Identification

No. 53147 (New Rule) R722-930: Automatic Expungement
 Published: 11/15/2020
 Effective: 01/11/2021

Transportation

Motor Carrier
 No. 53158 (Amendment) R909-3: Standards for Utah School Buses
 Published: 11/15/2020
 Effective: 12/30/2020

Operations, Traffic and Safety

No. 53061 (Amendment) R920-8: Flashing Light Usage on Highway Construction or Maintenance Vehicles
 Published: 10/01/2020
 Effective: 12/16/2020

Transportation Commission

Administration
 No. 53160 (Amendment) R940-6: Prioritization of New Transportation Capacity Projects
 Published: 11/15/2020
 Effective: 12/30/2020

End of the Notices of Rule Effective Dates Section