

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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EXECUTIVE DOCUMENTS

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

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

EXECUTIVE ORDER 2023-03

Providing Optional Administrative Leave to Support Community Flood Responses

WHEREAS, Utah has experienced high levels of precipitation this winter season, leading to snowpack levels exceeding 150% in most of the state;

WHEREAS, the precipitation is already causing flooding and creating risks of flooding throughout Utah;

WHEREAS, these risks may persist throughout the upcoming months, as snow melts and as Utah receives additional precipitation;

WHEREAS, in the face of these conditions, flood mitigation and relief is a crucial effort that depends on the support of Utah's communities;

WHEREAS, Utah's cities and counties would greatly benefit from volunteers to assist in flood mitigation and relief;

WHEREAS, Utah is the number one state in the nation for volunteerism and a place where people come together for the common good;

WHEREAS, Utah's public employees are unified in their devotion to their communities;

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

1. **Application.**

a. This executive order applies to all state executive branch agencies.

2. **Definitions.** As used in this order:

a. "Agency"

i. includes:

1. a department, division, office, bureau, or other organization within the state executive branch, including the State Tax Commission, the National Guard, and the Board of Pardons and Parole; and

ii. does not include:

1. an institution of higher education;

2. the Utah Board of Higher Education;

3. the State Board of Education;

4. an independent entity as defined in Utah Code § 63E-1-102;

5. the Attorney General's Office;

6. the State Auditor's Office;

EXECUTIVE DOCUMENTS

- 7. the State Treasurer's Office;
 - 8. the Legislative Branch; or
 - 9. the Judicial Branch.
- b. "Employee" means a benefited agency employee.

3. Specific Requirements

- a. Each agency:
 - i. shall grant all employees up to eight (8) hours of administrative leave, as defined in Utah Administrative Code R477-1-1, and hereafter referred to as "flood response leave," to take time away from their normal state employment responsibilities to volunteer to assist with flood relief activities in the state of Utah, including flood prevention, mitigation, or any other response to flooding or potential flooding;
 - ii. shall set appropriate limitations and ensure that the agency's critical work is not unduly interrupted;
 - iii. shall postpone or deny the use of flood response leave if an employee's use of this leave will significantly harm the agency, including the agency incurring incremental costs, or if the employee's normal state employment responsibilities already include flood relief activities;
 - iv. shall inform all agency employees of this Order; and
 - v. may not count flood response leave toward the 18-week maximum of unprotected leave set forth in DHRM rule R477-7-1(11).
- b. Each employee wanting to use flood response leave shall:
 - i. request and receive individual permission from their agency leadership to use flood response leave; and
 - ii. acknowledge that serving in response to flooding is voluntary and that performing any work and travel to and from where they provide flood related service is completely separate and segregated from their employment with the state.
- c. Each employee may break up the flood response leave into hourly segments as long as the leave used for this purpose does not exceed eight (8) hours.
- d. Both full-time and part-time employees are eligible for participation. Part-time employees may receive a prorated amount of administrative leave time.
- e. The Division of Human Resource Management (DHRM) shall issue guidance and policies to ensure implementation of this Order.
- f. The Finance Division of the Department of Government Operations shall work with DHRM to support the implementation of this Order.

THIS ORDER is effective immediately and shall expire on August 31, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 16th day of March, 2023.

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

**EXECUTIVE ORDER
2023-04**

Enshrining the Continued Significance and Display of the Historic State Flag

WHEREAS, the historic state flag was created by the Daughters of the American Revolution in 1903 under the direction of Governor Heber M. Wells;

WHEREAS, the historic state flag included a blue background, an American eagle, the word "industry," and a beehive;

WHEREAS, the historic state flag displayed the year 1847 to commemorate the year Utah was settled and the year 1896 to commemorate the year Utah achieved statehood;

WHEREAS, the Utah State Legislature adopted the historic state flag on March 9, 1911, with the features above present on the flag;

WHEREAS, despite minor changes over the last century, these original features remain as powerful symbols on the historic state flag;

WHEREAS, the historic state flag is a symbol of the faith, diligence, and strength of the people of Utah;

WHEREAS, the historic state flag and its rich background continue to inspire the people of Utah;

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

1. Order

a. **Definitions.** As used in this order:

i. "Agency"

1. Includes:

a. a department, division, office, bureau, or other organization within the state executive branch, including the State Tax Commission, the National Guard, and the Board of Pardons and Parole; and

2. does not include:

a. an institution of higher education;

b. the Utah Board of Higher Education;

c. the State Board of Education;

d. an independent entity as defined in Utah Code § 63E-1-102;

e. the Attorney General's Office;

f. the State Auditor's Office;

g. the State Treasurer's Office;

h. the Legislative Branch; or

i. the Judicial Branch.

ii. "Historic state flag" means the Utah state flag described in Utah Code § 63G-1-501 (63G-1-503, effective March 9, 2024).

iii. "State flag" means the Utah state flag, which will be described in Utah Code § 63G-1-501, effective March 9, 2024.

iv. "State property" means a facility or building under the care and control of an agency.

b. **Requirements for Preserving the Significance of the Historic State Flag**

i. All steps necessary shall be taken, including a convening of the State Capitol Preservation Board, to enable the following:

1. flying the historic state flag on top of the Utah state capitol building each day of the year; and

2. upon S.B. 31 (2023) taking effect, flying both the state flag and the historic state flag on separate flagpoles each day of the year on Utah state capitol grounds.

ii. Agencies shall fly the historic state flag on state property on each legal holiday listed in Utah Code § 63G-1-301.

iii. Agencies shall consider and adopt additional methods for maintaining the significance of the historic state flag, including flying the flag at significant agency events.

2. Petition

a. I hereby petition the legislature to amend Lines 118-121 of S.B. 31 (2023), so that when displaying the historic state flag on public grounds in any location where the state flag is also displayed, the governmental entity responsible for the display of the flags shall ensure that the historic state flag is displayed above the state flag.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 21st day of March, 2023.

EXECUTIVE DOCUMENTS

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between March 02, 2023, 12:00 a.m., and March 15, 2023, 11:59 p.m. are included in this, the April 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 May 01, 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 July 31, 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.

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R58-2	Filing ID: 55281

Agency Information

1. Department:	Agriculture and Food	
Agency:	Animal Industry	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state, and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amanda Price	801-982-2244	amandaprice@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	amberbrown@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R58-2. Diseases, Inspections and Quarantines
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule needs to be updated to current practices to provide clarity in the process for quarantine and inspections of animals. Additional changes and updates are needed to meet the requirements of the Utah Rulewriting Manual.
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 proposed change in text removes terminology in definitions to be more inclusive, updates reporting procedures, and aligns with federal requirements. The proposed text updates the process for the quarantine of animals by including a verbal option and removing non-applicable federal regulations. The last section added horses to restrict movements at livestock auctions. The updated text will align 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:																
The changes provide clarity and align with updated federal regulations. The administration of the program is not changing and should not impact the state budget.																
B) Local governments:																
The changes provide clarity and align with updated federal regulations. The administration of the program is not changing and should not impact local governments.																
C) Small businesses ("small business" means a business employing 1-49 persons):																
The changes provide clarity and align with updated federal regulations. The administration of the program is not changing and should not impact small businesses.																
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																
The changes provide clarity and align with updated federal regulations. The administration of the program is not changing and should not impact non-small businesses.																
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):																
The changes provide clarity and align with updated federal regulations. The administration of the program is not changing and should not impact other persons.																
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):																
The changes provide clarity and align with updated federal regulations. The administration of the program is not changing and should not impact compliance costs.																
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in the narratives above.)																
Regulatory Impact Table																
<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> <tr> <td>Small Businesses</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	Small Businesses	\$0	\$0	\$0
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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Agriculture and Food, Craig Butters, 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 4-31-118	Subsection 4-2-103(1)(i)	Subsection 4-2-103(1)(c)(ii)

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	05/01/2023
9. This rule change MAY become effective on:	05/08/2023
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

Agency head or designee and title:	Craig W. Butters, Commissioner	Date:	01/10/2023
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Rule or Section Number:	R58-4	Filing ID: 55284

Agency Information

1. Department:	Agriculture and Food	
Agency:	Animal Industry	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state, and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amanda Price	801-982-2244	amandaprice@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	amberbrown@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R58-4. Use of Animal Drugs and Biologicals in the State of Utah
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This updated rule provides clarity and alignment with industry processes and terms. The text will align with the requirements of the Utah Rulewriting Manual.
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 proposed text updates a section with an industry common term and provides clarifying information about a current process by updating permit information to the State Veterinarian instead of the Commissioner. The rule updates to align 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:

The administration of the program is not changing and the proposed text is providing common industry terms. The updated text will not impact the state budget.

B) Local governments:

The text is clarifying and updated to current common practices and will not impact local governments because the administration of the program is not changing.

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

The text is clarifying and updated to current common practices and will not impact small businesses because the administration of the program is not changing.

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

The text is clarifying and updated to current common practices and will not impact non-small businesses because the administration of the program is not changing.

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 text is clarifying and updated to current common practices and will not impact other persons because the administration of the program is not changing.

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

The text is clarifying and updated to current common practices and will not impact compliance costs because the administration of the program is not changing.

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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Agriculture and Food, Craig Buttars, has reviewed and approved this regulatory impact analysis.			

Citation Information

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

Section 4-5-104

Public Notice Information

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

A) Comments will be accepted until: 05/01/2023

9. This rule change MAY become effective on:	05/08/2023
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

Agency head or designee and title:	Craig W. Butters, Commissioner	Date:	03/14/2023
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R58-6	Filing ID: 55285

Agency Information

1. Department:	Agriculture and Food	
Agency:	Animal Industry	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state, and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amanda Price	801-982-2244	amandaprice@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	amberbrown@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R58-6. Poultry
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Due to the USDA's recent update to standards and guidelines for small egg producers, this rule needed to be updated to current definitions. Outdated terms and definitions that are not recognized by USDA or the industry have been removed. Clarity of text and alignment with requirements of the Utah Rulewriting Manual.

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 definition of "Poultry" has been updated and a separate definition for "Gamebirds" has been included. Several of the definitions that are no longer applicable were removed. The National Poultry Improvement Plan (NPIP) program standards are incorporated and an updated process for a flock plan has been outlined. Commercial Gamebird facilities requirements have been included in this rule.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed changes remove text that is not relevant and provide clarity for preventing disease in poultry and gamebirds. The administration of the program is not changing and will not impact the state's budget.
B) Local governments:
The proposed changes remove text that is not relevant and provide clarity for preventing disease in poultry and gamebirds. The administration of the program is not changing and will not impact local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed changes remove text that is not relevant and provide clarity for preventing disease in poultry and gamebirds. The administration of the program is not changing and will not impact small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed changes remove text that is not relevant and provide clarity for preventing disease in poultry and gamebirds. The administration of the program is not changing and will not impact non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
The proposed changes remove text that is not relevant and provide clarity for preventing disease in poultry and gamebirds. The administration of the program is not changing and will not impact other persons.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

The proposed changes remove text that is not relevant and provide clarity for preventing disease in poultry and gamebirds. The administration of the program is not changing and will not impact compliance costs.

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

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

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

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

Citation Information

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

Section 4-31-119		
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	Title 9 CFR 145-147
Publisher	Code of Federal Regulations
Issue Date	03/10/2023
Issue or Version	2023 version

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

Official Title of Materials Incorporated (from title page)	The NPIP Program Standards
Publisher	United States Department of Agriculture
Issue Date	December 2019
Issue or Version	2019 Version

Public Notice Information

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

A) Comments will be accepted until:	05/01/2023
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9. This rule change MAY become effective on: 05/08/2023

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

Agency head or designee and title:	Craig Buttars, Commissioner	Date:	03/14/2023
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Rule or Section Number:	R58-14	Filing ID: 55283

Agency Information

1. Department:	Agriculture and Food
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Agency:	Animal Industry	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state, and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amanda Price	801-982-2244	amandaprice@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	amberbrown@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R58-14. Holding Live Raccoons or Coyotes in Captivity
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Department Agriculture and Food needed to clarify the text for the parameters of who can be in possession of a raccoon or a coyote. Section 4-23-111 will only allow a variance in rules if the Agricultural and Wildlife Damage Prevention Board approves the rules. The changes in the text will align with the Utah Rulewriting Manual.
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 proposed text advises that it is unlawful for an individual to possess a raccoon or a coyote and could be subject to a citation and fines. This rule provides current procedures for an organization to apply for a variance for possessing a raccoon or coyote for research purposes. This rule aligns more with Section 4-23-111 and removes any confusing language for permits and enforcement of this rule. The text provides clarity and alignment with the Utah Rulewriting Manual.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:
The proposed changes clarify the current practice of possession of a raccoon or coyote and do not change the program's administration. It will not impact the state's budget because the program's administration is not changing.
B) Local governments:
The proposed changes remove the ability of an individual to possess a raccoon or a coyote and will not change how the program is administered. It will not impact local governments because the program's administration is not changing.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed changes remove the ability of an individual to possess a raccoon or a coyote and will not change how the program is administered. It will not impact small businesses because the program's administration is not changing.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed changes remove the ability of an individual to possess a raccoon or a coyote and will not change how the program is administered. It will not impact non-small businesses because the program's administration is not changing.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
The proposed changes remove the ability of an individual to possess a raccoon or a coyote and will not change how the program is administered. It will not impact other persons because the program's administration is not changing.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
The proposed changes remove the ability of an individual to possess a raccoon or a coyote and will not change how the program is administered. It will not impact compliance costs because the program's administration is not changing.
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 the 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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Agriculture and Food, Craig W. Buttars, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 4-2-2(1)(j)	Section 4-23-111	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	05/01/2023

9. This rule change MAY become effective on:	05/08/2023
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

Agency head or designee and title:	Craig Buttars, Commissioner	Date:	03/14/2023
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Rule or Section Number:	R432-105	Filing ID: 55270

Agency Information

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

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

General Information

2. Rule or section catchline:
R432-105. Specialty Hospital - Orthopedics
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
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 current state rulewriting manual standards. There are no substantive changes being made regarding the fiscal impacts 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 Orthopedic 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.)

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

NOTICES OF PROPOSED RULES

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

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 05/01/2023

9. This rule change MAY become effective on: 05/08/2023
 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

Agency head or designee and title: Tracy Gruber, Executive Director
Date: 03/01/2023

NOTICE OF PROPOSED RULE
TYPE OF RULE: Amendment
Rule or Section Number: R432-300
Filing ID: 55271

Agency Information

1. Department: Health and Human Services
Agency: Family Health and Preparedness, Licensing
Room number: 1st Floor
Building: Multi-Agency State Office Bldg
Street address: 195 N 1950 W
City, state and zip: Salt Lake City, UT 84116
Mailing address: PO Box 144103
City, state and zip: Salt Lake City, UT 84114-4103

Contact persons:

Name:	Phone:	Email:
Erica Pryor	801-273-2994	ericapryor@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov

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

General Information

2. Rule or section catchline:
 R432-300. Small Health Care Facility - Type N

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
 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 impacts 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 Small Health Care Facility 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 items 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.)

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

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

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

Citation Information

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

Section 26B-1-202		
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	NFPA 99 Health Care Facilities Code as currently adopted by Centers for Medicare and Medicaid Services
Publisher	National Fire Protection Association
Issue Date	2021

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

Official Title of Materials Incorporated (from title page)	ADA Standards for Accessible Design (ADASAD) of 2010 (new incorporation)
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NOTICES OF PROPOSED RULES

Publisher	U.S. Department of Justice Civil Rights Division
Issue Date	September 15, 2010

Public Notice Information

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

A) Comments will be accepted until: 05/01/2023

9. This rule change MAY become effective on: 05/08/2023

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

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/02/2023
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R590-261	Filing ID: 55275

Agency Information

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

General Information

2. Rule or section catchline:
R590-261. Health Benefit Plan Adverse Benefit Determinations
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring this rule text more in line with the Utah Rulewriting Manual standards. Other changes make the language of this rule more clear, remove the Penalties (old R590-261-15) and Enforcement Date (old R590-261-16) sections, and update the Severability (new R590-261-14) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.

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

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

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

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

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

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

The Commissioner of the Department of 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-2-212	Section 31A-22-629
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Public Notice Information

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

A) Comments will be accepted until:	05/01/2023
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9. This rule change MAY become effective on:	05/08/2023
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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

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	03/06/2023
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R590-268	Filing ID:	55276
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Agency Information

1. Department:	Insurance		
Agency:	Administration		
Room number:	Suite 2300		
Building:	Taylorsville State Office Building		
Street address:	4315 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Mailing address:	PO Box 146901		
City, state and zip:	Salt Lake City, UT 84114-6901		
Contact persons:			
Name:	Phone:	Email:	
Steve Gooch	801-957-9322	sgooch@utah.gov	

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

General Information

2. Rule or section catchline:
R590-268. Small Employer Stop-Loss Insurance
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring this rule text more in line with the Utah Rulewriting Manual standards. Other changes make the language of this rule more clear, remove the Penalties (old R590-268-9) section, and update the Severability (new R590-268-8) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.

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

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

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

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

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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner of the Department of 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-43-304	
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Public Notice Information

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

A) Comments will be accepted until: 05/01/2023

9. This rule change MAY become effective on: 05/08/2023

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

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	03/06/2023
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R590-275	Filing ID: 55277

Agency Information

1. Department:	Insurance
Agency:	Administration
Room number:	Suite 2300
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state and zip:	Taylorville, UT 84129
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

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

General Information

2. Rule or section catchline:
 R590-275. Qualified Health Plan Alternate Enrollment

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
 This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
 The majority of the changes are being done to fix style issues to bring this rule text more in line with the Utah Rulewriting Manual standards. Other changes make the language of this rule more clear, remove the Penalties (old R590-275-5) and Enforcement Date (old R590-275-6) sections, and update the Severability (new R590-275-5) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

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

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

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

C) Small businesses ("small business" means a business employing 1-49 persons):
 There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.

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

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

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

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

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

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

G) 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
Total Fiscal Cost	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0

Net Benefits	Fiscal	\$0	\$0	\$0
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H) Department head comments on fiscal impact and approval of regulatory impact analysis:

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-2-212	
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Public Notice Information

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

A) Comments will be accepted until:	05/01/2023
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9. This rule change MAY become effective on:	05/08/2023
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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

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	03/06/2023
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Rule or Section Number:	R590-284	Filing ID: 55278

Agency Information

1. Department:	Insurance
Agency:	Administration
Room number:	Suite 2300
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state and zip:	Taylorville, UT 84129
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

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

General Information

2. Rule or section catchline:
R590-284. Corporate Governance Annual Disclosure Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring this rule text more in line with the Utah Rulewriting Manual standards and to make the language of this rule more clear. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

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

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

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

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

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

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

NOTICES OF PROPOSED RULES

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

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-16b-104	
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also

request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	05/01/2023
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9. This rule change MAY become effective on:	05/08/2023
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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

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	03/06/2023
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End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R51-5	Filing ID: 54137
Effective Date:	03/07/2023	

Agency Information

1. Department:	Agriculture and Food	
Agency:	Administration	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state, and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Kelly Pehrson	801-982-2200	kwpehrson@Utah.gov
Amber Brown	385-245-5222	amberbrown@Utah.gov
Jim Bowcutt	435-232-4017	jdbowcutt@Utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:	R51-5. Rural Rehabilitation Loans
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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:

Rule R51-5 establishes the general operating practices of Title 4, Chapter 19, Rural Rehabilitation, according to the Use Agreement established in January 1975 between the United States of America through the Farm Home Administration and the state through its commissioner. This rule serves as guidelines for how the Rural Rehabilitation Loan program shall operate. The program is regulated under Title 3, Uniform Agricultural Cooperative Association Act.

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

No record of comments received during or since the last five-year review.

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

Currently, the Utah Department of Agriculture and Food (UDAF), through the Rural Rehabilitation Loan Program, services 81 loans with a principal asset value of \$14,923,889. UDAF currently has four in various stages of approval by the Loan Staff. There is continued interest in the Rural Rehabilitation Loan Program since this program's lending structure is to assist Utah's young farmers, others who want to purchase, distressed borrowers, and distressed agriculture industries. These funds are used to keep agriculture viable in Utah. This rule is needed to regulate the program for users who are unable to obtain necessary financing elsewhere. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Craig W. Buttars, Commissioner	Date:	03/07/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R64-2	Filing ID:	54444
Effective Date:	03/10/2023		

Agency Information

1. Department:	Agriculture and Food		
Agency:	Conservation Commission		
Building:	TSOB South Bldg, Floor 2		
Street address:	4315 S 2700 W		
City, state and zip:	Taylorsville, UT 84129-2128		
Mailing address:	PO Box 146500		
City, state and zip:	Salt Lake City, UT 84114-6500		
Contact persons:			
Name:	Phone:	Email:	
Kelly Pehrson	801-982-2200	kwpehrson@Utah.gov	
Amber Brown	385-245-5222	amberbrown@Utah.gov	
Jim Bowcutt	435-232-4017	jdbowcutt@Utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R64-2. Conservation Commission Electronic Meetings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Conservation Commissions are public bodies and are required by Section 52-4-207 to have a rule in place if electronic meetings are conducted. The Conservation Commission conducts most of its meetings electronically because members live in locations that are difficult to find an anchor location.
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 public comment has been received by the Director for this rule since its last review.

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

The Conservation Commission continues to conduct electronic meetings because members live in various locations throughout the state and it is difficult to find an anchor location and time that will meet necessary travel restrictions. Since no negative comments have been received the Director feels it is important to continue to have these meetings electronically. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jim Bowcutt, Director	Date:	03/10/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R137-2	Filing ID:	50223
Effective Date:	03/14/2023		

Agency Information

1. Department:	Career Service Review Office		
Agency:	Administration		
Building:	Taylorsville State Office Building		
Street address:	4315 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Contact persons:			
Name:	Phone:	Email:	
Akiko Kawamura	385-346-8552	akawamura@utah.gov	
Annette Morgan	385-346-8551	amorgan@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R137-2. Government Records Access Management Act
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 67-19a-203 authorizes the Administrator to make rules governing the Career Service Review Office (CSRO) files and their availability to the public.

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

No comments have been received.

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

No opposition has been received. This rule allows the public to make requests for documents under GRAMA. This allows for transparency and holds the CSRO accountable to public document requests. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Akiko Kawamura, Administrator	Date:	03/14/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-104	Filing ID:	50374
Effective Date:	03/14/2023		

Agency Information

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

General Information

2. Rule catchline:
R277-104. ADA Complaint Procedure

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

This rule is authorized pursuant to 28 CFR 35.107 which adopts, defines, and publishes complaint procedures providing for prompt and equitable resolution of complaints filed in accordance with Title II of the Americans with Disabilities Act (ADA), as amended.

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 it establishes procedures for individuals to file complaints under the ADA and to provide appropriate classification of the records of complaints and appeals. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	03/14/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-107	Filing ID:	50380
Effective Date:	03/14/2023		

Agency Information

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

General Information

2. Rule catchline:
R277-107. Educational Services Outside of an Educator's Regular Employment
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which permits the Board to adopt rules to carry out its duties and responsibilities under the Utah Constitution and state law; and Section 53E-3-512, which directs the Board to make rules that establish basic ethical conduct standards for employees who provide public education-related services or activities outside of their regular employment.
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 it provides direction and parameters for employees who provide or participate in public education-related services or activities outside of their regular public education employment. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	03/14/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-532	Filing ID:	50484
Effective Date:	03/14/2023		

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-532. Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees)
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Section 53G-11-504, which directs the Board to develop rules requiring that school districts evaluate non-licensed public education employees.
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 it directs public school districts to adopt policies for the evaluation, dismissal and compensation of non-licensed public education employees. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	03/14/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-751	Filing ID:	50540
Effective Date:	03/14/2023		

Agency Information

1. Department:	Education
Agency:	Administration

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

General Information

2. Rule catchline:
R277-751. Special Education Extended School Year (ESY)
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Subsection 53E-3-501(1)(c)(vi)(A), which directs the Board to adopt rules regarding services to students with disabilities.
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 it specifies the standards for the special education ESY. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	03/14/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R590-94	Filing ID: 53752
Effective Date:	03/13/2023	

Agency Information

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

General Information

2. Rule catchline:
R590-94. Smoker and Nonsmoker Mortality Tables for Determining Minimum Reserve Liabilities and Nonforfeiture Benefits
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code. Section 31A-22-408 authorizes the insurance commissioner to adopt rules that interpret, describe, and clarify the application of this nonforfeiture law to any form of life insurance for which the interpretation, description, or clarification is deemed necessary by the commissioner, including unusual and new forms of life insurance.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Insurance has received no written comments regarding this rule during the past five years.

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

This rule permits the use of smoker and nonsmoker mortality tables as a reserve standard allowing for fairer pricing of life insurance products. This rule helps insurers offer lower rates to nonsmokers. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	03/13/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-154	Filing ID:	54100
Effective Date:	03/13/2023		

Agency Information

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

General Information

2. Rule catchline:
R590-154. Unfair Marketing Practices Rule; Misleading Names
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.

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

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

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

This rule prohibits practices that are misleading, deceptive, or unfairly discriminatory, and that provide an unfair inducement or unreasonably restrain competition. This rule is necessary because it sets forth the guidelines for producers regarding what is considered to be unacceptable market conduct. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	03/13/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R657-34	Filing ID:	51752
Effective Date:	03/15/2023		

Agency Information

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

General Information

2. Rule catchline:
R657-34. Procedures for Confirmation of Ordinances on Hunting Closures

<p>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</p> <p>Subsection 23-14-1(3)(b) states: "Communities may close areas to hunting for safety reasons after confirmation by the Wildlife Board." This rule provides the standards and procedures for a political subdivision within a community may obtain confirmation from the Wildlife Board to close an area to hunting for reasons of safety.</p>
<p>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</p> <p>No written comments supporting or opposing Rule R657-34 were received since 05/06/2018, when this rule was last reviewed.</p>
<p>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</p> <p>Rule R657-34 is necessary to provide the procedures for a political subdivision within a community to obtain confirmation from the Wildlife Board to close an area to hunting for reasons of safety. The provisions adopted in this rule are effective. This rule is necessary to provide the standards and procedures for obtaining confirmation from the Wildlife Board. Therefore, this rule should be continued.</p>

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	03/15/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R657-37	Filing ID: 52737
Effective Date:	03/15/2023	

Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources
Room number:	Suite 2110
Building:	Department of Natural Resources
Street address:	1594 W North Temple
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84114-6301

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

General Information

<p>2. Rule catchline:</p> <p>R657-37. Cooperative Wildlife Management Units for Big Game or Turkey</p>
<p>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</p> <p>Under Section 23-23-3, the Wildlife Board is authorized to provide the standards and procedures applicable to Cooperative Wildlife Management units organized for the hunting of big game or turkey.</p>
<p>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</p> <p>No written comments supporting or opposing Rule R657-37 were received since 2018, when this rule was last reviewed.</p>
<p>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</p> <p>Rule R657-37 is established for setting the standards and procedures applicable to Cooperative Wildlife Management units for big game or turkey. The provisions adopted in this rule are effective in increasing wildlife resources, providing income to landowners, providing the general public access to private and public lands for hunting big game or turkey, creating satisfying hunting opportunities and providing adequate protection to landowners who open their lands for hunting. This rule is necessary for success with this program. Therefore, this rule should be continued.</p>

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	03/15/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R657-42	Filing ID: 52442
Effective Date:	03/15/2023	

Agency Information

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

General Information

2. Rule catchline:
R657-42. Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents
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 23-19-1 and 23-19-38, the Division of Wildlife Resources under authorization from the Wildlife Board is required to issue wildlife documents along with providing the standards and procedures for the exchange permits, surrender of wildlife documents, refund of wildlife documents, reallocation of permits and assessment of late fees.
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 R657-42 were received since 2018, when this rule was last reviewed.
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 R657-42 is established for setting the standards and procedures for exchanges, surrenders, refunds and reallocations of wildlife permits. The provisions adopted in this rule are effective in maintaining a set practice of guidelines assuring continuity and consistency in handling circumstances pertaining to exchanges, surrenders, refunds, reallocations and late fees. This rule is necessary for success with this program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	03/15/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R657-45	Filing ID:	51759
Effective Date:	03/15/2023		

Agency Information

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

General Information

2. Rule catchline:
R657-45. Wildlife License, Permit, and Certificate of Registration Forms
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 23-14-19 and 23-19-2, the Wildlife Board is authorized and required to prescribe the form of a wildlife license, permit, and certificate of registration.
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 R657-45 were received since 05/06/2018, when this rule was last reviewed.
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 R657-45 is established for prescribing the forms of a wildlife license, permit, and certificate of registration. The provisions adopted in this rule are effective in prescribing the form of a license, permit, and certificate of registration. This rule is necessary for prescribing the form of a license, permit, and certificate of registration. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	03/15/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R657-53	Filing ID:	53828
Effective Date:	03/15/2023		

Agency Information

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

General Information

2. Rule catchline:
R657-53. Amphibian and Reptile Collection, Importation, Transportation, and Possession
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 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means to allow the collection, importation, exportation, transportation and possession of amphibians and reptiles and their parts.

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 R657-53 were received since May 2018, when this rule was last reviewed.

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 R657-53 governs the collection, importation, exportation, transportation, and possession of amphibians and reptiles and their parts. The procedures adopted in this rule have provided an effective and efficient process. This rule is necessary for continued success of this program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	03/15/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R698-7	Filing ID:	51852
Effective Date:	03/13/2023		

Agency Information

1. Department:	Public Safety	
Agency:	Administration	
Building:	Calvin Rampton Building	
Street address:	4501 S 2700 W	
City, state and zip:	Salt Lake City, UT 84119	
Mailing address:	PO Box 141775	
City, state and zip:	Salt Lake City, UT 84114-1775	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-965-4018	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R698-7. Emergency Vehicles

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

This rule is authorized by Section 41-6a-310, which states that the commissioner of the Department of Public Safety may make rules consistent with Title 41, Chapter 6a, governing the use, in emergencies, of signal lights on privately owned vehicles; and Subsection 53-1-108(1)(c), which states that the commissioner shall make rules governing emergency use of signal lights on private vehicles and allowing privately-owned vehicle to be designated for part-time emergency use as provided in Section 41-6a-310.

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

No written comments were received during and since the last five-year review of this rule.

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

This rule is authorized under Section 41-6a-310, and required under Subsection 53-1-108(1)(c), and is necessary to establish how vehicles can be designated as authorized emergency vehicles. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jess L. Anderson, Commissioner	Date:	03/13/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R708-30	Filing ID:	51884
Effective Date:	03/14/2023		

Agency Information

1. Department:	Public Safety
Agency:	Driver License
Room number:	Suite 2600
Street address:	4315 S 2700 W, Floor 2
City, state and zip:	Taylorsville, UT 84129

Mailing address:	PO Box 144501
City, state and zip:	Salt Lake City, UT 84114-4501

Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov

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

General Information

2. Rule catchline:
R708-30. Motorcycle Rider Training Schools

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

This rule is authorized by Subsection 53-3-903(1)(b), which requires the Driver License Division to make rules to develop standards for the administration of the Motorcycle Rider Education Program.

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

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

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

This rule is required under Subsection 53-3-903(1)(b) and is necessary in order to implement the Motorcycle Rider Education Program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	03/14/2023
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Agriculture and Food

Regulatory Services

No. 55127 (Amendment) R70-410: Grading and Inspection of Small Shell Egg Producers
Published: 01/01/2023
Effective: 02/27/2023

No. 55128 (Amendment) R70-530: Food Protection
Published: 01/01/2023
Effective: 02/27/2023

No. 55105 (Amendment) R70-580: Kratom Product Registration and Labeling
Published: 12/15/2022
Effective: 02/27/2023

No. 55106 (Amendment) R70-620: Enrichment of Flour and Cereal Products
Published: 12/15/2022
Effective: 02/27/2023

No. 55130 (New Rule) R70-640: Good Manufacturing Practices Certificate Program-Cosmetics
Published: 01/01/2023
Effective: 02/27/2023

No. 55053 (Amendment) R70-930: Method of Sale of Commodities
Published: 12/15/2022
Effective: 02/27/2023

Commerce

Professional Licensing

No. 55210 (Amendment) R156-24b: Physical Therapy Practice Act Rule
Published: 02/15/2023
Effective: 03/27/2023

No. 55213 (Amendment) R156-69: Dentist and Dental Hygienist Practice Act Rule
Published: 02/15/2023
Effective: 03/27/2023

Education

Administration

No. 55199 (Amendment) R277-100: Definitions for Utah State Board of Education (Board) Rules
Published: 02/01/2023
Effective: 03/10/2023

No. 55200 (Repeal) R277-518: Career and Technical Education Licenses
Published: 02/01/2023
Effective: 03/10/2023

Environmental Quality

Air Quality

No. 55040 (New Rule) R307-313: VOC and Blue Smoke Controls for Hot Mix Asphalt Plants
Published: 12/01/2022
Effective: 3/24/2023

No. 55040 (Change in Proposed Rule) R307-313: VOC and Blue Smoke Controls for Hot Mix Asphalt Plants
Published: 02/15/2023
Effective: 03/24/2023

Waste Management and Radiation Control, Waste Management

No. 54864 (Amendment) R315-101: Cleanup Action and Risk-Based Closure Standards
Published: 10/01/2022
Effective: 03/15/2023

NOTICES OF RULE EFFECTIVE DATES

No. 54864 (Change in Proposed Rule) R315-101: Cleanup Action and Risk-Based Closure Standards
Published: 02/01/2023
Effective: 03/15/2023

Government Operations

Human Resource Management
No. 55214 (Amendment) R477-10: Employee Development
Published: 02/15/2023
Effective: 03/27/2023

Governor

Criminal and Juvenile Justice (State Commission on)
No. 55209 (New Rule) R356-6: Electronic Meetings
Published: 02/15/2023
Effective: 03/24/2023

Health and Human Services

Administration (Health)
No. 55025 (New Rule) R380-350: Community Health Worker Certification
Published: 11/15/2022
Effective: 03/02/2023

Disease Control and Prevention, Epidemiology
No. 54983 (Amendment) R386-702: Communicable Disease Rule
Published: 11/15/2022
Effective: 03/14/2023

Family Health and Preparedness, Licensing
No. 55196 (Amendment) R432-103: Specialty Hospital – Rehabilitation
Published: 02/01/2023
Effective: 03/22/2023

No. 55194 (Amendment) R432-104: Specialty Hospital Long-Term Acute Care
Published: 02/01/2023
Effective: 03/22/2023

Administration, Administrative Services, Licensing
No. 55022 (Amendment) R501-1: General Provisions for Licensing
Published: 11/15/2022
Effective: 03/02/2023

Insurance

Administration
No. 55044 (Amendment) R590-225: Submission of Property and Casualty Rate and Form Filings
Published: 12/01/2022
Effective: 03/10/2023

No. 55044 (Change in Proposed Rule) R590-225: Submission of Property and Casualty Rate and Form Filings
Published: 02/01/2023
Effective: 03/10/2023

Natural Resources

Wildlife Resources
No. 55189 (Amendment) R657-19: Utah Prairie Dog
Published: 02/01/2023
Effective: 03/10/2023

No. 55203 (Amendment) R657-33: Bait Sites and Prohibited bait
Published: 02/15/2023
Effective: 03/24/2023

Transportation

Operations, Traffic and Safety
No. 55183 (Amendment) R920-60: Amusement Ride Safety
Published: 01/15/2023
Effective: 03/07/2023

Program Development
No. 55191 (Repeal and Reenact) R926-3: Class B or Class C Road Funds
Published: 02/01/2023
Effective: 03/10/2023

Transportation Commission

Administration
No. 55204 (Amendment) R940-5: Approval of Highway Facilities on Sovereign Lands
Published: 02/15/2023
Effective: 03/27/2023

End of the Notices of Rule Effective Dates Section