

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

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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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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 02, 2021, 12:00 a.m., and December 15, 2021, 11:59 p.m. are included in this, the January 01, 2022, 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 January 31, 2022. 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 01, 2022, 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 Digest*. 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.):	R52-7	Filing ID 54180

Agency Information

1. Department:	Agriculture and Food	
Agency:	Horse Racing Commission (Utah)	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Leann Hunting	801-982-2242	leannhunting@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R52-7. Horse Racing
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Changes are needed due to issues that have arisen with split samples. Language has been added to clarify that split samples are not available for hair testing. Additionally, clarification is added to allow the Horse Racing Commission to take enforcement action based on a hair sample. A requirement is added that only an official or track veterinarian may administer Lasix (Furosemide) in hopes that this will reduce incidence of cheating on the race track. Additional minor clarifications are added to this rule as well.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
Section R52-7-3 is amended to clarify that notification does not have to be by certified mail. Section R52-7-5 is amended to remove fee requirements for certain individuals. Section R52-7-8 related to testing is amended to clarify requirements regarding hair testing-specifying

that split samples are not available and enforcement action can be taken based on hair test results. Section R52-7-8 is also amended to require an official veterinarian or track veterinarian to administer Furosemide.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
These changes make minor clarifications to this rule and testing requirements and will not result in a fiscal impact to the state. The cost to administer the horse racing program will remain the same.
B) Local governments:
Local governments will not be impacted by the changes because they are minor clarifications to this rule. Local governments do not administer the program or participate in horse racing.
C) Small businesses ("small business" means a business employing 1-49 persons):
Small businesses will not be impacted because the changes just make minor clarifications to testing requirements. General testing requirements will remain the same.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Non-small businesses will not be impacted because the changes just make minor clarifications to testing requirements. General testing requirements 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 <i>agency</i>):
Other persons will not be impacted because the general testing requirements for horse racing will not change.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
Compliance costs will not be impacted. Fees charged by the department will not change.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
This rule will not have a fiscal impact on businesses. Craig W. Butters, Commissioner

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Section 4-38-104		
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2021

10. This rule change MAY become effective on: 02/07/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	12/07/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R68-27	Filing ID 54179

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and 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	801-982-2204	kwpehrson@utah.gov

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

General Information

2. Rule or section catchline:
R68-27. Cannabis Cultivation
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

A change is needed to clarify the time the Cannabis Production Establishment Licensing Advisory Board has to act on a proposed change to the operating plan of a cannabis production establishment.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The requirement that the Cannabis Production Establishment Licensing Advisory Board act within 15 days of a cannabis production establishments submission of a proposed change to their operating plan is removed from Section R68-27-14. In the absence of this requirement the Department of Agriculture and Food (Department) will adhere to the statutory requirement that action be taken in a timely manner (see Section 4-41a-201).

Fiscal Information

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

A) State budget:

This is a clarification of existing processes and will not have a fiscal impact on the Department. The cost to administer the program will remain the same.

B) Local governments:

Local governments do not administer or participate in the medical cannabis program and will not be impacted.

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

This is a clarification of existing practices. The Department will still seek to act on proposed changes in a reasonable time frame and small businesses should not be impacted by the change.

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

This is a clarification of existing practices. The Department will still seek to act on proposed changes in a reasonable time frame and non-small businesses should not be impacted by the change.

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 change clarifies existing practices. The Department's management of the medical cannabis program will remain the same and other persons should not experience a fiscal impact.

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

The compliance costs for affected individuals will not change. The fees charged by the Department are not impacted.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule change should not have a fiscal impact on businesses. Craig W. Buttars, Commissioner

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Subsection 4-2-103(1)(i)		
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2022
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10. This rule change MAY become effective on:	02/07/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	12/07/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R68-28	Filing ID 54178

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and 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	801-982-2204	codyjames@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R68-28. Cannabis Processing

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

A change is needed to clarify the time the Cannabis Production Establishment Licensing Advisory Board has to act on a proposed change to the operating plan of a cannabis production establishment.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the differences between the repealed rule and the reenacted rule):

The requirement that the Cannabis Production Establishment Licensing Advisory Board act within 15 days of a cannabis production establishments submission of a proposed change to their operating plan is removed from Section R68-28-16. In the absence of this requirement the Department of Agriculture and Food (Department) will adhere to the statutory requirement that action be taken in a timely manner (see Section 4-41a-201).

Fiscal Information

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

A) State budget:
This is a clarification of existing processes and will not have a fiscal impact on the Department. The cost to administer the program will remain the same.

B) Local governments:
Local governments do not administer or participate in the medical cannabis program and will not be impacted.

C) Small businesses ("small business" means a business employing 1-49 persons):
This is a clarification of existing practices. The Department will still seek to act on proposed changes in a reasonable time frame and small businesses should not be impacted by the change.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This is a clarification of existing practices. The Department will still seek to act on proposed changes in a reasonable

time frame and non-small businesses should not be impacted by the change.

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 change clarifies existing practices. The Department's management of the medical cannabis program will remain the same and other persons should not experience a fiscal impact.

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

The compliance costs for affected individuals will not change. The fees charged by the Department are not impacted.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule change should not have a fiscal impact on businesses. Craig W. Buttars, Commissioner

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Subsection		
4-2-103(1)(i)		

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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2022
--	------------

10. This rule change MAY become effective on:	02/07/2022
--	------------

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	12/07/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R68-30	Filing ID 54181

Agency Information

1. Department:	Agriculture and Food
Agency:	Plant Industry

Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and 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	801-982-2200	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R68-30. Independent Cannabis Testing Laboratory
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
A change is needed to clarify the time the Cannabis Production Establishment Licensing Advisory Board has to act on a proposed change to the operating plan of a cannabis production establishment.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The requirement that the Cannabis Production Establishment Licensing Advisory Board act within 15 days of a cannabis production establishments submission of a proposed change to their operating plan is removed from Section R68-30-10. In the absence of this requirement the Department of Agriculture and Food (Department) will adhere to the statutory requirement that action be taken in a timely manner (see Section 4-41a-201).

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This is a clarification of existing processes and will not have a fiscal impact on the Department. The cost to administer the program will remain the same.

B) Local governments:			
Local governments do not administer or participate in the medical cannabis program and will not be impacted.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
This is a clarification of existing practices. The Department will still seek to act on proposed changes in a reasonable time frame and small businesses should not be impacted by the change.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
This is a clarification of existing practices. The Department will still seek to act on proposed changes in a reasonable time frame and non-small businesses should not be impacted by the change.			
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>):			
This change clarifies existing practices. The Department's management of the medical cannabis program will remain the same and other persons should not experience a fiscal impact.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
The compliance costs for affected individuals will not change. The fees charged by the Department are not impacted.			
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):			
This rule change should not have a fiscal impact on businesses. Craig W. Buttars, Commissioner			
6. A) 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	FY2022	FY2023	FY2024
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
B) Department head approval of regulatory impact analysis:			
The Commissioner of the Utah Department of Agriculture and Food, Craig W. Butters, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection		
4-2-103(1)(i)		

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. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/31/2022
10. This rule change MAY become effective on:	
02/07/2022	
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Craig W. Butters, Commissioner	Date:	11/30/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R70-560	Filing ID	54191

Agency Information

1. Department:	Agriculture and Food	
Agency:	Regulatory Services	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	Ambermbrown@utah.gov
Travis Waller	801-982-2250	Twaller@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov

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

General Information

2. Rule or section catchline:
R70-560. Inspection and Regulation of Cottage Food Production Operations
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Clarifying language is needed in the rule to specifically allow a cottage food operator to wholesale products within intrastate commerce. This issue is not currently addressed in statute or rule.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
Language is added to Section R70-560-7 that allows a cottage food operation to sell products to food establishments within the as long as those establishments

are registered under Rule R70-540 and a copy of the registration is kept on the premises.

Fiscal Information

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

A) State budget:

This change clarifies the rule language to ensure that wholesale sale of cottage food produced products to registered food establishments is explicitly allowed. There should be no change in the Department of Agriculture and Food's (Department) administration of the program and no fiscal impact to the state.

B) Local governments:

There should be no impact on local governments because they do not produce cottage food or regulate its production.

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

There should be no fiscal impact on small businesses because the change clarifies existing practice. Cottage food producers will be able to continue to sell their products on a wholesale basis.

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

There should be no fiscal impact on small businesses because the change clarifies existing practice. Cottage food producers will be able to continue to sell their products on a wholesale basis.

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 should be no fiscal impact on non-small businesses because the change clarifies existing practice. Cottage food producers will be able to continue to sell their products on a wholesale basis.

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

The compliance costs for affected persons will not change. The fees charged by the Department under the cottage food program will remain the same.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule change should not have a fiscal impact on business. Craig W. Buttars, Commissioner

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Section 4-5-9.5

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. See Section 63G-3-302 and Rule R15-1 for more information.)

NOTICES OF PROPOSED RULES

A) Comments will be accepted until:	01/31/2022
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10. This rule change MAY become effective on:	02/07/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	12/10/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-28	Filing ID 54215

Agency Information

1. Department:	Commerce		
Agency:	Occupational and Professional Licensing		
Building:	Heber M Wells Building		
Street address:	160 E 300 S		
City, state and zip:	Salt Lake City, UT 84111-2316		
Mailing address:	PO Box 146741		
City, state and zip:	Salt Lake City, UT 84114-6741		
Contact person(s):			
Name:	Phone:	Email:	
Jana Johansen	801-530-6621	janajohansen@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R156-28. Veterinary Practice Act Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Formatting and other changes are made throughout this rule in accordance with Executive Order No. 2021-12 to clarify and update this rule to facilitate compliance and enforcement, and additional amendments are made in accordance with Executive Order No. 2021-1 to eliminate

unnecessary regulation and reduce barriers to working, including updating the rule to accord with industry practices and making changes to the education requirement and continuing education requirements for certified veterinary technicians to bring them more in line with other licenses under this chapter.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

Nonsubstantive formatting changes are made throughout this rule for clarity and to facilitate compliance and enforcement; additionally, the following substantive amendments are proposed:

In Section R156-28-302a, the proposed amendments remove a reference to the Division of Occupational and Professional Licensing Act that does not add substance to this rule. It also removes wording from this rule that is already defined in the Veterinary Practice Act.

In Section R156-28-302b, the proposed amendments remove references to the Division of Occupational and Professional Licensing Act, the Utah Controlled Substances Act, and the Utah Controlled Substances Act Rule that do not add substance to this rule.

In Section R156-28-302c, the proposed amendments remove a reference to the Division of Occupational and Professional Licensing Act that does not add substance to this rule and delete unnecessary provisions regarding registration and retake of the North American Veterinarian Licensing Examination (NAVLE) as this exam is not administered by the Division of Occupational and Professional Licensing or the state of Utah.

In Section R156-28-304a, the proposed amendments add a one hour continuing education requirement on topics that improve diversity, equity, and inclusion in the veterinary workplace for clients, employees, and recruitment. Additionally, the proposed amendments reduce the time requirement for a licensee to maintain documentation sufficient to prove compliance with this section from a four-year period to a two-year period.

In Section R156-28-304b, the proposed amendments bring the continuing education requirements for certified veterinary technicians in line with other licenses under this chapter.

In Section R156-28-309a, the proposed amendment removes a reference to the Division of Occupational and Professional Licensing Act that does not add substance to this rule. Additionally, it adds the category of "veterinary nurse" to the allowed training programs and rolls the specific training topics into one general category of training to be more in line with current industry standards and improve access to licensure.

In Section R156-28-309b, the proposed amendment

removes this section in its entirety as the requirements are already outlined in the Veterinary Practice Act, and the Veterinary Technician Exam (VTNE) is owned by AAVSB, which oversees its administration and development and sets the passing score.

A rule hearing will be held electronically before the Division via Google Meet. Join with Google Meet: meet.google.com/rkn-xqqr-hey; or join by phone: (US) +1 929-266-1700 (PIN: 623674136)

Fiscal Information

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

A) State budget:

No state agencies will be directly or indirectly affected by this filing because the proposed amendments merely update and clarify provisions and conform this rule to statutory changes.

B) Local governments:

No local governments will be directly or indirectly affected by this filing because the proposed amendments merely update and clarify provisions and conform this rule to statutory changes.

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

There are approximately 238 small businesses in Utah performing veterinary services (North American Industry Classification System (NAICS) 541940). No small businesses are expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform this rule to statutory changes and current industry standards.

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

There are approximately eight non-small businesses in Utah performing veterinary services (NAICS 541940). No non-small businesses are expected to be impacted by this filing because the proposed amendments merely update and clarify provisions and conform this rule to statutory changes and current industry standards.

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**):

In Utah, there are 1,037 licensed veterinarians, 25 licensed veterinary interns, and 95 state certified veterinary technicians. The Division of Occupational and Professional Licensing (Division) averages 120 new applications for licensure per year. The proposed amendments are expected to benefit some of these

qualified applicants for licensure under this chapter by facilitating their ability to become licensed to practice in Utah. However, the full fiscal and non-fiscal impacts on such persons cannot be estimated because the data necessary to determine how many such persons will seek licensure is unavailable, and because the benefits that each new Utah licensee may experience from any resulting increased ability to become employed will vary widely depending on the individual characteristics of each individual and employer requirements. The remainder of these proposed amendments are expected to have no measurable impact on other persons as they merely streamline and update the rule in accordance with Executive Order No. 2021-12 and conform this rule to statutory changes.

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

The Division does not anticipate any compliance costs for affected persons from these proposed amendments because the proposed amendments will result in a benefit to affected persons and will have no measurable cost impact as they merely streamline and update this rule in accordance with Executive Order No. 2021-12 and conform this rule to statutory changes.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

The Division proposes amendments to update Rule R156-28, the Veterinary Practice Act Rule. The Division has made formatting changes throughout this rule to conform this rule to the Administrative Rules' Rulewriting Manual in accordance with Executive Orders No. 2021-1 and 2021-12. The amendments are meant to eliminate unnecessary regulation and reduce barriers to working in the veterinary field, updating the rule with industry practices, and making changes to the education requirement and continuing education requirement for certified veterinary technicians.

Small Businesses (less than 50 employees): The Division does not foresee any foreseeable impact on small businesses since these amendments are to make the rule comport to the Administrative Rules Rulewriting Manual. There are approximately 238 small businesses in Utah performing veterinary services (NAICS 541940). There are no substantial changes to the rule beyond clarification to language.

Regulatory Impact to Non-small Businesses (50 or more employees): There are approximately eight non-small businesses in Utah performing veterinary services (NAICS 541940). These amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Margaret W. Busse, Executive Director

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.

Citation Information

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

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-28-101
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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.)

See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2022

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

On:	At:	At:
01/20/2022	9:00 AM	Rule hearing will be conducted before the Division electronically only via Google Meet (see information in Box 4 above)

10. This rule change MAY become effective on: 02/07/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Division Director	Date:	12/14/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R277-419	Filing ID	54217
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
R277-419. Pupil Accounting

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being amended because the current version of this rule is effective for the 2021-22 school year only. The Board of Education needs to enact a version of this rule for the 2022-23 school year. This rule is also being amended due to recommendations from the Board's Audit Committee.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendments include extending the effective date of this rule to include the 2022-23 school year; and amending language related to the annual agreed upon procedures engagement (AUP) to discontinue the AUP beginning with the Fiscal Year 2022.

Fiscal Information

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

A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The amendments remove duplication in pupil accounting efforts.

B) Local governments:
This rule change is expected to create savings for local education agencies (LEAs). It eliminates a requirement to engage in an AUP and reduces requirements. Estimated savings for LEAs on external audit costs are 4% to 8%, depending on LEA size and external auditor. Dollar amount savings would be \$800 to \$4,000 per LEA. Additionally, LEAs will have a reduction in staff time dedicated to the AUP reporting process.

C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule change only affects LEAs and USBE.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and

Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This rule change only affects LEAs and USBE.

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

There are no compliance costs for affected persons. LEAs and USBE will incur no new costs due to this rule change.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:
 The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-501(1)	Subsection 53F-2-501(3)
Subsection 53E-3-401(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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2022

10. This rule change MAY become effective on: 02/07/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/15/2021
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: New			
Utah Admin. Code Ref (R no.):	R277-427	Filing ID	54216

Agency Information

1. Department:	Education		
Agency:	Administration		
Building:	Board of Education		
Street address:	250 E 500 S		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 144200		
City, state and zip:	Salt Lake City, UT 84114-4200		
Contact person(s):			
Name:	Phone:	Email:	
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R277-427. LEA Financial Information Systems
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Section 53E-3-518 requires the Utah State Board of Education (USBE) to make rules to implement new requirements for local education agencies (LEA) financial information systems, compatible with USBE requirements.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This new rule establishes requirements for USBE procurement of financial information systems and establishes deadlines and suggestions for LEA implementation of the program.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures outside funds already allocated for this purpose (\$4,000,000 one-time).

<p>B) Local governments:</p> <p>This rule change may have a fiscal impact on LEAs. LEAs with robust financial information systems already in place may have little to no fiscal impact. LEAs with outdated or incomplete systems may have a significant fiscal impact which would be lessened by any funding provided as a grant by USBE.</p>
<p>C) Small businesses ("small business" means a business employing 1-49 persons):</p> <p>This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule change only impacts LEAs.</p>
<p>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</p> <p>There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for 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>This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This rule changes only impacts LEAs.</p>
<p>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</p> <p>Compliance costs for LEAs are not possible to estimate at this time. USBE intends to enter into cooperative contracts as stated in the amended rule. However, until LEA applications for funding are received and awarded in May 2022, there is no data available to estimate remaining need for LEAs.</p>
<p>G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):</p> <p>There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses</p>

are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53E-3-518
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2022

10. This rule change MAY become effective on: 02/07/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal

Utah Admin. Code Ref (R no.):	R277-703	Filing ID	54218
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
R277-703. Centennial Scholarship for Early Graduation

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is being repealed because funding for the underlying program has been discontinued. It was repealed by the Legislature through H.B. 5012 passed in the 2020 Fifth Special Session.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule is being repealed in its entirety.

Fiscal Information

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

A) State budget:

This rule is being repealed; no independent fiscal impact to the state budget. All fiscal impacts already accounted for in H.B. 5012 (2020 5th Spec Sess).

B) Local governments:

This rule is being repealed; no independent fiscal impact to local governments. All fiscal impacts already accounted for in H.B. 5012 (2020 5th Spec Sess).

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

This rule is being repealed; no independent fiscal impact to small businesses. All fiscal impacts already accounted for in H.B. 5012 (2020 5th Spec Sess).

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

This rule is being repealed; no independent fiscal impact to non-small businesses. All fiscal impacts already accounted for in H.B. 5012 (2020 5th Spec Sess).

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 is being repealed; no independent fiscal impact to individual persons. All fiscal impacts already accounted for in H.B. 5012 (2020 5th Spec Sess).

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

The rule is being repealed; no independent fiscal impacts. All fiscal impacts already accounted for in H.B. 5012 (2020 5th Spec Sess).

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule is being repealed, no independent fiscal impact on businesses. All fiscal impacts already accounted for in H.B. 5012 (2020 5th Spec Sess). Sydnee Dickson, State Superintendent

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-501(1)	Subsection 53F-2-501(3)
Subsection 53E-3-401(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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2022

10. This rule change MAY become effective on: 02/07/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R315-307	Filing ID 54189

Agency Information

1. Department:	Environmental Quality	
Agency:	Waste Management and Radiation Control, Waste Management	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact person(s):		
Name:	Phone:	Email:
Tom Ball	801-536-0251	tball@utah.gov

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

General Information

2. Rule or section catchline:
R315-307. Landtreatment Disposal Standards
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
<p>The purpose of the change is to clarify the applicability statements to include Director discretion to approve only landtreatment disposal operations that provide an agronomic benefit. This was always the intent of this rule and is how the Division of Waste Management and Radiation Control, Waste Management (Division) has applied this rule in the past and, to be consistent with that intent, high-chloride wastes will now be listed as undesirable for landtreatment disposal because they do not provide an agronomic benefit.</p> <p>There are no federal standards for land application of solid wastes. The Division has historically interpreted Rule R315-307 as only applicable to wastes that provide an agronomic benefit to the soil. The addition of high-chloride wastes to the list of undesirable wastes is also consistent with the historical interpretation of this rule and provides additional clarification. Currently, Subsection R315-307-3(2) provides standards to prevent nutrient overload that may inhibit crops from being successful, and Subsection R315-307-3(7) limits food-chain crops without Director approval. The proposed changes will clarify that the standards of Rule R315-307 in its entirety should only be utilized when there are agronomic benefits.</p>
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
<p>At Subsection R315-307-1(1), language is added to the applicability statement requiring the wastes approved for disposal under this rule to have a reasonable agronomic benefit to soils.</p> <p>Subsection R315-307-2(d) is being removed from this rule to provide the Division Director with an approval role in regard to industrial solid waste facilities. If an industrial waste proves to have an agronomic benefit, it may be considered for disposal under this rule.</p> <p>High-chloride wastes were added to the list of undesirable wastes in Subsection R315-307-3(1) because they are an inhibitor to crop growth.</p> <p>In addition, the Division has corrected typographical and formatting errors in this rule.</p>

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:
It is not anticipated that this rule change will result in any cost or savings to the state budget because the state does not have any facilities permitted to operate under Rule R315-307.
B) Local governments:
It is not anticipated that this rule change will result in any cost or savings to local governments because none of the facilities permitted to operate under Rule R315-307 are owned and operated by local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are currently seven facilities permitted to operate under Rule R315-307. It is not anticipated that this rule change will result in any cost or savings to six of the seven facilities. This rule change may result in costs to the seventh facility but because the Division does not have specific information regarding the facility's current costs and revenue, the Division is not able to estimate any cost or benefits.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
As stated above, there are only seven facilities permitted to operate under Rule R315-307 and all seven are small businesses. Therefore, it is not anticipated that this rule change will result in any cost or savings to non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
It is not anticipated that this rule change will result in any cost or savings to persons other than small businesses, non-small businesses, state or local entities because there are only seven facilities permitted to operate under Rule R315-307 and all are small businesses which are addressed in 5(C) above.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
As stated above, the Division is not able to estimate the compliance costs for persons affected by this rule change.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
It is not possible to estimate the costs or savings that may result from this rule change due to the lack of information available to the Division. Kimberly D. Shelley, Executive Director

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 19-6-104	Section 19-6-105	Section 19-6-108
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 02/01/2022

10. This rule change MAY become effective on: 02/14/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Douglas J. Hansen, Division Director	Date:	12/09/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R398-2	Filing ID 54203

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Children with Special Health Care Needs	
Room no.:	4453	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144610	
City, state and zip:	Salt Lake City, UT 84114-4610	
Contact person(s):		
Name:	Phone:	Email:
Joyce McStotts	801-273-2956	jmcstotts@utah.gov

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

General Information

2. Rule or section catchline:
R398-2. Newborn Hearing Screening: Early Hearing Detection and Intervention (EHDI) Program
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The changes update definitions, clarify best practices and protocols, and provide clarification and to update

formatting to meet Executive Order No. 2021-12 and adhere to the deadline date of 01/01/2022.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The changes update definitions, clarify best practices and protocols already in place including the CMV Registry; therefore, no change in processes as these processes are already being followed. The changes also update formatting to meet Executive Order No. 2021-12 and adhere to the deadline date of 01/01/2022.

Fiscal Information

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

A) State budget:

Minimum to no impact on the state budget due to the process and best practices already in place and adhered to.

B) Local governments:

Minimum to no impact on local governments due to the process and best practices already in place and adhered to.

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

Minimum to no impact on small businesses due to the processes and best practices already in place and adhered to. Reporting requirements and penalties are already in place.

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

Minimum to no impact on non-small businesses due to the processes and best practices already in place and adhered to. Reporting requirements and penalties are already in place.

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**):

Minimum to no impact on persons other than small businesses due to the processes and best practices already in place and adhered to. Audiologists adhere to and recommend best practices. Penalties are already in place.

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

Minimum to no impact on affect persons due to the processes and best practices already in place and adhered to. Reporting requirements and penalties are already in place

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There is minimum to no fiscal impact on businesses due to the processes and best practices already followed by the industry. Nathan Checketts, Executive Director

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Nathan Checketts, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 26-10-6		
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2021
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10. This rule change MAY become effective on:	02/07/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Nathan Checketts, Executive Director	Date:	12/14/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R398-4	Filing ID	54206
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Agency Information

1. Department:	Health		
Agency:	Family Health and Preparedness, Children with Special Health Care Needs		
Room no.:	4453		
Building:	Cannon Health Building		
Street address:	288 N 1460 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144610		
City, state and zip:	Salt Lake City, UT 84114-4610		
Contact person(s):			
Name:	Phone:	Email:	
Joyce McStotts	801-273-2956	jmcstotts@utah.gov	

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

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

R398-4. Cytomegalovirus Public Health Initiative

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The changes update definitions, clarify best practices and protocols, and provide clarification and to update formatting to meet Executive Order No. 2021-12 and adhere to the deadline date of 01/01/2022.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The changes update definitions, clarify best practices and protocols already in place including the CMV Registry; therefore, no change in processes as these processes are already being followed. The changes also update formatting to meet Executive Order No. 2021-12 and adhere to the deadline date of 01/01/2022.

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

The Division of Family Health and Preparedness, Children with Special Health Care Needs (Division) anticipates minimal to no budget increase to the state budget as entities already report the information to the database and registry and Early Hearing Detection and Intervention (EHDI) has the database and registry in place. Including this in this rule to provide protection to the entities reporting to the database and registry under Title 26, Chapter 3, and Title 26, Chapter 25.

B) Local governments:

No impact for local governments as they do not report to the database or registry.

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

The Division anticipates minimal to no budget increase to small businesses budget as entities already report the information to the database and registry and EHDI has the database and registry in place. Including this in this rule to provide protection to the entities reporting to the database and registry under Title 26, Chapter 3, and Title 26, Chapter 25. Reporting this information will have negligible impact to small businesses.

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

The Division anticipates minimal to no budget increase to non-small businesses budget as entities already report the information to the database and registry and EHDI has the database and registry in place. Including this in this rule to provide protection to the entities reporting to the database and registry under Title 26, Chapter 3, and Title 26, Chapter 25. Reporting this information will have negligible impact to non-small businesses.

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

The Division anticipates minimal to no budget increase to budget as entities already report the information to the database and registry and EHDI has the database and registry in place. Including this in this rule to provide protection to the entities reporting to the database and registry under Title 26, Chapter 3, and Title 26, Chapter 25. Reporting this information will have negligible impact to other persons.

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

The Division anticipates minimal to no budget increase to affected persons budget as entities already report the information to the database and registry and EHDI has the database and registry in place. Including this in this rule to provide protection to the entities reporting to the database and registry under Title 26, Chapter 3, and Title 26, Chapter 25. Reporting this information will have negligible impact to affected persons.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule review was conducted in accordance with the Governor's Executive Order No. 2021-12. The amendment updates definitions and clarifies best practices and protocols already in place including the CMV Registry; therefore, no change in processes as these processes are already being followed. There is no fiscal impact on business. Nathan Checketts, Executive Director

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Nathan Checketts, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 26-10-10		
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2022
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10. This rule change MAY become effective on:

02/07/2022
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of

Administrative Rules on or before the date designated in Box 10.

update formatting to meet Executive Order No. 2021-12 and adhere to the deadline date of 01/01/2022.

Agency Authorization Information

Agency head or designee, and title:	Nathan Checketts, Executive Director	Date:	12/14/2021
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Fiscal Information

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

A) State budget:

The Division of Family Health and Preparedness, Children with Special Health Care Needs (Division) anticipates a minimal to no additional charge to the state budget, as Utah Birth Defect Network (UBDN) employees already collect pregnancy and birth outcome data. The Division has also included the new wording "Emerging Health Threats" to better adapt and expand the existing surveillance system.

B) Local governments:

The Division anticipates no addition budget increase to local governments as there is no stipulations for local governments to report to UBDN under this rule.

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

The Division anticipates minimal to no addition budget increase to small businesses as there is no additional reporting requirements with the additional wording.

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

The Division anticipates minimal to no addition budget increase to non-small businesses as there is no additional reporting requirements with the additional wording.

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

The Division anticipates minimal to no addition budget increase to other persons as there is no additional reporting requirements with the additional wording

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

The Division anticipates minimal to no addition budget increase to other persons as there is no additional reporting requirements with the additional wording as Section R398-5-8 has always been in place.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule review was conducted in accordance with the Governor's Executive Order No. 2021-12. The

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R398-5	Filing ID 54202

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Children with Special Health Care Needs	
Room no.:	4453	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144610	
City, state and zip:	Salt Lake City, UT 84114-46410	
Contact person(s):		
Name:	Phone:	Email:
Joyce McStotts	801-273-2956	jmcstotts@utah.gov

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

General Information

2. Rule or section catchline:
R398-5. Birth Defects and Critical Congenital Heart Disease Reporting
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The reason for the change is to update a definition and remove an outdated birth defect code, provide clarification, and to update formatting to meet Executive Order No. 2021-12 and adhere to the deadline date of 01/01/2022.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The changes add the definition of "Emerging Health Threats", remove outdated birth defect ICD-9-CM, and to

NOTICES OF PROPOSED RULES

amendment adds the definition of "Emerging Health Threats", removes outdated birth defect ICD-9-CM, and updates formatting to meet Executive Order No. 2021-12 and adhere to the deadline date of 01/01/2022. There is no fiscal impact on business. Nathan Checketts, Executive Director

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Nathan Checketts, has reviewed and approved this fiscal analysis.

Citation Information

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

Subsections 26-1-30(2)(c), (d), (e), (g), (p), (t)	Subsection 26-10-1(2)	Subsection 26-10-1(2)
Section 26-25-1		

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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2022

10. This rule change MAY become effective on: 02/07/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Nathan Checketts, Executive Director	Date:	12/13/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R414-524	Filing ID 54192

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 and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and 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:
 R414-524. American Rescue Plan Act, Home and Community-Based Services Enhanced Funding

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
 The purpose of this rule is to implement Section 9817 of the American Rescue Plan Act of 2021 (ARPA), to assist providers of home and community-based services (HCBS).

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
 This rule enacts supplemental payments to HCBS providers, as allowed under ARPA, to provide economic relief to businesses affected by the Coronavirus (COVID-19) pandemic.

Fiscal Information

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

A) State budget:
 The Department of Health expects annual costs to be about \$9,996,378 during the public health emergency period, based on legislative appropriations for HCBS funding.

B) Local governments:
 There is no impact on local governments as they neither fund nor provide HCBS under the Medicaid program.

C) Small businesses ("small business" means a business employing 1-49 persons):
 About 160 small businesses may see about \$1,995,276 in supplemental payments during the public health emergency period, based on a 20% share of annual appropriations.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 About 640 non-small businesses may see about \$7,981,102 in supplemental payments during the public health emergency period, based on an 80% share of annual appropriations.

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):

Only businesses that provide HCBS may receive supplemental payments based on an annual increase to the state budget. Other persons and entities, therefore, will see no fiscal impact.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
 There are no compliance costs as this rule only supplements business revenue and increases access to services.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
 Businesses may receive supplemental payments to mitigate lost revenue incurred during the public health emergency period. Nate Checketts, Executive Director

6. A) 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	FY2022	FY2023	FY2024
State Government	\$9,976,378	\$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	\$9,976,378	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$1,995,276	\$0	\$0
Non-Small Businesses	\$7,981,102	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$9,976,378	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:
The Executive Director of the Department of Health, Nate Checketts, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 26-1-5	Section 26-18-3	

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. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/31/2022

10. This rule change MAY become effective on:	02/07/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Nate Checketts, Executive Director	Date:	12/12/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-132	Filing ID 54184

Agency Information

1. Department:	Insurance
Agency:	Administration
Room no.:	Suite 2300
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state and zip:	Taylorville, UT 84129
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R590-132. Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Others are changes to make the language of this rule more clear, Section R590-132-5 is being removed because penalties are already provided for in statute, and Section R590-132-7 is being updated to use the Department's current language. The sample disclosure form is being removed because the required contents are described in this rule and insurers have developed their own disclosures in the 30 years since this rule was enacted. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature and will not change how the Department functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature and will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):

There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature and will not affect small businesses.

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. The changes are largely clerical in nature and will not affect non-small businesses.

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

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

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

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

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

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 31A-2-201

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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 01/31/2022

10. This rule change MAY become effective on: 02/07/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/08/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-142	Filing ID 54185

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R590-142. Continuing Education Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Other changes make the language of this rule more clear and update the new Section R590-142-10 to use the Department's current language. The current Section R590-142-10 is being removed because penalties are already provided for in statute, and Section R590-142-11 is being removed because this rule is already in force. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature and will not change how the Department functions.

B) Local governments:																				
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature and will not affect local governments.																				
C) Small businesses ("small business" means a business employing 1-49 persons):																				
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature and will not affect small businesses.																				
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. The changes are largely clerical in nature and will not affect 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>):																				
There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.																				
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):																				
There are no compliance costs for any affected persons. The changes are largely clerical in nature.																				
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):																				
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. Jonathan T. Pike, Commissioner																				
6. A) 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>FY2022</th> <th>FY2023</th> <th>FY2024</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> </tbody> </table>	Fiscal Cost	FY2022	FY2023	FY2024	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0	Small Businesses	\$0	\$0	\$0	Non-Small Businesses	\$0	\$0	\$0
Fiscal Cost	FY2022	FY2023	FY2024																	
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
B) Department head approval of regulatory impact analysis:			
The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.			

Citation Information

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

Section 31A-2-201	Section 31A-23a-202	Section 31A-23b-205
Section 31A-23b-206	Section 31A-26-206	

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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2022
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10. This rule change MAY become effective on:	02/07/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/08/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R590-166	Filing ID 54186

Agency Information

1. Department:	Insurance
Agency:	Administration
Room no.:	Suite 2300
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state and zip:	Taylorville, UT 84129
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901
Contact person(s):	
Name:	Phone: Email:
Steve Gooch	801-957-9322 sgooch@utah.gov

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

General Information

2. Rule or section catchline:
R590-166. Home Protection Service Contract Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Other changes make the language of this rule more clear and update the new Section R590-166-7 to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

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

A) State budget:

There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature and will not change how the Department functions.

B) Local governments:

There is no anticipated cost or savings to local governments. The changes are largely clerical in nature and will not affect local governments.

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

There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature and will not affect small businesses.

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. The changes are largely clerical in nature and will not affect non-small businesses.

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

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

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

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

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

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 31A-2-201	Section 31A-6a-110	
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2022
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10. This rule change MAY become effective on:	02/07/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency

must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/08/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R590-182	Filing ID 54183

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R590-182. Risk Based Capital Instructions
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being repealed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) determined that this rule was no longer necessary and should be repealed.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule is being repealed in its entirety. The provisions referenced in this rule are already in force in Title 31A, Insurance Code. As such, this rule is unnecessary and should properly be repealed.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. This rule is being repealed and had no fee associated with it.
B) Local governments:
There is no anticipated cost or savings to local governments. This rule is being repealed and had no fee associated with it.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. This rule is being repealed and had no fee associated with it.
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 rule is being repealed and had no fee associated with it.
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. This rule is being repealed and had no fee associated with it.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for any affected persons. This rule is being repealed and there is no cost to comply.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. Jonathan T. Pike, Commissioner
6. A) 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	FY2022	FY2023	FY2024
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
B) Department head approval of regulatory impact analysis:			
The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 31A-2-201	Subsection 31A-17-601(17)	

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. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	01/31/2022

10. This rule change MAY become effective on:	02/07/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/08/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R590-283	Filing ID	54187

Agency Information

1. Department:	Insurance		
Agency:	Administration		
Room no.:	Suite 2300		
Building:	Taylorsville State Office Building		
Street address:	4315 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Mailing address:	PO Box 146901		
City, state and zip:	Salt Lake City, UT 84114-6901		
Contact person(s):			
Name:	Phone:	Email:	
Steve Gooch	801-957-9322	sgooch@utah.gov	

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

General Information

2. Rule or section catchline:
R590-283. Defrayal of State-Required Benefits
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being changed to better reflect actual defrayal payment practice and to modify the formula for determining how much a carrier receives in defrayal of state mandated benefits. In addition, this rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The majority of changes are being done to fix style issues to bring this rule text more in line with current rulewriting standards. Other changes make the language of this rule clearer, add definitions for "Defrayal payment" and "Member month," switch the order of two sections for clarity, and update the new Section R590-283-8 to use the Department's current language.

Language was added to clarify that no carrier may receive more in defrayal payments than the carrier actually expended during the calendar year.

The calculation of the defrayal payment was modified to be based on a per member per month basis rather than a per member per year basis. The state is required to reimburse based on average costs (Section 31A-30-118) and a per member per month calculation more accurately distributes the costs to the carrier that expended them.

Language was added to clarify that for reporting and for requests for defrayal payments, the carrier allowed amount as well as the carrier incurred amount must be reported. The original language only required the carrier incurred amount. Having the allowed amount makes it easier for the state to estimate the complete year defrayal payment liability while taking into account probable patterns of deductible and maximum out of pocket completion. In practice, carriers have already been providing the allowed amount; the language now codifies the practice.

Fiscal Information

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

A) State budget:

There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature and will not change how the Department functions.

B) Local governments:

There is no anticipated cost or savings to local governments. The changes are largely clerical in nature and will not affect local governments.

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

There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature and will not affect small businesses.

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. The changes are largely clerical in nature and will not affect non-small businesses.

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

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

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

The Department anticipates that affected carriers will need to make a minor coding change to reflect monthly membership counts rather than annual membership counts. This compliance cost for this change should not be in any way material.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

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

6. A) 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	FY2022	FY2023	FY2024
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

NOTICES OF PROPOSED RULES

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

B) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 31A-2-201	Section 31A-30-118	
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Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:

	First Incorporation
Official Title of Materials Incorporated (from title page)	Adaptive Behavior Services / Applied Behavior Analysis (ABA) Billing Standard
Publisher	Utah Health Information Network
Date Issued	02/02/2019
Issue, or version	3.1

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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2022
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10. This rule change MAY become effective on:	02/07/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/08/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R647-1-106	Filing ID 54196

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas, and Mining; Non-Coal	
Building:	Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 145801	
City, state and zip:	Salt Lake City, UT 84114-5801	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov

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

General Information

2. Rule or section catchline:
R647-1-106. Definitions
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
During the 2021 General Session, H.B. 79 was passed, which amends the definition of "Basalt" in Section 40-8-4.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule change amends the definition for "Basalt" to match the definition in statute and makes technical changes such as adding the word subsection to appropriate citations.

Fiscal Information

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

A) State budget:			
There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative.			
B) Local governments:			
This rule does not apply to local governments.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There are a total of 559 small business mining operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There is no estimated cost to small businesses as these amendments are administrative.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There are a total of 36 non-small businesses in the Mining industry (for a complete listing of NAICS codes used in this analysis, please contact the agency) in Utah. There is no estimated cost to non-small businesses as these amendments are administrative.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
This rule change will not affect persons other than local government, small businesses, and non-small businesses.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There will be no compliance costs for mining operators as this amendment is administrative.			
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):			
There is no fiscal impact from this rule change. Brian Steed, Executive Director			
6. A) 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	FY2022	FY2023	FY2024
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
B) 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.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 40-6-5		

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. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	02/04/2022

10. This rule change MAY become effective on:	02/23/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of	

Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director of Oil, Gas, and Mining	Date:	12/13/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R649-3-23	Filing ID 54197

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas, and Mining; Oil and Gas	
Building:	Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 145801	
City, state and zip:	Salt Lake City, UT 84114-5801	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R649-3-23. Well Workover and Recompletion
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
During the 2019 General Session, H.B. 389 was passed, which amended Section 59-5-102 and added a required report to be prepared by an independent CPA before filing Form 15 with the Division of Oil, Gas and Mining (Division). This new requirement made it difficult to submit Form 15 in the required 90 days.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule change amends the Form 15 submission date from 90 days after a recompletion to 180 days.

Fiscal Information

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

A) State budget:

There is a total of one state agency, the Division, that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative.

B) Local governments:

This rule does not apply to local governments.

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

There are a total of 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There is no estimated cost to small businesses as these amendments are administrative.

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

There are a total of 4 non-small businesses in the oil and gas industry (for a complete listing of NAICS codes used in this analysis, please contact the agency) in Utah. There is no estimated cost to non-small businesses as these amendments are administrative.

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

This rule change will not affect persons other than local government, small businesses, and non-small businesses.

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

There will be no compliance costs for oil and gas operators as this amendment is administrative and only changes a submission deadline.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There is no fiscal impact from this rule change. Brian Steed, Executive Director

6. A) 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	FY2022	FY2023	FY2024
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
B) 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.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 40-6-5	Section 40-6-20	Section 40-6-21

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. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	02/04/2022

10. This rule change MAY become effective on:	02/23/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director of Oil, Gas, and Mining	Date:	12/13/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R649-5-3	Filing ID	54198

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas, and Mining; Oil and Gas	
Building:	Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 145801	
City, state and zip:	Salt Lake City, UT 84114-5801	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov

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

General Information

2. Rule or section catchline:
R649-5-3. Noticing and Approval of Injection Wells
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The U.S. Environmental Protection Agency sets rules and procedures for Underground Injection Well programs. For the Division to retain its Underground Injection Control (UIC) primacy status, Section R649-5-3 needs to amend the comment period for UIC applications.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule change amends the UIC application comment period from 15 days to 30 days and makes technical changes such as adding the word subsection to appropriate citations.

Fiscal Information

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

A) State budget:

There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative.

B) Local governments:

This rule does not apply to local governments.

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

There are a total of 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There is no estimated cost to small businesses as these amendments are administrative.

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

There are a total of 4 non-small businesses in the oil and gas industry (for a complete listing of NAICS codes used in this analysis, please contact the agency) in Utah. There is no estimated cost to non-small businesses as these amendments are administrative.

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

This rule change will not affect persons other than local government, small businesses, and non-small businesses.

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

There will be no compliance costs for oil and gas operators as this amendment is administrative and only lengthens a comment period.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There is no fiscal impact from this rule change. Brian Steed, Executive Director

6. A) 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	FY2022	FY2023	FY2024
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

B) 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.

Citation Information

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

Section 40-6-5		
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 02/04/2022

10. This rule change MAY become effective on: 02/23/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director of Oil, Gas, and Mining	Date:	12/13/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R649-8-11	Filing ID 54200

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas, and Mining; Oil and Gas	
Building:	Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 145801	
City, state and zip:	Salt Lake City, UT 84114-5801	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R649-8-11. Form 10, Monthly Oil and Gas Production Report

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The Ddivision of Oil, Gas and Mining (Division) is streamlining processes and procedures and making forms available digitally through their oil and gas website.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule change amends process for operators from being sent Form 10 monthly, to operators accessing Form 10 on the Division's oil and gas website monthly.

Fiscal Information

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

A) State budget:

There is a total of one state agency, the Division, that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative.

B) Local governments:

This rule does not apply to local governments.

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

There are a total of 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There is no estimated cost to small businesses as these amendments are administrative.

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

There are a total of 4 non-small businesses in the oil and gas industry (for a complete listing of NAICS codes used in this analysis, please contact the agency) in Utah. There is no estimated cost to non-small businesses as these amendments are administrative.

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

This rule change will not affect persons other than local government, small businesses, and non-small businesses.

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

There will be no compliance costs for oil and gas operators as this amendment is administrative and only changes how a form is accessed.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There is no fiscal impact from this rule change. Brian Steed, Executive Director

6. A) 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	FY2022	FY2023	FY2024
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

B) 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.

Citation Information

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

Section 40-6-5		
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	02/04/2022
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10. This rule change MAY become effective on:	02/23/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director of Oil, Gas, and Mining	Date:	12/13/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R649-8-17	Filing ID 54199

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas, and Mining; Oil and Gas	
Building:	Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 145801	
City, state and zip:	Salt Lake City, UT 84114-5801	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov

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

General Information

2. Rule or section catchline:
R649-8-17. Form 15, Designation of Workover or Recompletion
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
During the 2019 General Session, H.B. 389 was passed, which amended Section 59-5-102 and added a required report to be prepared by an independent CPA before filing Form 15 with the Division of Oil, Gas and Mining (Division). This new requirement made it difficult to submit Form 15 in the required 90 days.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule change amends the Form 15 submission date from 90 days after a recompletion to 180 days.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is a total of one state agency, the Division, that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative.
B) Local governments:
This rule does not apply to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are a total of 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There is no estimated cost to small businesses as these amendments are administrative.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are a total of 4 non-small businesses in the oil and gas industry (for a complete listing of NAICS codes used in this analysis, please contact the agency) in Utah. There is no estimated cost to non-small businesses as these amendments are administrative.
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>):

This rule change will not affect persons other than local government, small businesses, and non-small businesses.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There will be no compliance costs for oil and gas operators as this amendment is administrative and only changes a submission deadline.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
There is no fiscal impact from this rule change. Brian Steed, Executive Director
6. A) 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	FY2022	FY2023	FY2024
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
B) Department head approval of regulatory impact analysis:			

NOTICES OF PROPOSED RULES

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 40-6-1 et seq.		
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	02/04/2022
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10. This rule change MAY become effective on:	02/23/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director of Oil, Gas, and Mining	Date:	12/13/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R805-2	Filing ID 54190

Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	University of Utah, Administration	
Room no.:	309	
Building:	Park Building	
Street address:	201 S Presidents Circle	
City, state and zip:	Salt Lake City, UT 84112	
Contact person(s):		
Name:	Phone:	Email:
Rebekah Bradway	801-585-7002	rebekah.bradway@legal.utah.edu

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

General Information

2. Rule or section catchline:

R805-2. Government Records Access and Management Act Procedures

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The reason for these changes is to amend processes related to a person's request to the University of Utah under the Government Records Access and Management Act (GRAMA), including by incorporating the University's use of an online records portal.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This proposed rule: 1) amends provisions related to how a person may submit a records request to the University of Utah under GRAMA, to whom a person may appeal a University determination under GRAMA, and from where a person may obtain a fee schedule; and 2) makes technical and conforming changes.

Fiscal Information

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

A) State budget:

This rule change is not expected to have any fiscal impact on state government revenues or expenditures because the changes do not create new obligations or increase the costs associated with any existing obligations of the University of Utah.

B) Local governments:

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

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

This rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures because the changes will not affect small businesses.

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

This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because the changes will not affect non-small businesses.

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

This rule change is not expected to have any fiscal impact on any other persons because the changes are minor operational changes.

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

There are no anticipated compliance costs for an impacted entity because the changes are minor operational changes.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule change is not expected to have any fiscal impacts on businesses. Taylor Randall, President, University of Utah

6. A) 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	FY2022	FY2023	FY2024
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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B) Department head approval of regulatory impact analysis:

The President of the University of Utah, Taylor Randall, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 63G-3-201	Section 63G-2-204	Section 63A-12-104
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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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2022
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10. This rule change MAY become effective on:	02/07/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Phyllis Vetter, General Counsel	Date:	12/13/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R810-6	Filing ID 53380

Agency Information

1. Department:	Higher Education (Utah Board of)
Agency:	University of Utah, Commuter Services
Building:	947
Street address:	311 S Fort Douglas Blvd
City, state and zip:	Salt Lake City, UT 84113

Contact person(s):		
Name:	Phone:	Email:
Jennifer Hanson	801-585-9481	Jennifer.hanson@utah.edu
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R810-6. Permit Prices and Refunds
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The University of Utah, Commuter Services Division (Division) would like to change our refund policy to align more with the industry standards.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
Currently permits can be returned for a prorated refund for up to 6 months after purchase date. The Division would like to change it to: Active permits may be returned for a prorated refund for up to 60 days from the date of purchase provided a request is made to Commuter Services before that time.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Savings to our budget: 1) Will allow the Division to operate with fewer employees by allowing us to do away with all of the part-time positions that the Division has had in the past; and 2) Currently, customers returning their semester U permit after 12 weeks would receive an \$8 refund. The check to refund this money costs \$12. This would allow a small savings on money being refunded and check fees.
B) Local governments:
This rule does not apply to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule does not apply to small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule does not apply to non-small businesses.

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

The majority of permit holders that will be affected by this are the ones purchasing semester U permits. At this time, they are \$140. The Division prorates \$11 per week of use. After 60 days, the approximate remainder of permit is \$46. These permit holders would not be eligible for the \$46 refund. If refunded before 60 days, this would not be an issue. The prorated value for these permits would end long before the current 6-month refund policy. This causes disgruntle customers when our policy says they can return it for up to 6 months, but there is nothing left to return after 3 months.

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

There will be no compliance cost to permit holders if they return their permit within 60 days, and there will be no compliance cost to the Division.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There will be no effect on businesses. Ruth Watkins, President, University of Utah

6. A) 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	FY2022	FY2023	FY2024
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
B) Department head approval of regulatory impact analysis:			
The President of the University of Utah, Ruth Watkins, has reviewed and approved this analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 53B-3-103	Section 53B-3-107	

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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	01/31/2022
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10. This rule change MAY become effective on:	02/07/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Ruth Watkins, President, University of Utah	Date:	03/22/2021
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End of the Notices of 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.):	R156-37f-203	Filing ID: 54209

Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Jeff Henrie	801-530-6046	jahenrie@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-37f-203. Submission, Collection, and Maintenance of Data

3. Effective Date:
01/01/2022
4. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This filing adds a new subsection into the data reportable under Subsection R156-37f-203(4) to change the ASAP 4.2 field known as DSP12 (Transmission Form of Rx Origin Code) from a situation field that is reported voluntarily to a required field that cannot be null.
5. Summary of the new rule or change (What does this filing do?):
New Subsection R156-37f-203(4)(z) is added to provide that the pharmacist shall provide the data field "origin code of how the pharmacy received the prescription (DSP12)."
6. A) The agency finds that regular rulemaking would:
<input checked="" 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 type="checkbox"/> place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:
The Utah Controlled Substance Database (CSD) tracks and collects data on the dispensing of known addictive drugs by most hospitals and pharmacies as a state-level intervention to improve opioid prescribing, inform clinical practice, and protect patients from harm. A review of the CSD's required ASAP 4.2 fields by DOPL's new CSD

manager and newly hired Public Health Policy Manager indicates that when Utah's new e-prescribing statute will go into effect on 01/01/2022, it will be necessary to require the DSP12 field beginning on that date to accurately track e-prescribing data in relation to cases of drug over-utilization, misuse, and over-prescribing.

Fiscal Information

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

A) State budget:

There is no aggregate anticipated cost or savings to the state budget, as this amendment will simply allow the CSD to gather the DSP12 field data on a mandatory rather than a situational basis for better tracking of addictive substance prescriptions.

B) Local governments:

There is no aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.

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

The proposed amendment will affect controlled substance prescribers and pharmacies who dispense controlled substances, (North American Industry Classification System (NAICS) 446110, 621399, 621112, 621111, 621330, 622110, 622310, 621493, 623220, 621420, 621420, and 623110), but the amendment is expected to have no measurable impact on these small businesses' revenues or expenditures as they are already subject to reporting the ASAP 4.2 DSP12 origin code on a situational basis, and any increase in time for a required report would be limited to dispensers who are not already reporting this data, and funding for electronic health records and pharmaceutical dispensing software has been available through Centers for Medicare and Medicaid Services since 2006. Additionally, any increase in cost for those not reporting at this time is inestimable as it would be based on the time spent to look at the prescription and add the applicable code and would only affect those who have such information to report, so it will vary based on the dispensing and the individual reporting and this data is unavailable.

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*):

The proposed amendment will affect controlled substance prescribers and pharmacies who dispense controlled substances, but the amendment is expected to have no measurable impact on these affected persons' revenues or expenditures as they are already subject to reporting the ASAP 4.2 DSP12 origin code on a situational basis,

and any increase in time for a required report would be limited to dispensers who are not already reporting this data, and funding for electronic health records and pharmaceutical dispensing software has been available through Centers for Medicare and Medicaid Services since 2006. Additionally, any increase in cost for those not reporting at this time is inestimable as it would be based on the time spent to look at the prescription and add the applicable code and would only affect only those who have such information to report, so it will vary based on the dispensing and the person reporting and this data is unavailable.

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

As described for other persons in Box 7(D) above, no compliance costs are expected for affected persons.

F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

The Division of Occupational and Professional Licensing (Division) proposes an emergency amendment to the Controlled Substance Database Act Rule. The Utah CSD tracks and collects data on the dispensing of known addictive drugs by hospitals and pharmacies as a state-level intervention to improve opioid prescribing, inform clinical practice, and protect patients from harm. The CSD Manager and Public Health Policy Manager indicate that when Utah's new e-prescribing statute will go into effect on 01/01/2022, it will be necessary to require the "DSP12" field in the database beginning on that date to accurately track e-prescribing data in relation to cases of drug over-utilization, misuse, and over-prescribing.

Small Businesses: The Division does not foresee any foreseeable impact on small businesses since this amendment is made to make the rule comport to necessary requirements. Thus, the fiscal impacts cannot be estimated due to the lack of data necessary for such a calculation.

Regulatory Impact to Non-Small Businesses: This change will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Margaret W. Busse, Executive Director

Citation Information

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

Subsection 58-1-106(1)(a)	Subsection 58-37f-301(1)	
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Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Division Director	Date:	12/13/2021
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NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R380-65	Filing ID: 54182

Agency Information

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

General Information

2. Rule or section catchline:
R380-65. Public Health Emergency Protocols
3. Effective Date:
12/07/2021
4. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The reason for the change is to establish Department of Health (Department) protocols to administer, dispense, and distribute vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance in the event of a declaration of a national, state, or local emergency
5. Summary of the new rule or change (What does this filing do?):
This rule explains the criteria necessary for when this rule will be in effect. This rule establishes the requirements for the Department to administer, dispense, distribute, and issue standing prescription drug orders for the medication. This rule also includes record keeping and confidentiality requirements.

6. A) The agency finds that regular rulemaking would:

X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.

B) Specific reasons and justifications for this finding:

The U.S. Food and Drug Administration and the Centers for Disease Control and Prevention continue to review and approve additional medications and treatments, including antivirals. As new medications and treatments become available, it is necessary to establish protocols by which they can be administered, dispensed, and distributed to the public. Therefore, an emergency rule is necessary to outline the protocols by which the Department will administer, dispense, and distribute these vaccines, antivirals, antibiotics, or other prescription medications that are not a controlled substance.

Fiscal Information

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

A) State budget:

Related to this rule, there is no anticipated savings. The cost to the state budget is unknown. Any anticipated cost would be dependent on the specific medication to be administered, dispensed, and distributed. Factors related to the cost could include whether the medication would be provided by the federal government in full, if it would be subsidized, if there would be federal funding made available for expenses related to the administration, dispensing, and distribution.

B) Local governments:

Any cost or savings to the local governments would depend on how the medication is dispensed or distributed. Potential cost could be if the Local Health Departments were part of the dispensing or distribution process. There could be a cost for personnel to either administer medication or support staff for record keeping. The overall cost would depend on the level of expertise required for the specific situation.

Additional considerations related to the cost or savings would be funding provided by either the federal government, state government, or other sources

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

Any cost or savings to small business will be related to the distribution or dispensing of the medication; and any record keeping involved. The cost would be relative to the skills needed and the extent they would be involved with providing the medication to the public. Any effect on small business would be specific to the specific public health emergency. To what extent small business would be

NOTICES OF 120-DAY (EMERGENCY) RULES

involved in the distribution, dispensing, or writing of prescriptions for the public would depend on the situation. Any increase in their staff would be evaluated, including skill level required or additional clerical support.

Additional considerations related to the cost would be if funding were available through federal or state government or if the cost would be passed on to the small business.

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**):

Any cost or savings to other than small business will be related to the distribution or dispensing of the medication and any record keeping involved. The cost would be relative to the skills needed and the extent they would be involved with providing the medication to the public. Any effect on these businesses would be specific to the public health emergency. To what extent these businesses would be involved in the distribution, dispensing, or writing of prescriptions for the public, would be evaluated based on the specific situation. Any increase in their staff would include skill level required or additional clerical support.

Additional considerations related to the cost would be if funding would be available or if cost would be passed on to the small business.

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

Any compliance cost for affected persons is unknown at this time. Considerations would be evaluated based on the emergency situation, cost of medication, staffing concerns, and volume of the public needing the services. Additional consideration related to the cost for compliance expenses would include potential funding from federal and state government, as well as other sources.

F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

The fiscal impact to businesses is inestimable since any cost or savings will be related to the specific activities required by the public health emergency in the distribution or dispensing of the medication and any record keeping involved. Nate Checketts, Executive Director

Citation Information

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

Subsection 58-1-307(6)	Subsection 58-1-307(7)	Subsection 58-1-307(8)
Subsection 58-1-307(9)	Title 26, Chapter 3	Title 26, Chapter 23b
Title 26, Chapter 25		

Agency Authorization Information

Agency head or designee, and title:	Nate Checketts, Executive Director	Date:	12/07/2021
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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 adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R51-2	Filing ID: 52891
Effective Date:	12/02/2021	

Agency Information

1. Department:	Agriculture and Food	
Agency:	Administration	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	amberbrown@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R51-2. Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food

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

This rule is enacted under Section 63G-4-203 which allows agencies to prescribe procedures for informal administrative procedures in rule, as well as Section 4-1-104 which requires that proceedings comply with the Administrative Procedures Act.

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

No 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:

This rule is necessary because it gives the public clear notice of the procedures that that the Department of Agriculture and Food will follow should they be involved in an administrative dispute, including hearing procedures and representation and reconsideration rights. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	12/02/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R156-37	Filing ID: 50266
Effective Date:	12/14/2021	

Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Larry Marx	801-530-6254	lmarx@utah.gov

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

General Information

2. Rule catchline:
R156-37. Utah Controlled Substances Act 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:
Title 58, Chapter 37, provides for the regulation of controlled substances. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-37-6(1) provides that the Division may adopt rules relating to the licensing and control of the manufacture, distribution, production, prescription, administration, dispensing, conducting of research with, and performing of laboratory analysis upon controlled substances within this state. This rule was enacted to clarify the provisions of Title 58, Chapter 37, with respect to controlled substances.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
Since this rule was last reviewed in February 2017, the rule has been amended two times. The Division has received no written comments with respect to this rule.

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

This rule is necessary because it provides a mechanism to inform potential licensees and licensees of the rules relating to controlled substances, as allowed under statutory authority provided in Title 58, Chapter 37. This rule is applicable to occupations and professions involved with controlled substances which are regulated by the Division. This rule also provides information to ensure applicants for licensure are knowledgeable about controlled substance requirements of the Division with respect to items that are not covered separately in each occupational/professional rule. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Division Director	Date:	10/04/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R277-419	Filing ID: 53607
Effective Date:	12/02/2021	

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule catchline:
R277-419. Pupil Accounting

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; Subsection 53E-3-501(1)(e) which directs the Board to establish rules and standards regarding cost-effectiveness, school budget formats, and financial, statistical, and student accounting requirements; Subsection 53E-3-602(2) which requires a local school board's auditing standards to include financial accounting and student accounting; Subsection 53E-3-301(3)(d), which requires the Superintendent to present to the Governor and the Legislature data on the funds allocated to LEAs; Section 53G-4-404 which requires annual financial reports from all school districts; and Subsection 53G-5-404(4) which requires charter schools to make the same annual reports required of other public schools.
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:
This rule continues to be necessary because it specifies pupil accounting procedures used in apportioning and distributing state funds for education. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/02/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-499	Filing ID: 54092
Effective Date:	12/02/2021	

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state and zip:	Salt Lake City, UT 84111

Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-499. Seal of Biliteracy
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Subsection 53E-3-501(1)(b) which allows the Board to establish rules and minimum standards for graduation requirements.
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:
This rule continues to be necessary because it establishes rules and procedures for a student to earn a Seal of Biliteracy in conjunction with a high school diploma. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/02/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-615	Filing ID: 52862
Effective Date:	12/07/2021	

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-615. Standards and Procedures for Student Searches
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision of public education in the Board; Section 53G-8-509 which directs the Board and LEAs to adopt rules to protect students against unreasonable and excessive intrusion of personal rights; and Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
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:
This rule continues to be necessary because it directs local education agencies (LEAs) to adopt policies to protect student rights with procedures and provisions that balance students' rights and privacy with the responsibility of school officials for the safety and protection of students and adults while on school property or at school-sponsored events. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/07/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-702	Filing ID: 53402
Effective Date:	12/02/2021	

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-702. Procedures for the Utah High School Completion Diploma
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision of public education in the Board; Subsection 53E-3-501(1)(b) which directs the Board to adopt rules regarding access to programs, competency levels, and graduation requirements; and Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law.
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:

This rule continues to be necessary because it describes the standards and procedures required for an individual to obtain a Utah High School Completion Diploma. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/02/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-915	Filing ID: 50562
Effective Date:	12/02/2021	

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-915. Work-based Learning Programs
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Section 53G-7-902 which allows schools to offer work-based learning (WBL) programs in accordance with Board rules.

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:

This rule continues to be necessary because it provides standards for work-based learning programs. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	12/02/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R333-13	Filing ID: 50814
Effective Date:	12/06/2021	

Agency Information

1. Department:	Financial Institutions	
Agency:	Banks	
Room no.:	201	
Street address:	324 S State St	
City, state and zip:	Salt Lake City, UT 84111-2393	
Mailing address:	PO Box 146800	
City, state and zip:	Salt Lake City, UT 84114-6800	
Contact person(s):		
Name:	Phone:	Email:
Paul Allred	801-538-8761	pallred@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R333-13. Rule Designating Applicable Federal Law for Banks Subject to the Jurisdiction of the Department of Financial Institutions
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 designates which one or more federal laws are applicable to a bank subject to the jurisdiction of the Department of Financial Institutions (Department). This rule establishes that designated federal law may only be enforced by the Department by taking action permitted under Title 7 and the applicable chapters set forth in Section 7-1-325. The statutory provision states that the "...department shall by rule...designate which one or more federal laws are applicable to an institution subject to the jurisdiction of the department."

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 supporting or opposing written comments have been received since the last notice of continuation.

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

Section 7-1-325 requires that the Department designate, by rule, which one or more federal laws are applicable to an institution subject to the jurisdiction of the Department. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	G. Edward Leary, Commissioner	Date:	12/06/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R339-12	Filing ID: 50833
Effective Date:	12/06/2021	

Agency Information

1. Department:	Financial Institutions	
Agency:	Industrial Loan Corporations	
Room no.:	201	
Street address:	324 S State St	
City, state and zip:	Salt Lake City, UT 84111-2393	
Mailing address:	PO Box 146800	
City, state and zip:	Salt Lake City, UT 84114-6800	
Contact person(s):		
Name:	Phone:	Email:
Paul Allred	801-538-8761	pallred@utah.gov

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

General Information

2. Rule catchline:
R339-12. Rule Designating Applicable Federal Law for Industrial Loan Corporations Subject to the Jurisdiction of the Department of Financial Institutions

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 designates which one or more federal laws are applicable to an industrial loan corporation subject to the jurisdiction of the Department of Financial Institutions (Department). This rule establishes that designated federal law may only be enforced by the Department by taking action permitted under Title 7 and the applicable chapters set forth in Section 7-1-325. The statutory provision states that the "...department shall by rule...designate which one or more federal laws are applicable to an institution subject to the jurisdiction of the department."

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 supporting or opposing written comments have been received since the last notice of continuation.

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

Section 7-1-325 requires that the Department designate, by rule, which one or more federal laws are applicable to an institution subject to the jurisdiction of the Department. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	G. Edward Leary, Commissioner	Date:	12/06/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R414-1	Filing ID: 53952
Effective Date:	12/13/2021	

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 and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143101	
City, state and zip:	Salt Lake City, UT 84114-3101	
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:
R414-1. Utah Medicaid Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26-18-3 requires the Department of Health (Department) to implement Medicaid policy through administrative rules, which allow the Department to administer the Medicaid program. Additionally, Section 26-1-5 authorizes the Department to adopt rules that provide services and eligibility for Medicaid members.
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 has decided that this rule continues to be necessary because it sets forth services and eligibility for the Medicaid program, specifies provider and member policy, specifies the role of certain entities within the Medicaid program, specifies the availability of program manuals and policies, and serves as the basis for all other rules in the Medicaid program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Nate Checketts, Executive Director	Date:	12/12/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R414-10A	Filing ID: 50957
Effective Date:	12/13/2021	

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 and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143101	
City, state and zip:	Salt Lake City, UT 84114-3101	
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:
R414-10A. Transplant Services Standards
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26-18-3 requires the Department of Health (Department) to implement Medicaid policy through administrative rules, which allow the Department to administer the Medicaid program. Additionally, Section 26-1-5 allows the Department to adopt rules that provide access to Medicaid services, and 42 CFR 482.68 sets forth special requirements for transplant programs.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department 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 has decided that this rule continues to be necessary because it defines important terms and provisions, sets forth eligibility and access requirements, specifies service coverage and prior authorization, clarifies covered and non-covered services for stem cell

transplantation, and lists criteria for requests of non-covered services. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Nate Checketts, Executive Director	Date:	12/12/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R414-21	Filing ID:	50967
Effective Date:	12/13/2021		

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 and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 143101		
City, state and zip:	Salt Lake City, UT 84114-3101		
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:
R414-21. Physical Therapy and Occupational Therapy
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 Medicaid policy through administrative rules, which allow the Department to administer the Medicaid program. Additionally, Section 26-1-5 authorizes the Department to adopt rules that provide access to Medicaid services, and 42 CFR 440.110 authorizes qualified therapists to provide or supervise physical therapy and occupational therapy services.

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

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 has decided that this rule continues to be necessary because it implements physical therapy and occupational therapy for Medicaid members and implements reimbursement to service providers. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Nate Checketts, Executive Director	Date:	12/12/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R414-38	Filing ID:	50998
Effective Date:	12/13/2021		

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 and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 143101		
City, state and zip:	Salt Lake City, UT 84114-3101		
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:
R414-38. Personal Care Services

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26-18-3 requires the Department of Health (Department) to implement Medicaid policy through administrative rules, which allow the Department to administer the Medicaid program. Additionally, Section 26-1-5 authorizes the Department to adopt rules that provide services and eligibility for Medicaid members.
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 has decided that this rule continues to be necessary because it implements personal care services for Medicaid members and reimbursement for personal care providers, by referencing the Personal Care Utah Medicaid Provider Manual and the Medicaid State Plan. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Nate Checketts, Executive Director	Date:	12/12/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R495-810	Filing ID: 52591
Effective Date:	12/11/2021	

Agency Information

1. Department:	Human Services	
Agency:	Administration	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R495-810. Government Records Access and Management Act
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Department of Human Service's authority to establish rules under Section 62A-1-111 and Section 63G-2-204 which authorizes governmental entities to make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying where and to whom requests for access shall be directed.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
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:
This rule establishes the process for submitting GRAMA requests and appeals, the fees associated with these records, and the records modification and clarification in accordance with the Government Records Access and Management Act and Section 63G-2-204. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Tracy Gruber, Executive Director	Date:	12/10/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R590-102	Filing ID: 53271
Effective Date:	12/08/2021	

Agency Information

1. Department:	Insurance
Agency:	Administration
Room no.:	Suite 2300
Building:	Taylorville State Office Building
Street address:	4315 S. 2700 W.
City, state and zip:	Taylorville, UT 84129
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-102. Insurance Department Fee Payment Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-3-103 requires the Department of Insurance (Department) to set regulatory fees and publish them as a list.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it is specifically required by law and because it makes it easy for the public to see all of the fees charged by the Department. It also provides regular opportunities for the public to make comment regarding changes to the fee schedule. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R590-103	Filing ID: 53858
Effective Date:	12/08/2021	

Agency Information

1. Department:	Insurance
Agency:	Administration
Room no.:	Suite 2300
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W

City, state and zip:	Taylorsville, UT 84129
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901
Contact person(s):	
Name:	Phone: Email:
Steve Gooch	801-957-9322 sgooch@utah.gov
Please address questions regarding information on this notice to the agency.	

General Information

2. Rule catchline:
R590-103. Security Deposits
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 31A-2-201(3) authorizes the insurance commissioner to write rule to implement Title 31A, Insurance Code. Subsection 31A-2-206(17) authorizes the insurance commissioner to write rules regarding the receipt and handling of deposits, and the type of securities that may be qualified in those deposits.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Insurance has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule requires insurance companies to deposit a certain amount of money into an account to take care of claims in case they go out of business. The deposits help pay for claims, which are also covered in part by a guaranty association that most companies are associated with. However, the most important use of these deposits is to help cover the administrative costs of a liquidation. This rule provides guidelines that help ensure that the deposits are federally secured and the financial institution is holding the required amount. Without these safeguards, it would be very difficult to be sure that the funds are actually deposited, as required by law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R590-121	Filing ID: 53909
Effective Date:	12/08/2021	

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-121. Rate Modification Plan Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement the provisions of Title 31A, Insurance Code. Section 31A-2-203 authorizes the insurance commissioner to make rules pertaining to a financial condition and market regulation surveillance system, and annual financial reporting requirements. Section 31A-19a-203 authorizes the insurance commissioner to write a rule to set procedures for submitting rate filings electronically.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Insurance has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule gives guidance to licensees about how they can develop alternative rating plans. This rule establishes

criteria that must be applied to all policies written outside of a standard rating structure. This rule establishes guidelines that reduce the possibility of unfair rating by property and casualty insurers and rate service organizations. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R590-126	Filing ID: 51351
Effective Date:	12/08/2021	

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-126. Accident and Health Insurance Standards
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 31A-2-201(3)(a) authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code. Sections 31A-2-202 and 31A-23a-412 authorize the insurance commissioner to request reports, conduct examinations, and inspect records of any licensee. Subsection 31A-22-605(4) required the insurance commissioner to adopt rules to establish standards for disclosure in the sale of and benefits provided by individual and franchise accident and health

policies. Section 31A-22-623 authorizes the insurance commissioner to establish by rule minimum standards of coverage for dietary products for inborn metabolic errors. Section 31A-22-626 authorizes the insurance commissioner to establish by rule minimum standards of coverage for diabetes for accident and health insurance. Subsection 31A-23a-402(8) authorizes the insurance commissioner to define by rule acts and practices that are unfair and unreasonable. Subsection 31A-26-301(1) authorizes the insurance commissioner to set standards for timely payment of claims.

This rule provides reasonable standardization and simplification of terms and coverages of insurance policies in order to facilitate public understanding and comparison to prohibit provisions that may be misleading or confusing in connection with the purchase of accident and health insurance or with the settlement of claims, and to provide full disclosure in the sale of such insurance.

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

The Department of Insurance has received no written comments regarding this rule during the past five years.

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

Products in the individual market require closer regulation because there is not an employer entity that can bargain for an equitable contract on behalf of the individual. This rule sets forth benefits to be offered for certain products, yet still allows products with lesser benefits to be offered if marketed as "limited benefits." This helps individuals assess what type of product is being offered. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R590-133	Filing ID:	51359
Effective Date:	12/08/2021		

Agency Information

1. Department:	Insurance
Agency:	Administration
Room no.:	Suite 2300
Building:	Taylorville State Office Building

Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R590-133. Variable Contracts

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

Subsection 31A-2-201(3) authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code. Subsection 31A-20-106(1)(b)(ii) authorizes the insurance commissioner to regulate the issuance and sale of variable contracts.

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

The Department of Insurance has received no written comments regarding this rule during the past five years.

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

This rule provides guidance to both insurers and producers selling variable life insurance products to maintain compliance with the insurance code. This rule provides consumer protection by requiring disclosure and annual reports for the product purchased. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R590-143	Filing ID:	51358
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Effective Date:	12/13/2021
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Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-143. Life And Health Reinsurance Agreements
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Insurance has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule prevents insurers from reducing a liability or increasing an asset when any of the listed provisions exist. This rule contains scenarios that should not exist relating to the Life and Health reinsurance agreements to assure transfer of risk. Risk transfer is essential if a large event (claim) should occur that would cause the insurer to make a monetary settlement beyond its surplus capacity. This rule requires that contracts be written in a manner that assures the reinsurer is assuming the risk to prevent a significant drain of the insurer's surplus. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/13/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R698-1	Filing ID:	51849
Effective Date:	12/02/2021		

Agency Information

1. Department:	Public Safety	
Agency:	Administration	
Building:	Calvin Rampton Complex	
Street address:	4501 S 2700 W 1st Floor	
City, state and zip:	Salt Lake City, UT 84119-5994	
Mailing address:	PO Box 141775	
City, state and zip:	Salt Lake City, UT 84114-1775	
Contact person(s):		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R698-1. Public Petitions for Declaratory Orders
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized under Section 63G-4-503, which requires each agency issue rules that provide for the form, contents, and filing of petitions for declaratory orders; provide for the disposition of the petitions; define the classes of circumstances in which the agency will not issue a declaratory order; are consistent with the public interest and with the general policy of this chapter; and facilitate and encourage agency issuance of reliable advice.
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 during and since the last five-year review of this rule.

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

This rule is necessary because there is a statutory requirement under Section 63G-4-503 that the agency issue rules that provide for the form, contents, and filing of petitions for declaratory orders; provide for the disposition of the petitions; define the classes of circumstances in which the agency will not issue a declaratory order; are consistent with the public interest and with the general policy of this chapter; and facilitate and encourage agency issuance of reliable advice. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jess L. Anderson, Commissioner	Date:	12/02/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R698-2	Filing ID:	51855
Effective Date:	12/02/2021		

Agency Information

1. Department:	Public Safety		
Agency:	Administration		
Building:	Calvin Rampton Complex		
Street address:	4501 S 2700 W 1st Floor		
City, state and zip:	Salt Lake City, UT 84119-5994		
Mailing address:	PO Box 141775		
City, state and zip:	Salt Lake City, UT 84114-1775		
Contact person(s):			
Name:	Phone:	Email:	
Kim Gibb	801-556-8198	kgibb@utah.gov	

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

General Information

2. Rule catchline:
R698-2. Government Records Access and Management Act 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 authorized under Subsection 63G-2-204(3) which states that a governmental entity may make rules specifying where and to whom requests for records access shall be directed. This rule needs to be updated to include current statutory references and corrected information as to how to obtain records from the Department of Public Safety (Department). A rule filing will be submitted following reauthorization to amend the text of this rule.

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

There have not been any written comments received during or since the last five-year review of this rule.

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

This rule is authorized under Section 63G-2-204 and is needed in order to provide direction to individuals who are interested in obtaining records from the Department. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jess L. Anderson, Commissioner	Date:	12/02/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R698-3	Filing ID:	51850
Effective Date:	12/09/2021		

Agency Information

1. Department:	Public Safety		
Agency:	Administration		
Building:	Calvin Rampton Complex		
Street address:	4501 S 2700 W 1st Floor		
City, state and zip:	Salt Lake City, UT 84129-5994		
Mailing address:	PO Box 141775		
City, state and zip:	Salt Lake City, UT 84114-1775		
Contact person(s):			
Name:	Phone:	Email:	
Kim Gibb	801-556-8198	kgibb@utah.gov	

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

General Information

2. Rule catchline:
R698-3. Americans With Disabilities Act (ADA) Complaint Procedure
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is enacted under Subsection 63G-3-201(3), which requires rulemaking when an agency issues a written interpretation of a state or federal legal mandate. The federal mandate that is interpreted in this rule is 28 CFR 35.107, Designation of responsible employee an adoption of grievance procedures. The references in this rule are outdated and will be corrected in a subsequent rule amendment filing.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have not been any comments received during or since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required under Subsection 63G-3-201(3) to provide interpretation of 28 CFR 35.107. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jess L. Anderson, Commissioner	Date:	12/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R728-401	Filing ID: 51941
Effective Date:	12/09/2021	

Agency Information

1. Department:	Public Safety	
Agency:	Peace Officer Standards and Training	
Street address:	410 W 9800 S	
City, state and zip:	Sandy, UT 84070	
Contact person(s):		
Name:	Phone:	Email:
Scott Stephenson	801-256-2322	sstephen@utah.gov

Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R728-401. Training Academy Requirements
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Subsection 53-6-105(1)(k), which provides that the director shall, with the advice of the council, make rules necessary to administer Title 53, Chapter 6, Peace Officer Standards and Training Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have not been any comments received during or since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary in order to outline procedures for the operation of law enforcement training programs. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Major Scott Stephenson	Date:	12/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R728-403	Filing ID: 53854
Effective Date:	12/09/2021	

Agency Information

1. Department:	Public Safety	
Agency:	Peace Officer Standards and Training	
Street address:	410 W 9800 S	
City, state and zip:	Sandy, UT 84070	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact person(s):		
Name:	Phone:	Email:
Scott Stephenson	801-256-2322	sstephen@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R728-403. Procedures for Certification
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Subsection 53-6-105(1)(k), which provides that the director shall, with the advice of the council, make rules necessary to administer Title 53, Chapter 6, Peace Officer Standards and Training Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have not been any comments received during or since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary in order to outline procedures for a dispatcher or peace officer to become certified or reactivate certification. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Major Scott Stephenson	Date:	12/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R728-409	Filing ID:	52730
Effective Date:	12/09/2021		

Agency Information

1. Department:	Public Safety
Agency:	Peace Officer Standards and Training
Street address:	410 W 9800 S

City, state and zip:	Sandy, UT 84070	
Contact person(s):		
Name:	Phone:	Email:
Scott Stephenson	801-256-2322	sstephen@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R728-409. Suspension, Revocation, or Relinquishment of Certification
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Subsection 53-6-105(1)(k), which provides that the director shall, with the advice of the council, make rules necessary to administer Title 53, Chapter 6, Peace Officer Standards and Training Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have not been any comments received during or since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary in order to outline procedures for the suspension, revocation, or relinquishment of a respondent's certification. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Major Scott Stephenson	Date:	12/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R728-410	Filing ID:	51942
Effective Date:	12/09/2021		

Agency Information

1. Department:	Public Safety	
Agency:	Peace Officer Standards and Training	
Street address:	410 W 9800 S	
City, state and zip:	Sandy, UT 84070	
Contact person(s):		
Name:	Phone:	Email:
Scott Stephenson	801-256-2322	sstephen@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R728-410. Guidelines Regarding Annual Statutory Training
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Subsection 53-6-105(1)(k), which provides that the director shall, with the advice of the council, make rules necessary to administer Title 53, Chapter 6, Peace Officer Standards and Training Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have not been any comments received during or since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary in order to outline procedures regarding the reporting of annual statutory training. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Major Scott Stephenson	Date:	12/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R728-411	Filing ID: 51944
Effective Date:	12/09/2021	

Agency Information

1. Department:	Public Safety	
Agency:	Peace Officer Standards and Training	
Street address:	410 W 9800 S	
City, state and zip:	Sandy, UT 84070	
Contact person(s):		
Name:	Phone:	Email:
Scott Stephenson	801-256-2322	sstephen@utah.gov
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R728-411. Guidelines for Administrative Action Against Individuals Functioning As Peace Officers Without Valid Peace Officer Certification
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Subsection 53-6-105(1)(k), which provides that the director shall, with the advice of the council, make rules necessary to administer Title 53, Chapter 6, Peace Officer Standards and Training Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have not been any comments received during or since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary in order to outline procedures for administrative action when an individual is found to be exercising the authority of a peace officer without valid peace officer certification. Therefore, this rule should be continued.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agency Authorization Information

Agency head or designee, and title:	Major Scott Stephenson	Date:	12/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R746-348	Filing ID:	51964
Effective Date:	12/08/2021		

Agency Information

1. Department:	Public Service Commission		
Agency:	Administration		
Building:	Heber M Wells Building		
Street address:	160 E 300 S, 4th Floor		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 4558		
City, state and zip:	Salt Lake City, UT 84114-4558		
Contact person(s):			
Name:	Phone:	Email:	
Yvonne Hogle	801-530-6709	yhogle@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R746-348. Interconnection

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 54-8b-2.2 tasks the Public Service Commission (PSC) with adopting rules that implement competitive facilities-based local telecommunications services, as well as competitive telecommunications services crossing local exchange boundaries of local exchange carriers. The language in Subsection 54-8b-2.2(2)(a) is mandatory, stating, in part, "[t]he [PSC] *shall* adopt rules ... which implements by December 31, 1996, the competitive provision of facilities-based intraLATA toll and local exchange services."

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

No comments have been received since the last five-year review of this rule.

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

Open, fair, and competitive negotiation among telecommunications providers for access to networks within the state is still required to ensure continuation of competition within the telecommunications industry. This will, in turn, impact the quality of the telecommunications services provided to Utah customers. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Thad LeVar, PSC Chair	Date:	12/08/2021
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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.):	R590-142	Filing ID: 51369
New Deadline Date:	05/09/2022	

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:	R590-142. Continuing Education Rule
3. Reason for requesting the extension and the new deadline date:	The Department of Insurance (Department) filed an amendment to Rule R590-142 on 12/08/2021 which will be published in the January 1, 2022, Bulletin with a first possible effective date of 02/07/2022. The five-year review of this rule is due on 01/09/2022. The Department

requests an extension to keep this rule in place until the amendment is made effective and the review can be done.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/08/2021
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NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	R590-147	Filing ID: 51372
New Deadline Date:	05/09/2022	

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

General Information

2. Rule catchline:
R590-147. Annual and Quarterly Statement Filing Instructions
3. Reason for requesting the extension and the new deadline date:
An amendment to this rule was filed on 11/08/2021 which was published in the December 1, 2021, Bulletin. The earliest possible effective date is 01/10/2022, which is after the five-year review deadline of 01/09/2022. The Department of Insurance requests an extension to keep this rule in place until the amendment can be made effective and to properly format this rule's amended language.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/10/2021
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NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	R590-150	Filing ID: 51367
New Deadline Date:	05/09/2022	

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-150. Commissioner's Acceptance of Examination Reports

3. Reason for requesting the extension and the new deadline date:
An amendment to this rule was filed on 11/08/2021 which was published in the December 1, 2021, Bulletin. The earliest possible effective date is 01/10/2022, which is after the five-year review deadline of 01/09/2022. The Department of Insurance requests an extension to keep this rule in place until the amendment can be made effective and to properly format this rule's amended language.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/10/2021
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NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	R592-14	Filing ID: 51466
New Deadline Date:	05/09/2022	

Agency Information

1. Department:	Insurance	
Agency:	Title and Escrow Commission	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R592-14. Unfair or Deceptive Acts or Practices Affecting Title to Real Property
3. Reason for requesting the extension and the new deadline date:
An amendment to this rule was filed on 11/08/2021 which was published in the December 1, 2021, Bulletin. The earliest possible effective date is 01/10/2022 which is after

the five-year review deadline of 01/09/2022. In addition, the Title and Escrow Commission has rulemaking authority over rules in Title R592. The Commission did not meet in December; it may meet in January and is required to meet in February. This extension is requested to keep this rule in place until the Commission has time to meet to approve the review.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	12/10/2021
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Agriculture and Food

Plant Industry

No. 54002 (Amendment) R68-24: Industrial Hemp License for Growers

Published: 11/01/2021

Effective: 12/10/2021

No. 53989 (Amendment) R68-30: Independent Cannabis Testing Laboratory

Published: 10/15/2021

Effective: 11/30/2021

Alcoholic Beverage Control

Administration

No. 53938 (Amendment) R82-1-102: Definitions

Published: 10/01/2021

Effective: 12/01/2021

No. 53939 (Amendment) R82-1-304: General

Published: 10/01/2021

Effective: 12/01/2021

No. 53940 (Amendment) R82-2-302: Advertising, Promotion, and Listing of Products

Published: 10/01/2021

Effective: 12/01/2021

No. 53941 (Amendment) R82-2-306: Operational Restrictions

Published: 10/01/2021

Effective: 12/01/2021

No. 53942 (Amendment) R82-2-308: Consignment Inventory Package Agencies

Published: 10/01/2021

Effective: 12/01/2021

No. 53943 (Amendment) R82-3-102: Violation Schedule

Published: 10/01/2021

Effective: 12/01/2021

No. 53944 (Amendment) R82-5-202: Retail License Renewals

Published: 10/01/2021

Effective: 12/01/2021

Commerce

Consumer Protection

No. 54059 (Repeal and Reenact) R152-23: Health Spa Services Protection Act Rule

Published: 11/15/2021

Effective: 12/23/2021

No. 54063 (Amendment) R152-32a: Pawnshop and Secondhand Merchandise Transaction Information Act Rule

Published: 11/15/2021

Effective: 12/23/2021

Occupational and Professional Licensing

No. 54045 (Amendment) R156-31b: Nurse Practice Act rule

Published: 11/15/2021

Effective: 12/27/2021

No. 54001 (Amendment) R156-37f: Controlled Substance Database Act Rule

Published: 11/01/2021

Effective: 12/09/2021

No. 54046 (Amendment) R156-47b: Massage Therapy Practice Act Rule

Published: 11/15/2021

Effective: 12/27/2021

NOTICES OF RULE EFFECTIVE DATES

Crime Victim Reparations

Administration

No. 53432 (Amendment) R270-1: Award and Reparations Standards

Published: 11/15/2021

Effective: 12/22/2021

Education

Administration

No. 54024 (Amendment) R277-318: Teacher Salary Supplement Program

Published: 11/01/2021

Effective: 12/09/2021

No. 54025 (Amendment) R277-421: Out-of-State Tuition Reimbursement

Published: 11/01/2021

Effective: 12/09/2021

No. 54026 (Repeal) R277-502: Educator Licensing and Data Retention

Published: 11/01/2021

Effective: 12/09/2021

No. 54027 (Amendment) R277-746: Driver Education Programs for Utah Schools

Published: 11/01/2021

Effective: 12/09/2021

No. 54028 (Amendment) R277-922: Digital Teaching and Learning Grant Program

Published: 11/01/2021

Effective: 12/09/2021

Environmental Quality

Air Quality

No. 53891 (Repeal) R307-121: General Requirements: Clean Air and Efficient Vehicle Tax Credit

Published: 09/15/2021

Effective: 12/02/2021

Waste Management and Radiation Control, Radiation

No. 53919 (Amendment) R313-16-290: Inspection of Radiation Machines and Facilities

Published: 10/01/2021

Effective: 12/13/2021

Waste Management and Radiation Control, Waste Management

No. 53912 (Amendment) R315-260-10: Definitions

Published: 10/01/2021

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No. 53913 (Amendment) R315-261-9: Requirements for Universal Waste

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No. 53914 (Amendment) R315-264-1: General - Purpose, Scope and Applicability

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No. 53915 (Amendment) R315-265: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

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No. 53916 (Amendment) R315-268-1: Land Disposal Restrictions - Purpose, Scope, and Applicability

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No. 53917 (Amendment) R315-270-1: Hazardous Waste Permit Program -- Purpose and Scope of These Rules

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No. 53918 (Amendment) R315-273: Standards for Universal Waste Management

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Water Quality

No. 53968 (Amendment) R317-1-7: TMDLs

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Government Operations

Administration

No. 54065 (New Rule) R13-5: Use of Electronic Meetings for the Government Operations Rate Committee

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Health

Health Care Financing, Coverage and Reimbursement Policy

No. 54017 (Amendment) R414-320-16: Benefits

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Family Health and Preparedness, Primary Care and Rural Health

No. 54048 (Amendment) R434-45: Rural Physician Loan Repayment

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No. 54032 (Amendment) R434-50: Assistance for People with Bleeding Disorders

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Human Services

Recovery Services

No. 54004 (Repeal) R527-302: Income Withholding Fees
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No. 54005 (Amendment) R527-378: Amendment
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No. 54015 (Repeal) R527-800: Acquisition of Real Property, and Medical Support Cooperation Requirements
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No. 54016 (Repeal) R527-928: Lost Checks
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Services for People with Disabilities

No. 53937 (Amendment) R539-10: Short-Term Limited Waiting List Services
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Juvenile Justice Services

No. 54070 (Repeal) R547-3: Juvenile Jail Standards
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No. 54071 (Repeal) R547-7: Juvenile Holding Room Standards
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No. 54072 (Repeal) R547-10: Ex-Offender Policy
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No. 54069 (Repeal) R547-12: Division of Juvenile Justice Services Classification of Records
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No. 54067 (Amendment) R547-14: Possession of Prohibited Items in Juvenile Detention Facilities
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Insurance

Administration

No. 53998 (Amendment) R590-79: Life Insurance Disclosure Rule
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No. 53999 (Amendment) R590-83: Unfair Discrimination on the Basis of Gender or Marital Status
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No. 54018 (Amendment) R590-140: Reference Filings of Rate Service Organization Prospective Loss Costs
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No. 54000 (Amendment) R590-161: Income Replacement Insurance Policy Disclosure
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No. 54019 (Amendment) R590-267: Personal Injury Protection Relative Value Study
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Title and Escrow Commission

No. 54038 (Amendment) R592-15: Schedule of Minimum Charges for Escrow Services
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No. 54039 (Amendment) R592-16: Escrow Settlement Closing Transactions
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No. 54040 (Amendment) R592-17: Requirements for an Interest Bearing Account Used for Trust Fund Deposits
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Labor Commission

Industrial Accidents

No. 54054 (Amendment) R612-300-4: Workers' Compensation Medical Procedures
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Public Safety

Administration

No. 54036 (Repeal and Reenact) R698-4: Certification of the Law Enforcement Agency of a Private College or University
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Driver License

No. 54012 (Repeal and Reenact) R708-2: Commercial Driver Training Schools
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No. 54041 (Repeal and Reenact) R708-41: Requirements for Acceptable Documentation, Storage, and Maintenance
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No. 54052 (Amendment) R708-46: Refugee or Approved Asylee Knowledge Test in Applicant's Native Language
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No. 54042 (New Rule) R708-53: Driver Education Instructor Preparation Course Requirements
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Fire Marshal
No. 54053 (New Rule) R710-16: Rules Pursuant to Fire Service Certification and Nonaffiliated Training Organizations
Published: 11/15/2021
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Highway Patrol
No. 54055 (Amendment) R714-510: 24-7 Sobriety Program
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Criminal Investigations and Technical Services, Criminal Identification
No. 54003 (Amendment) R722-300: Conceal Firearm Permit and Instructor Rule
Published: 11/01/2021
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Peace Officer Standards and Training
No. 54043 (New Rule) R728-507: Minimum Standards for Use of Force Policies to be Adopted by Public Safety Agencies That Employ Peace Officers
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No. 54049 (New Rule) R728-508: Police Service Patrol and SWAT Canine Training, Certification, and Recertification Standards
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Tax Commission

Administration
No. 53926 (Amendment) R861-1A-9: State Board of Equalization Procedures Pursuant to Utah Code Ann. Sections 59-2-212, 59-2-1004, and 59-2-1006
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Property Tax
No. 53921 (Amendment) R884-24P-37: Separate Values of Land and Improvements Pursuant to Utah Code Ann. Sections 59-2-301 and 59-2-305
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No. 53922 (Amendment) R884-24P-5: Abatement or Deferral of Property Taxes of Indigent Persons Pursuant to Utah Code Ann. Sections 59-2-1107 through 59-2-1109 and 59-2-1202(5)
Published: 10/01/2021
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No. 53995 (Amendment) R884-24P-53: 2021 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.
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Workforce Services

Administration
No. 54083 (New Rule) R982-502: Low-income ADU Loan Guarantee Pilot Program
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Housing and Community Development
No. 54023 (Amendment) R990-200: Private Activity Bonds Amendment
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End of the Notices of Rule Effective Dates Section