

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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## NOTICES OF PROPOSED RULES

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between January 04, 2023, 12:00 a.m., and January 17, 2023, 11:59 p.m. are included in this, the February 01, 2023, 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 March 03, 2023. 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 June 01, 2023, 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.

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

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R277-100	Filing ID: 55199

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-100. Definitions for Utah State Board of Education (Board) Rules
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule is being amended in order to update several definitions.
<b>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):</b>
These amendments make revisions to the specific definitions of "Evaluate" or "Review and "Monitor," removing references to "receiving state of federal education funding". In addition, one amendment is to make a technical correction to a subsection reference included in the definition of "Program."

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures. It simply provides clarity on definitions or monitoring.

<b>B) Local governments:</b>
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The language clarifies monitoring and that monitoring includes all sources of funding, including local revenue such as school fees. Collection of school fees is already being monitored by the Utah State Board of Education (USBE) and there are no anticipated fiscal impacts.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects local education agencies (LEAs) and USBE.

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

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.

<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
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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 only affects LEAs and USBE.

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

There are no compliance costs for affected persons. USBE does not estimate measurable compliance costs for LEAs.

<b>G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)</b>
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Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Article X, Section 3	Subsection 53E-3-401(4)	

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)</b>	
<b>A) Comments will be accepted until:</b>	03/03/2023
<b>9. This rule change MAY become effective on:</b>	03/10/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	01/17/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Repeal		
<b>Rule or Section Number:</b>	<b>R277-518</b>	<b>Filing ID:</b> <b>55200</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-518. Career and Technical Education Programs
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule is being repealed because the provisions of this rule have been superseded by new provisions in the Utah State Board of Education's (USBE) licensing rules.
<b>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):</b>
The provisions repealed are either found in other current USBE administrative rules, or they are no longer necessary because they reference the old licensing program which sunset on 06/30/2020, or they reference

the old Alternative Routes to Licensure (ARL) program that sunset 06/30/2022.

**Fiscal Information**

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

**A) State budget:**

This repeal is not expected to have fiscal impact on state government revenues or expenditures. Any fiscal impacts were already captured in separate licensing rules.

**B) Local governments:**

This repeal is not expected to have fiscal impact on local governments' revenues or expenditures. Local education agencies (LEAs) are already following the new licensing rules set forth in a separate administrative rule.

**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 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 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 have already made changes to licensing processes based on separate licensing rules.

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

**Regulatory Impact Table**

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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

**Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(3)	Section 53E-6-201
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**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the**



agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	03/03/2023

<b>9. This rule change MAY become effective on:</b>	03/10/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	01/17/2023
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
<b>Rule or Section Number:</b>	<b>R432-103</b>	<b>Filing ID:</b> <b>55196</b>

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Family Health and Preparedness, Licensing	
<b>Room number:</b>	1st Floor	
<b>Building:</b>	Multi-Agency State Office Bldg	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144103	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4103	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Erica Pryor	801-273-2994	ericapryor@utah.gov
Kristi Grimes	385-214-9187	kristigrimes@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R432-103. Specialty Hospital – Rehabilitation
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>

The purpose of this amendment is to modify and replace outdated language with the Utah Rulewriting Manual 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):

The revisions include more specific language consistent with the Utah Rulewriting Manual.

**Fiscal Information**

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

**A) State budget:**

State government process was thoroughly reviewed. This change will not impact the current process for licensure and re-licensure surveys. No change to the state budget is expected because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards. There are no substantive changes being made regarding the fiscal impact of this rule.

**B) Local governments:**

Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards. The Rehabilitation Specialty Hospital Standards are regulated by the Department of Health and Human Services and not local governments. There will be no change in local business licensing or any other item(s) with which local government is involved. There are no substantive changes being made regarding the fiscal impacts of this rule.

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

After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for small businesses because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards. There are no substantive changes being made regarding the fiscal impacts of this rule.

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

After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for non-small businesses because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards. There are no substantive changes being made regarding the fiscal impacts of this rule.

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

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to affected persons because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards. There are no substantive changes being made regarding the fiscal impacts of this rule.

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

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to compliance costs for affected persons because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards. There are no substantive changes being made regarding the fiscal impacts of this rule.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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

**Citation Information**

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

Title 26, Chapter 21		
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	03/03/2023
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<b>9. This rule change MAY become effective on:</b>	03/10/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	01/12/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R432-104</b>	<b>Filing ID:</b> <b>55194</b>

**Agency Information**

<b>1. Department:</b>	Health and Human Services
<b>Agency:</b>	Family Health and Preparedness, Licensing
<b>Room number:</b>	1st Floor
<b>Building:</b>	Multi-Agency State Office Bldg
<b>Street address:</b>	195 N 1950 W
<b>City, state and zip:</b>	Salt Lake City, UT 84116

<b>Mailing address:</b> PO Box 144103		
<b>City, state and zip:</b> Salt Lake City, UT 84114-4103		
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Erica Pryor	801-273-2994	ericapryor@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R432-104. Specialty Hospital Long-Term Acute Care
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The purpose of this amendment is to modify and replace outdated language with the Utah Rulewriting Manual standards.
<b>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):</b>
The revisions include more specific language consistent with the Utah Rulewriting Manual.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
State government process was thoroughly reviewed. This change will not impact the current process for licensure and re-licensure surveys. No change to the state budget is expected because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards. There are no substantive changes being made regarding the fiscal impacts of this rule.
<b>B) Local governments:</b>
Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards. The Long-Term Acute Care Specialty Hospital Standards are regulated by the Department of Health and Human Services and not local governments. There will be no change in local business licensing or any other item(s) with which local government is involved. There are no

substantive changes being made regarding the fiscal impacts of this rule.												
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):												
After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for small businesses because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards. There are no substantive changes being made regarding the fiscal impacts of this rule.												
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):												
After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for non-small businesses because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards. There are no substantive changes being made regarding the fiscal impacts of this rule.												
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):												
After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to affected persons because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards. There are no substantive changes being made regarding the fiscal impacts of this rule.												
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):												
After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to compliance costs for affected persons because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards. There are no substantive changes being made regarding the fiscal impacts of this rule.												
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)												
<b>Regulatory Impact Table</b>												
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2023</th> <th>FY2024</th> <th>FY2025</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> </tbody> </table>	Fiscal Cost	FY2023	FY2024	FY2025	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0
Fiscal Cost	FY2023	FY2024	FY2025									
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Title 26, Chapter 21		

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	03/03/2023
<b>9. This rule change MAY become effective on:</b>	03/10/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	01/12/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R657-19</b>	<b>Filing ID:</b> <b>55189</b>

**Agency Information**

<b>1. Department:</b>	Natural Resources	
<b>Agency:</b>	Wildlife Resources	
<b>Room number:</b>	Suite 2110	
<b>Building:</b>	Department of Natural Resources	
<b>Street address:</b>	1594 W North Temple	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 146301	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6301	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Staci Coons	801-450-3093	stacicoons@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R657-19. Taking Nongame Mammals
<b>3. Purpose of the new rule or reason for the change</b> (Why is the agency submitting this filing?):
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking Nongame Mammals.
<b>4. Summary of the new rule or change</b> (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 proposed amendments to this rule allows for authority to be delegated to the State if Utah prairie dogs are delisted by the U.S. Fish and Wildlife Service.

**Fiscal Information**

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

**A) State budget:**

The proposed rule amendments allows for the delegation of authority to be placed on the state if delisted by the Federal Government, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

**B) Local governments:**

Since the proposed amendments are delegating authority of a protected species this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments do not have the potential to impact small businesses nor is a service required of them to implement the rule amendments.

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

The proposed rule amendments do not have the potential to impact non-small businesses nor is a service required of them to implement the rule amendments.

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

The proposed rule amendments do not have the potential to impact other persons, nor is a service required of them. The amendments are changes to authority of a protected species and do not result in 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 DWR has determined that this amendment may not create additional costs for those affected by Utah Prairie Dogs or the delegation of authority to regulate them.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses. The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.			

**Citation Information**

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

Section 23-13-3	Section 23-14-18	Section 23-14-19
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	03/03/2023
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NOTICES OF PROPOSED RULES

<b>9. This rule change MAY become effective on:</b>	03/10/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	J. Shirley, Division Director	<b>Date:</b>	01/11/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Repeal and Reenact		
<b>Rule or Section Number:</b>	<b>R926-3</b>	<b>Filing ID:</b> <b>55191</b>

**Agency Information**

<b>1. Department:</b>	Transportation	
<b>Agency:</b>	Program Development	
<b>Room no.:</b>	Administrative Suite, 1st Floor	
<b>Building:</b>	Calvin Rampton Bldg	
<b>Street address:</b>	4501 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	PO Box 148455	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-8455	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R926-3. Class B and Class C Road Funds
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>

The current rule incorporates by reference the latest Department of Transportation (Department) publication "Regulations Governing Class B and Class C Road Funds" dated September 11, 2015," and provides an Internet address where the Regulations Governing Class B and Class C Road Funds are found. The purpose of this proposed change is to repeal the current rule, then reenact the rule stating the regulations governing Class B and Class C road funds within the rule and eliminates the need for readers to refer to a document outside the 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):

This repealed and reenacted rule (the proposed change) creates an administrative structure that supports uniform accounting of funds the Department distributes to counties and municipalities to build and maintain Class B or Class C roads or maintain Class D roads under the requirements of Title 23, United States Code, relating to federal aid for highway purposes. The Department cooperated with the county governing bodies and the governing officials of the cities and towns when drafting this rule.

This proposed change includes much of the substantive controls the text contained in the Regulations Governing Class B and Class C Road Funds, September 11, 2015 (the Regulations)," it differs from the Regulations in several ways:

- 1) The primary focus of the proposed change is to allow local highway authorities more control over how they comply with state and federal requirements for receiving Class B and Class C road funds and reduce the Department's responsibility for enforcing those legal requirements.
- 2) The proposed change also provides the local highway authorities more detailed instruction on what they must do to comply with state and federal requirements.
- 3) The regulations prohibit using Class B and Class C road funds for building and maintaining alleys. The proposed change adds a definition for "circulator alley" taken from Section 72-1-102. Sections 72-3-104 and 72-3-108 authorize using Class B and Class C road funds to build or maintain circulator alleys effective May 12, 2020. This proposed change authorizes using Class B and Class C road funds to build or maintain circulator alleys.
- 4) The regulations make no reference to Class D roads. The proposed change recognizes that local highway authorities have authority to use Class B and Class C road funds to maintain Class D roads.
- 5) The regulations require local highway authorities to submit to the Department copies of numerous written reports and spatial data files required by various statutes. The proposed change authorizes local highway authorities to make written reports, spatial data files and annual audits

available to the Department by such means as posting these materials on an Internet webpage.

6) The regulations allow a local highway authority to install gates or other restrictions on a Class B or Class C road, but do not allow funding for the portion of a road that is restricted by a locked gate or otherwise. This change allows a local highway authority to restrict use of a road temporarily or seasonally still be eligible to receive funding for the gated or obstructed road.

7) The proposed change allows local highway authorities to self-certify that they spend Class B and C road funds following applicable law, that they maintain a current map that shows all the Class B and Class C roads within their jurisdiction, and they make their funding credit requests according to the road mileage shown on the current road maps.

8) While the proposed change looks to shift from enforcement responsibility by the Department to self-certification and compliance by the local highway authorities, it still authorizes the Department to perform spot audits under applicable law.

9) The regulations address a governing body of counties and municipalities as the local authority. This proposed change addresses these governing bodies as the local highway authority.

**Fiscal Information**

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

**A) State budget:**

The Department does not anticipate this repealed and reenacted rule will cause a fiscal impact on the state's budget. The Department already allocates Class B and Class C road funds to local highway authorities following the same regulatory framework outlined in this reenacted rule. This rule moves the regulations included in the Department publication Regulations Governing Class B and Class C Road Funds dated September 11, 2015, to this rule.

**B) Local governments:**

The Department does not anticipate this repealed and reenacted rule will cause a fiscal impact on the budgets of local governments. The Department already allocates Class B and Class C road funds to local governments, which this reenacted rule refers to as local highway authorities following the same regulatory framework outlined in this reenacted rule. This rule moves the regulations included in the Department publication Regulations Governing Class B and Class C Road Funds dated September 11, 2015, to this rule.

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

The Department does not anticipate this repealed and reenacted rule will cause a fiscal impact on the budgets of small businesses because it does not apply to them.

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

The Department does not anticipate this repealed and reenacted rule will cause a fiscal impact on the budgets of non-small businesses because it does not apply to them.

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

The Department does not anticipate this repealed and reenacted rule will cause a fiscal impact on the budgets of persons other than small businesses, non-small businesses, or state or local government entities because it does not apply to them.

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

This proposed change does not affect persons. This proposed repealed and reenacted rule applies only public entities and public entities are not persons.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this fiscal analysis.

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Section 72-2-109		

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	03/03/2023
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<b>9. This rule change MAY become effective on:</b>	03/10/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Carlos M. Braceras, PE, Executive Director	<b>Date:</b>	01/05/2023
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**End of the Notices of Proposed Rules Section**



## NOTICES OF CHANGES IN PROPOSED RULES

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

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends March 03, 2023.

From the end of the 30-day waiting period through June 01, 2023, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

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

NOTICE OF CHANGE IN PROPOSED RULE		
<b>Rule or Section Number:</b>	<b>R315-101</b>	<b>Filing ID: 54864</b>
<b>Date of Previous Publication:</b>	<b>10/01/2022</b>	

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Waste Management and Radiation Control, Waste Management	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144880	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4880	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Tom Ball	801-536-0251	tball@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R315-101. Cleanup Action and Risk-Based Closure Standards
<b>3. Reason for this change</b> (Why is the agency submitting this filing?):
Rule R315-101 is being amended to include the most up-to-date methods and procedures being used by industry to conduct cleanups of contaminated sites and risk assessments based on EPA guidance. Based on comments received during the comment period for the amendment, the changes discussed in Box 4 below are being made to the proposed rule.
<b>4. Summary of this change</b> (What does this filing do?):
To allow flexibility in determining the exposure point concentration, Subsection R315-101-5(f)(4)(iii) has been amended to provide additional clarity.
The word "inhalation" has been removed from Subsection R315-101-5(j)(10)(ii)(B).
The definition of "Adverse Effect" found in Subsection R315-101-13(e) has been revised to add "or humans," and reference contaminants of concern.

Subsection R315-101-7(j) has been amended to include "vapor barriers" in the list of example engineering controls.

The definition of "Cleanup" found in Subsection R315-101-13(l) has been revised to include monitored natural attenuation.

In addition to the changes listed above formatting, typographical, and grammatical errors have been corrected.

(EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the October 1, 2022, issue of the Utah State Bulletin, on page 84. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
It is not anticipated that there will be any cost or savings to the state budget due to this rule amendment. There will be no change to the procedures and manpower used by the state to review risk assessments and cleanup plans that are based on the amended rule. Any state agencies that may be or may need to perform cleanups or risk assessments would be required to do so under the existing rule. This amendment does not add any requirements to this rule that would increase costs, nor does it remove any requirements that would decrease costs.
<b>B) Local government:</b>
It is not anticipated that there will be any cost or savings to local governments due to this rule amendment. Any local governments that may be or may need to perform cleanups or risk assessments would be required to do so under the existing rule. This amendment does not add any requirements to this rule that would increase costs, nor does it remove any requirements that would decrease costs.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
It is not anticipated that there will be any cost or savings to small businesses due to this rule amendment. Any small businesses that may be or may need to perform cleanups or risk assessments would be required to do so under the existing rule. This amendment does not add any requirements to this rule that would increase costs, nor

does it remove any requirements that would decrease costs.

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

It is not anticipated that there will be any cost or savings to non-small businesses due to this rule amendment. Any non-small businesses that may be or may need to perform cleanups or risk assessments would be required to do so under the existing rule. This amendment does not add any requirements to this rule that would increase costs, nor does it remove any requirements that would decrease costs.

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

It is not anticipated that there will be any cost or savings to persons other than small businesses, non-small businesses, state, or local government entities due to this rule amendment. Any persons other than small businesses, non-small businesses, state, or local government entities that may be or may need to perform cleanups or risk assessments would be required to do so under the existing rule. This amendment does not add any requirements to this rule that would increase costs, nor does it remove any requirements that would decrease costs.

**F) Compliance costs for affected persons:**

Because this is an amendment to an existing rule and the changes to this rule do not significantly change how cleanups and risk assessments are conducted under this rule it is not anticipated that the compliance costs for affected persons will change due to the rule amendments.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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

**Citation Information**

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

Section 19-6-105	Section 19-6-106	
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	03/03/2023
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<b>9. This rule change MAY become effective on:</b>	03/13/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Douglas J. Hansen, Division Director	<b>Date:</b>	01/12/2023
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NOTICE OF CHANGE IN PROPOSED RULE		
<b>Rule or Section Number:</b>	<b>R590-225</b>	<b>Filing ID: 55044</b>
<b>Date of Previous Publication:</b>	<b>12/01/2022</b>	

**Agency Information**

<b>1. Department:</b>	Insurance	
<b>Agency:</b>	Administration	
<b>Room number:</b>	Suite 2300	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R590-225. Submission of Property and Casualty Rate and Form Filings
<b>3. Reason for this change (Why is the agency submitting this filing?):</b>
There was some concern in the industry that the definition of "Compliant" would require all property and casualty licensees to comply with the title insurance rules set forth in Title R592. The Department of Insurance determined that a slight change to the definition would fix the issue.
<b>4. Summary of this change (What does this filing do?):</b>
The change makes it clear that only a title insurance licensee must comply with Title R592.
(EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the December 1, 2022, issue of the Utah State Bulletin, on page 152. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the

changes that will be enforceable should the agency make this rule effective.)

**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 change merely clarifies that only certain property and casualty licensees must comply with Title R592, which is aligned with current practice.

**B) Local government:**

There is no anticipated cost or savings to local governments. The change merely clarifies that only certain property and casualty licensees must comply with Title R592, which is aligned with current practice.

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

There is no anticipated cost or savings to small businesses. The change merely clarifies that only certain property and casualty licensees must comply with Title R592, which is aligned with current practice.

**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 change merely clarifies that only certain property and casualty licensees must comply with Title R592, which is aligned with current practice.

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

There is no anticipated cost or savings to any other persons. The change merely clarifies that only certain property and casualty licensees must comply with Title R592, which is aligned with current practice.

**F) Compliance costs for affected persons:**

There are no compliance costs for any affected persons. The change merely clarifies that only certain property and casualty licensees must comply with Title R592, which is aligned with current practice.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			

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

**Citation Information**

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

Section 31A-2-201	Section 31A-2-201.1	Section 31A-2-202
Section 31A-19a-203		

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	03/03/2023
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<b>9. This rule change MAY become effective on:</b>	03/10/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	01/06/2023
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**End of the Notices of Changes in Proposed Rules Section**



## NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R270-1-23	Filing ID: 55186
Effective Date:	01/05/2023	

### Agency Information

<b>1. Department:</b>	Crime Victim Reparations	
<b>Agency:</b>	Administration	
<b>Street address:</b>	350 E 500 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Gary Scheller	801-227-9375	garys@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

### General Information

<b>2. Rule or section catchline:</b>
R270-1-23. Sexual Assault Forensic Examinations
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The purpose of this emergency filing is to increase the payment rate paid to forensic nurse examiners for collecting evidence and providing medical care to victims

of rape and sexual assault. A standard amendment will also be filed to make this permanent.

#### 4. Summary of the new rule or change (What does this filing do?):

This filing increases the payment rate for identified services from \$750 to \$1,250 per exam.

#### 5A) The agency finds that regular rulemaking would:

- 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:

In 2021, sexual assault nurse examiners responded to 1,251 sexual assault patients in the state of Utah. There are seven independently operated programs that provide care to all adult and adolescent hospitals in the following counties: Utah, Salt Lake, Weber, Morgan, Davis, Box Elder, Washington, Iron, Summit, and Wasatch. The independent programs rely on the examination reimbursement from the Utah Office for Victims of Crime (UOVC) to run their programs and compensate their nurses. The independent programs provided 1,131 out of the 1,251 examinations in 2021. The culmination of inflation, industry fatigue, competitive nursing market post COVID, and other factors have caused significant instability among and closure of some of the non-profit independently operated programs providing these critical services. The remaining programs are unable to recruit, train, and retain adequate staff to cover the increasing



NOTICES OF 120-DAY (EMERGENCY) RULES

vacancies. The services already lost and those struggling to remain cause an imminent peril to the public health and safety in our most populated counties in that the physical evidence in serious crimes is at risk of not being collected and medical services to prevent the spread of unplanned pregnancy and sexually transmitted infections is not being provided.

**Fiscal Information**

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

**A) State budget:**

Increasing the per exam cost to the UOVC by \$500 per exam, could have resulted in \$625,500 in additional costs for those services in 2021. That is the estimated increased costs, per year to the program. The funds are available in the Crime Victim Reparations Trust account, the balance of which is currently more than \$9,000,000. The costs for these exams, when paid through the Reparations Program, are reimbursed from the federal Victims of Crime Act (VOCA) funds at a rate of 75%, thus reducing the cost to the state in this example, from \$625,500 to \$156,375.

**B) Local governments:**

This will not have a cost to local governments; however, if these nurse examiner programs fail, the costs of collecting the evidence in these cases would most certainly be considered the responsibility of local governments (law enforcement and prosecution entities).

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

This rule change is intended to sustain the small businesses which are providing the services and upon which the state and local government rely for the services so that they do not have to hire, train, and retain the staff, equipment, and expertise to provide them themselves.

**D) Persons other than 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 group would receive positive benefit from this rule change as well, as explained in 6C, above.

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

There will not be a compliance cost or impact upon any entity other than the agency. Those impacts will be minimal and only in the form of processing the payments at the increased rates.

**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):

Gary Scheller, Director, UOVC, has supported this and requested the change be authorized by the Crime Victim Reparation and Assistance Board of Directors. The director has taken this action in the interest of the small business described and more importantly in effort to eliminate the imminent peril to the public health and safety.

**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	34 U.S.C. Sec.	
63M-7-506(1)(c)	10449	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Gary Scheller, Director	<b>Date:</b>	01/05/2023
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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](http://adminrules.utah.gov). The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

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

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

<b>Rule Number:</b>	R51-6	<b>Filing ID:</b> 54442
<b>Effective Date:</b>	01/10/2023	

### Agency Information

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Administration	
<b>Building:</b>	TSOB South Bldg, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state, and zip:</b>	Taylorsville, UT 84129-2128	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	amberbrown@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

### General Information

<b>2. Rule catchline:</b>	R51-6. Agricultural Advisory Board Electronic Meetings
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### 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 52-4-207 requires this rule to be in place and this rule establishes procedures for online meetings for the Agricultural Advisory Board.

### 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 about 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 of Agriculture and Food (Department) has determined that this rule is necessary because of the procedures that are outlined for online meetings and the statutory obligation for this rule. The Agricultural Advisory Board meets quarterly and some of the board members can only attend an online meeting. The Department references this rule often to comply with state law. Therefore, this rule should be continued.

### Agency Authorization Information

<b>Agency head or designee and title:</b>	Craig Butters, Commissioner	<b>Date:</b> 01/10/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R277-518</b>	<b>Filing ID: 50471</b>
<b>Effective Date:</b>	<b>01/17/2023</b>	

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R277-518. Career and Technical Education Licenses
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized 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) and Section 53E-6-201 which permits the Board to issue licenses for educators; and Subsection 53E-3-401(3) which allows the Board to adopt rules in accordance with its responsibilities.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There were no public comments received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary because it specifies standards for a Career and Technical Education (CTE) license area and endorsements. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	01/17/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R277-610</b>	<b>Filing ID: 50504</b>
<b>Effective Date:</b>	<b>01/17/2023</b>	

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R277-610. Released-Time Classes and Public Schools
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Section 53E-3-501 which directs the Board to adopt minimum standards for public schools; and Subsection 53E-3-401(4) which permits the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There were no public comments received.

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

This rule is necessary because this rule specifies standards and procedures for public schools regarding released-time classes. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	01/17/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R277-719</b>	<b>Filing ID:</b>	<b>54086</b>
<b>Effective Date:</b>	<b>01/17/2023</b>		

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R277-719. Standards for Selling Foods Outside of the Reimbursable Meal in Schools
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized 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; Section 53E-3-510, which allows the Board to set standards relating to the use of school lunch revenues; and Subsection 53E-3-501(1)(e), which requires the Board to

establish rules concerning school productivity and cost effectiveness measures and federal 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:**

There were no public comments received.

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

This rule is necessary because this rule outlines requirements for LEA policies regarding foods sold outside of the reimbursable meal service. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	01/17/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R364-1</b>	<b>Filing ID:</b>	<b>50875</b>
<b>Effective Date:</b>	<b>01/13/2023</b>		

**Agency Information**

<b>1. Department:</b>	Governor		
<b>Agency:</b>	Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission		
<b>Building:</b>	Suite 500		
<b>Street address:</b>	370 E South Temple		
<b>City, state and zip:</b>	Salt Lake City, UT 84111		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Matthew Barraza	801-707-4440	idc@utah.gov	
<b>Please address questions regarding information on this notice to the agency.</b>			

**General Information**

<b>2. Rule catchline:</b>
R364-1. Conflicts of Interest for Indigent Defense Commission Members
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>

Subsection 78B-22-404(2)(a) allows the Indigent Defense Commission (IDC) to create rules regarding the IDC's duties. Subsection 78B-22-404(1)(e) states that the IDC shall oversee individuals and entities involved in providing indigent defense services, which this rule covers.

**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 were received in opposition or support of this rule since its creation.

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

Rule R364-1 is necessary because Subsection 78B-22-404(1) requires the IDC to oversee IDC members and other individuals involved in the IDC process. It is possible that a IDC member might be part of an organization that receives funds through the IDC's grant program, therefore they would need to abstain from votes related to funding for their organization. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Matthew Barraza, Executive Director	<b>Date:</b>	01/13/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R392-700</b>	<b>Filing ID:</b>	<b>54173</b>
<b>Effective Date:</b>	<b>01/17/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Disease Control and Prevention, Environmental Services		
<b>Room number:</b>	Second Floor		
<b>Building:</b>	Cannon Health Building		
<b>Street address:</b>	288 N 1460 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Mailing address:</b>	PO Box 142102		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2102		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Karl Hartman	801-538-6191	khartman@utah.gov	

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

**General Information**

**2. Rule catchline:**

R392-700. Indoor Tanning Facility Sanitation

**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 Sections 26-15-2, 26B-1-202, and 26-15-13. Specifically, Subsections 26-15-13(6) and 26-15-2(3) order the Department of Health and Human Services (Department) to establish and adopt 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:**

The Department has not received comments supporting or opposing this rule.

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

In addition to being required by statute, this rule establishes minimum standards for the sanitation, operation, and maintenance of an indoor tanning facility, as defined by this rule, and provides for the prevention and control of hazards associated with indoor tanning that are likely to adversely affect public health and wellness including risk factors to injury, sickness, death, disability, and the spread of disease. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	01/17/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R414-301</b>	<b>Filing ID:</b>	<b>50981</b>
<b>Effective Date:</b>	<b>01/06/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy		
<b>Building:</b>	Cannon Health Building		
<b>Street address:</b>	288 N 1460 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		

<b>Mailing address:</b>	PO Box 143102	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R414-301. Medicaid General Provisions
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26-18-3 requires the Department of Health and Human Services (Department) to implement the Medicaid program through administrative rules. In addition, 42 CFR 431.220 through 431.246 requires the Department to implement agency procedures for fair hearings and hearing rights for Medicaid members.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department did not receive any written comments regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Department has determined that this rule is necessary because it defines Medicaid programs, groups and eligibility, spells out member rights and responsibilities in regard to application and enrollment, implements provisions to safeguard member information, allows members to request agency conferences and fair hearings to resolve problems, and implements agency contract provisions to do eligibility determinations and provide fair hearings. Therefore, this rule should be continued.
The Department will soon file an amendment to this rule to update entity names and roles in relation to its contracts.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	01/06/2023
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<b>FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION</b>		
<b>Rule Number:</b>	<b>R414-302</b>	<b>Filing ID: 52280</b>
<b>Effective Date:</b>	<b>01/06/2023</b>	

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 143102	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R414-302. Eligibility Requirements
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
42 CFR 435 Subpart E sets forth requirements for determining Medicaid eligibility, and Section 26-18-3 requires the Department of Health and Human Services (Department) to implement these requirements through its administrative rules.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department did not receive any written comments regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Department has determined that this rule is necessary because it sets forth eligibility requirements for Medicaid members and applicants that relate to citizenship, residence, child support, institutionalization, identification,



applying for other benefits, third-party liability, assignment of rights, enforcement of medical support, and financial responsibility. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	01/06/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R414-303</b>	<b>Filing ID:</b>	<b>53307</b>
<b>Effective Date:</b>	<b>01/06/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 143102	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R414-303. Coverage Groups
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subparts B, C and D of 42 CFR 435 set forth requirements and options for mandatory and optional coverage of groups within the Medicaid program. In addition, Section 26-18-3 requires the Department of Health and Human Services (Department) to implement coverage for these individuals by administrative rule.

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

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 determined that this rule is necessary because it establishes eligibility and coverage for categorically and medically needy individuals, including groups covered under the modified adjustment gross income (MAGI)-based methodology, foster care, adoption, Refugee Medicaid, presumptive eligibility, and the Medicaid Cancer Program. This rule is also needed to continue eligibility and coverage for coronavirus testing during the public health emergency period. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	01/05/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R414-304</b>	<b>Filing ID:</b>	<b>52940</b>
<b>Effective Date:</b>	<b>01/06/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 143102	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R414-304. Income and Budgeting
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subpart G of 42 CFR 435 sets forth general financial eligibility requirements and options for eligibility determinations. In addition, Section 26-18-3 requires the Department of Health and Human Services (Department) to implement these requirements and options by administrative rule.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department did not receive any written comments regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Department has determined that this rule is necessary because it establishes income-based requirements for categorically and medically needy individuals, including groups covered under the Medicaid Work Incentive Program and the modified adjustment gross income (MAGI)-based methodology. This rule is also needed to continue provisions for income determination during the public health emergency period. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	01/05/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R414-305</b>	<b>Filing ID:</b>	<b>54770</b>
<b>Effective Date:</b>	<b>01/06/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W
<b>City, state and zip:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO Box 143102

<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R414-305. Resources
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26-18-3 requires the Department of Health and Human Services (Department) to implement the Medicaid program through administrative rules, and 42 CFR 435.840 requires the Department to implement a single resource standard for each medically needy group.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department did not receive any written comments regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Department has determined that this rule is necessary because it establishes resource provisions for categorically and medically needy individuals that include transfers, disregards, trusts and annuities, and how to apply modified adjusted gross income (MAGI)-based methodology. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	01/06/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R414-306</b>	<b>Filing ID:</b>	<b>50977</b>
<b>Effective Date:</b>	<b>01/06/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 143102	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R414-306. Program Benefits and Date of Eligibility
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
42 U.S.C. 1396d(p) specifies required services for qualified Medicare beneficiaries, specified low-income beneficiaries, and qualifying individuals, and Section 26-18-3 requires the Department of Health and Human Services (Department) to implement program benefits by administrative rule.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department did not receive any written comments regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Department has determined that this rule is necessary because it establishes effective dates of eligibility and benefits available to qualified Medicare beneficiaries, specified low-income Medicare beneficiaries, and qualifying individuals. It will also continue this rule because it requires program coordination to inform members of available benefits, refers members to available transportation services, and spells out criteria for supplemental payments to institutionalized individuals. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	01/05/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R414-308</b>	<b>Filing ID:</b>	<b>54413</b>
<b>Effective Date:</b>	<b>01/06/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 143102	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R414-308. Application, Eligibility Determinations, Improper Medical Assistance, and Suspension of Benefits
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26-18-3 requires the Department of Health and Human Services (Department) to implement the Medicaid program through administrative rules, and 42 CFR 435.952 sets forth agency procedures for uses and requests of additional information when making eligibility determinations.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The 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 determined that this rule is necessary because it implements procedures for application, establishes protocol for verifications and exchanges, specifies procedures for eligibility decisions and periods of review, sets forth requirements for change reporting, spells out protocols for case closures and redeterminations, outlines member and agency responsibilities in cases of improper medical coverage, and assures continued coverage through the duration of the public health emergency for individuals who are eligible. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	01/05/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R510-105</b>	<b>Filing ID: 54293</b>
<b>Effective Date:</b>	<b>01/06/2023</b>	

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Aging and Adult Services	
<b>Building:</b>	Cannon Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jean Boyack	801-538-4263	jboyack@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Jacob Murakami	385-222-1755	jmurakami@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R510-105. "Out and About" Homebound Transportation Assistance Fund

**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 62A-3-104(9)(j) and Section 62A-3-110.

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

No written comments were received.

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

The purpose of the rule is to facilitate the "Out and About Transportation funds required by Section 62A-3-110. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	01/06/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R525-6</b>	<b>Filing ID: 53935</b>
<b>Effective Date:</b>	<b>01/15/2023</b>	

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Substance Abuse and Mental Health, State Hospital	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W, 3rd Floor	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Thom Dunford	801-819-4280	tdunford@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R525-6. Prohibited Items and Devices	
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>	
This rule is adopted under Sections 62A-15-105 and 62A-15-603, and Subsections 76-8-311.1(2)(a) and 76-8-311.3(2)	
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>	
No comments have been received over the past five years.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
<p>The Office of Substance Use and Mental Health has strived to maintain a safe and therapeutic environment at the Utah State Hospital. Mitigation of safety concerns is crucial to ensure that the hospital's physical environments, and its mandated purpose are used to the maximum benefit to the patients and tax payers.</p> <p>The state hospital has had significant issues around guns on campus, and this rule has served as clarification for expectations on campus. This rule was part of the Governor's mandated review in 2020, and considerable discussion was held within the hospital leadership team at that time, and this rule was kept for the stated reasons. Therefore, this rule should be continued.</p> <p>Nonsubstantive changes have been made to bring this rule into alignment with the Utah Rulewriting Manual, and to correctly identify changes to the organizational structure of this agency that were made by the creation of the Department of Health and Human services. Those changes are being submitted in a nonsubstantive change along with this five-year review.</p>	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	01/15/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R634-3</b>	<b>Filing ID:</b>	<b>54116</b>
<b>Effective Date:</b>	<b>01/10/2023</b>		

**Agency Information**

<b>1. Department:</b>	Natural Resources	
<b>Agency:</b>	Administration	
<b>Room number:</b>	Suite 3000	
<b>Street address:</b>	1594 W North Temple	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 146301	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6301	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kaelyn Anfinsen	801-538-7201	kaelynanfinsen@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R634-3. Compensatory Mitigation Program	
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>	
Section 79-2-501 With Administration outlined in Sections 79-2-504 and 79-2-505. Includes procedures for implementing the programs that mitigate permanent disturbances to the greater sage-grouse. These would include the Sage-grouse management plan.	
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>	
The Department of Natural Resources (Department) has not received written comments in the last five-year period.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
The Department has determined that this rule is still necessary. The state sage grouse management plan is utilized to facilitate management practices between multiple jurisdictions. Plan coordination takes place at the city, county, and state level. The plan is written with the federal management plan and guidelines in mind. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Joel Ferry, Executive Director	<b>Date:</b>	01/10/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R657-71	Filing ID: 51797
Effective Date:	01/11/2023	

**Agency Information**

<b>1. Department:</b>	Natural Resources	
<b>Agency:</b>	Wildlife Resources	
<b>Room number:</b>	Suite 2110	
<b>Building:</b>	Department of Natural Resources	
<b>Street address:</b>	1594 W North Temple	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6301	
<b>Mailing address:</b>	PO Box 146301	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6301	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Staci Coons	801-450-3093	stacicoons@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R657-71. Removal of Wild Deer from Domesticated Elk Facilities

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

Under Sections 23-14-1, 23-14-3, 23-14-18, 23-14-19, and 23-19-1, the Wildlife Board is authorized to provide standards and procedures for the lethal removal of wild deer that are found within the enclosures of domesticated elk facilities.

**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 supporting or opposing Rule R657-71 were received since February 2018, when this rule was established.

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

Rule R657-71 provides the procedures, standards, and requirements for issuing or obtaining a certificate of registration for the lethal removal of wild deer that are found within the enclosures of domesticated elk facilities. This rule is necessary for continued success for protecting both wild deer and domesticated elk facilities. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	J. Shirley, Division Director	<b>Date:</b>	01/11/2023
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**End of the Five-Year Notices of Review and Statements of Continuation Section**



## NOTICES OF RULE EFFECTIVE DATES

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

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

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

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### Agriculture and Food

#### Plant Industry

No. 55031 (Amendment) R68-29: Quality Assurance Testing on Cannabis  
Published: 12/01/2022  
Effective: 01/10/2023

#### Regulatory Services

No. 55041 (Amendment) R70-370: Butter  
Published: 12/01/2022  
Effective: 01/12/2023

No. 55034 (Amendment) R70-380: Grade A Condensed and Dry Milk Products and Condensed and Dry Whey  
Published: 12/01/2022  
Effective: 01/12/2023

No. 55038 (Amendment) R70-560: Inspection and Regulation of Cottage Food Production Operations  
Published: 12/01/2022  
Effective: 01/12/2023

No. 55035 (Amendment) R70-570: Direct-to-Sale Farmers Market Signage  
Published: 12/01/2022  
Effective: 01/12/2023

No. 55054 (Amendment) R70-920: Packaging and Labeling of Commodities  
Published: 12/01/2022  
Effective: 01/12/2023

### Commerce

#### Professional Licensing

No. 55001 (Amendment) R156-17b: Pharmacy Practice Act Rule  
Published: 11/15/2022  
Effective: 01/05/2023

No. 55111 (Amendment) R156-31b: Nurse Practice Act Rule  
Published: 12/15/2022  
Effective: 01/24/2023

No. 55007 (Amendment) R156-37: Utah Controlled Substances Act Rule  
Published: 11/15/2022  
Effective: 01/05/2023

No. 55002 (Amendment) R156-55a: Utah Construction Trades Licensing Act Rule  
Published: 11/15/2022  
Effective: 01/03/2023

No. 55006 (Amendment) R156-60a: Social Worker Licensing Act Rule  
Published: 11/15/2022  
Effective: 01/03/2023

No. 55081 (Amendment) R156-60b: Marriage and Family Therapist Licensing Act Rule  
Published: 12/01/2022  
Effective: 01/10/2023

No. 55082 (Amendment) R156-60c: Clinical Mental Health Counselor Licensing Act Rule  
Published: 12/01/2022  
Effective: 01/12/2023

No. 55059 (Amendment) R156-67: Utah Medical Practice Act Rule  
Published: 12/01/2022  
Effective: 01/12/2023

No. 55058 (Amendment) R156-68: Utah Osteopathic Medical Practice Act Rule  
Published: 12/01/2022  
Effective: 01/12/2023

NOTICES OF RULE EFFECTIVE DATES

No. 55023 (New Rule) R156-70b: Anesthesiologist Assistant Practice Act Rule  
Published: 11/15/2022  
Effective: 01/05/2023

No. 55074 (New Rule) R156-88a: Dispensing Practice Rule  
Published: 12/01/2022  
Effective: 01/10/2023

Corrections

Administration

No. 54907 (Repeal) R251-704: North Gate  
Published: 10/15/2022  
Effective: 01/11/2023

Education

Administration

No. 55095 (Repeal) R277-412: State Capitol Visit Program  
Published: 12/01/2022  
Effective: 01/11/2023

No. 55096 (Amendment) R277-471: School Construction Oversight, Inspections, Training and Reporting  
Published: 12/01/2022  
Effective: 01/11/2023

No. 55097 (Amendment) R277-479: Funding for Charter School Students With Disabilities on an IEP  
Published: 12/01/2022  
Effective: 01/11/2023

No. 55098 (Amendment) R277-705: Secondary School Completion and Diplomas  
Published: 12/01/2022  
Effective: 01/11/2023

No. 55099 (Amendment) R277-750: Education Programs for Students with Disabilities  
Published: 12/01/2022  
Effective: 01/11/2023

Environmental Quality

Waste Management and Radiation Control, Radiation

No. 55060 (Amendment) R313-15-501: Surveys and Monitoring - General  
Published: 12/01/2022  
Effective: 01/17/2023

No. 55065 (Amendment) R313-28-31: General and Administrative Requirements  
Published: 12/01/2022  
Effective: 01/17/2023

No. 55061 (Amendment) R313-34-3: Clarifications or Exemptions  
Published: 12/01/2022  
Effective: 01/17/2023

No. 55062 (Amendment) R313-35-120: X-Ray Systems Less than 1 MeV used for Non-Destructive Testing  
Published: 12/01/2022  
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No. 55063 (Amendment) R313-36-3: Clarifications or Exceptions  
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No. 55064 (Amendment) R313-38-3: Clarifications or Exceptions  
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Waste Management and Radiation Control, Waste Management

No. 55066 (Amendment) R315-15-5: Standards for Used Oil Processors and Re-Refiners  
Published: 12/01/2022  
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No. 55067 (Amendment) R315-260-10: Definitions  
Published: 12/01/2022  
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No. 55068 (Amendment) R315-261: General Requirements -- Identification and Listing of Hazardous Waste  
Published: 12/01/2022  
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No. 55069 (Amendment) R315-262-24: Manifest Requirements Applicable to Small and Large Quantity Generators -- Use of the Electronic Manifest  
Published: 12/01/2022  
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No. 55070 (Amendment) R315-263: Standards Applicable to Transporters of Hazardous Waste and Standards Applicable to Emergency Control of Spills for All Hazardous Waste Handlers  
Published: 12/01/2022  
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No. 55071 (Amendment) R315-264-71: Manifest System, Recordkeeping, and Reporting -- Use of Manifest System  
Published: 12/01/2022  
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No. 55072 (Amendment) R315-265: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities  
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Water Quality

No. 54987 (Amendment) R317-2: Standards of Quality for Waters of the State  
Published: 11/01/2022  
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Government Operations

## Finance

No. 55028 (Amendment) R25-5: Payment of Meeting Compensation (Per Diem) to Boards  
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No. 55005 (Repeal) R25-8: Overtime Meal Allowance  
Published: 11/15/2022  
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## Human Resource Management

No. 55115 (Amendment) R477-7-3: Annual Leave  
Published: 12/15/2022  
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Health and Human Services

## Family Health and Preparedness, Emergency Medical Services

No. 55026 (Amendment) R426-3: Licensure  
Published: 11/15/2022  
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## Administration, Administrative Services, Licensing

No. 55057 (Repeal) R501-16: Intermediate Secure Treatment Programs for Minors  
Published: 12/01/2022  
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Insurance

## Administration

No. 55109 (Amendment) R590-177: Life Insurance Illustrations Rule  
Published: 12/15/2022  
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No. 55089 (Repeal and Reenact) R590-194: Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism  
Published: 12/01/2022  
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No. 55110 (Amendment) R590-197: Treatment of Guaranty Association Assessments as Qualified Assets  
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No. 55045 (Amendment) R590-239: Exemption of Student Health Centers From Insurance Code  
Published: 12/01/2022  
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No. 55090 (Repeal) R590-246: Professional Employer Organization (PEO) License Application Rule  
Published: 12/01/2022  
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No. 55091 (Repeal and Reenact) R590-250: Professional Employer Organization License Procedure and Assurance Organization Designation  
Published: 12/01/2022  
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No. 55092 (Amendment) R590-254: Annual Financial Reporting Rule  
Published: 12/01/2022  
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No. 55046 (Amendment) R590-258: Email Address Requirement  
Published: 12/01/2022  
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No. 55093 (Amendment) R590-265: Hazardous Financial Condition Rule  
Published: 12/01/2022  
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No. 55047 (Amendment) R590-269: Individual Open Enrollment Period  
Published: 12/01/2022  
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No. 55094 (Amendment) R590-272: Commission Compensation Reporting  
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No. 55048 (Amendment) R590-276: Record Retention for Foreign Insurers, Alien Insurers, Commercially Domiciled Insurers, Foreign Title Insurers, and Foreign Fraternal  
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No. 55049 (Amendment) R590-279: Rule Designating Fraud Division Offices as a Secured Area  
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No. 55050 (Amendment) R590-280: Counting Short-Term Funds  
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No. 55051 (Amendment) R590-282: Pharmacy Benefit Managers  
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Lieutenant Governor

## Elections

No. 54985 (New Rule) R623-7: Vote Tabulation Software Validation Rule  
Published: 11/01/2022  
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NOTICES OF RULE EFFECTIVE DATES

Money Management Council

Administration

No. 55116 (Amendment) R628-12: Certification of Qualified Depositories for Public Funds

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Natural Resources

State Parks

No. 55084 (Amendment) R651-103: Electronic Meetings

Published: 12/01/2022

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No. 55088 (Amendment) R651-601: Definitions as Used in These Rules

Published: 12/01/2022

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No. 55085 (Amendment) R651-619: Possession of Alcoholic Beverages or Controlled Substances

Published: 12/01/2022

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No. 55086 (Amendment) R651-629: Unattended Property

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No. 55087 (Amendment) R651-632: Enforcement

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Tax Commission

Administration

No. 55075 (Amendment) R861-1A-12: Policies and Procedures Regarding Public Disclosure Pursuant to Utah Code Ann. Sections 41-3-209, 59-1-210, 59-1-403, and 59-1-405

Published: 12/01/2022

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No. 55076 (Amendment) R861-1A-46: Procedures for Purchaser Refund Requests Pursuant to Utah Code Ann. Sections 59-1-1410 and 59-12-110

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No. 55077 (Amendment) R861-1A-16: Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207

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Auditing

No. 55078 (Amendment) R865-14W-1: Mineral Production Tax Withholding Pursuant to Utah Code Ann. Sections 59-6-101 through 59-6-104

Published: 12/01/2022

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No. 55079 (Amendment) R865-19S-102: Calculation of Qualifying Exempt Electricity Sales to Ski Resorts Pursuant to Utah Code Ann. Section 59-12-104

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Transportation

Administration

No. 55101 (Amendment) R907-1-3: Appointment of the Presiding Officer and Hearing Record

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Motor Carrier

No. 54997 (Amendment) R909-2: Utah Size and Weight Rule

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Program Development

No. 55114 (Amendment) R926-17: Road Usage Charge Program

Published: 12/15/2022

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Transportation Commission

Administration

No. 55102 (Repeal) R940-8: Establishment of Road Usage Charge (RUC) Rates

Published: 12/15/2022

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Workforce Services

Employment Development

No. 55113 (Amendment) R986-600: Workforce Innovation and Opportunity Act

Published: 12/15/2022

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**End of the Notices of Rule Effective Dates Section**