

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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# EXECUTIVE DOCUMENTS

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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.

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## EXECUTIVE ORDER 2023-05

### Declaring a State of Emergency Due to Flooding

**WHEREAS**, Utah received a record-breaking amount of snow this last winter season, with snowpack levels close to or exceeding 200% in much of the state;

**WHEREAS**, warming temperatures are melting the snowpack and creating significant runoff, which has resulted in flooding in some communities and may create risks of flooding throughout Utah in the coming months;

**WHEREAS**, these conditions have resulted in avalanches, landslides, mudslides, and rockslides in Utah and create risks of these and other dangerous conditions throughout Utah in the coming months;

**WHEREAS**, many communities have declared local states of emergency and have requested resources and support from Utah's departments and agencies to assist in preparing for and dealing with this emergency;

**WHEREAS**, the Utah Division of Emergency Management has activated the State Emergency Response Team and has deployed resources, including more than 1 million sandbags as of April 7, 2023, to aid communities in preparing for potential flooding;

**WHEREAS**, in the 2023 general legislative session, the Utah Legislature appropriated \$5 million for emergency management flood mitigation, and the appropriated funds are depleted from mitigation efforts;

**WHEREAS**, declaring a state of emergency will provide access to additional funding in the State Disaster Recovery Restricted Account;

**WHEREAS**, declaring a state of emergency will facilitate the protection of persons and property from the impacts of flooding and potential flooding and expedite the use of state resources, as well as support requests for federal and interstate resources, if required;

**WHEREAS**, declaring a state of emergency will also permit Utah to request and receive mutual aid assistance from other states through the Emergency Management Assistance Compact, if required;

**WHEREAS**, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency;

**WHEREAS**, the Department of Natural Resources, by and through the Division of Forestry, Fire and State Lands has responsibility to control and prevent flooding pursuant to 65A-11-1 and, in coordination with local authorities and the Division of Emergency Management, is able to deploy or pre-position resources such as personnel, wildfire crews, and equipment at key locations in the state to assist in the filling of sand bags, and remove debris;

**WHEREAS**, these conditions meet the definition of a state of emergency described in the Disaster Response and Recovery Act, specifically in Utah Code § 53-2a-206(1); and

**WHEREAS**, Utah Code § 53-2a-206(1) authorizes the governor to declare a state of emergency by executive order;

**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 declare a state of emergency in the state due to the aforesaid circumstances.

**THIS ORDER** is effective immediately and shall remain in effect for 30 days, unless the legislature extends the state of emergency.

**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 18th day of April, 2023.

(State Seal)

**Spencer J. Cox**  
Governor, State of Utah

ATTEST:

**Deidre M. Henderson**  
Lieutenant Governor, State of Utah

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**EXECUTIVE ORDER**  
**2023-06**

Directing the Chief Privacy Officer to Develop a Strategic Privacy Plan

**WHEREAS**, Utah recognizes the importance of maintaining the privacy and security of the personal information of Utahns;

**WHEREAS**, state agencies collect, use, maintain, share, and process personal information to fulfill their responsibilities and duties;

**WHEREAS**, there is a need to handle such personal information with appropriate privacy and security;

**WHEREAS**, under Utah Code § 67-1-17, the state has a chief privacy officer who is charged with reviewing state agencies' privacy practices and assisting state agencies on privacy matters;

**WHEREAS**, state agencies would benefit from coordinated efforts at establishing standard privacy practices;

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

**Purpose of Order.** The purpose of this order is to direct the chief privacy officer to create a strategic privacy plan that contains recommended baseline privacy practices for state agencies to use to safeguard the privacy of the personal information of Utahns.

**Application.** This executive order applies to all executive branch state agencies, defined below.

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

a) "State Agency" means the same as that term is defined in Utah Code § 67-1-17(d).

b) "Personal data" and "personal information" means any information relating to an identified or identifiable individual and includes personally-identifying information.



c) "Privacy practice" means the acquisition, use, storage, or disposal of personal data and includes: 1) a technology use related to personal data; and 2) policies related to the protection, storage, sharing, and retention of personal data.

**Strategic Privacy Plan**

- 1) The chief privacy officer shall develop a proposed strategic privacy plan, including recommended baseline privacy practices for state agencies.
- 2) The chief privacy officer shall include the following in the strategic privacy plan:
  - a) Recommended baseline privacy practices and policies for state agencies;
  - b) Identification of the core components of an information privacy program;
  - c) Guidance for state agencies to design and implement an information privacy program, including roles and responsibilities, governance structure, and records management requirements;
  - d) Identification of targeted roles for special training in records management and information privacy, and recommendations for the training;
  - e) Identification of best practices regarding privacy and privacy practices;
  - f) In addition to the baseline recommended practices and policies described above, any additional recommended practices or policies for use by state agencies; and
  - g) Resources that the chief privacy officer will make available to assist state agencies.
- 3) The chief privacy officer shall consult with state agencies in developing the proposed strategic privacy plan.
- 4) The chief privacy officer shall deliver the proposed strategic privacy plan to the governor by August 1, 2023.

**Responsibilities of State Agencies:** State agencies shall, as requested by the chief privacy officer:

- 1) Assist in development of the proposed strategic privacy plan; and
- 2) Provide information regarding current privacy practices and policies.

**THIS ORDER** is effective immediately and shall remain in effect through Aug. 1, 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 21st day of April, 2023.

(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

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between April 01, 2023, 12:00 a.m., and April 14, 2023, 11:59 p.m. are included in this, the May 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 31, 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 August 29, 2023, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

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

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R58-18	Filing ID: 55320

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Animal Industry	
<b>Building:</b>	TSOB South Bldg, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state, and zip:</b>	Taylorsville, UT 84129-2128	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda Price	801-386-4189	amandaprice@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	amberbrown@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R58-18. Elk Farming
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The text in this rule needs to be updated to be consistent with the recent statute changes in H.B. 45, Elk Amendments, passed during the 2023 General Session, and to reflect current practices when the Department of Agriculture and Food (Department) quarantines animals with Chronic Wasting Disease (CWD).
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
The Department has edited the rule text in Section R58-18-2 to be consistent with updated statutory definitions in Section 4-39-102. Notably, the definition of "commingled" and "CWD-exposed animal" have been changed to include only animals that have had physical contact with a CWD-positive animal in the prior 60 months.

Renewal licensing procedures and physical inventory records are clarified in Sections R58-18-4 and R58-18-6 with updates to ensure records requirements are consistent with the new statute.

CWD testing requirements related to elk slaughter are clarified in Section R58-18-8, and RFID identification requirements are added in Section R58-18-9 to make the rule consistent with the current statute.

In Section R58-18-11, import limitations are added that only allow international elk imports of male animals transported to an elk ranch for harvest in the same season.

In Section R58-18-12, the powers of the state veterinarian have been updated to be consistent with statutory changes related to the state veterinarian's ability to quarantine and requirements that they provide quarantined facilities with information regarding the status of any investigations within 30 days.

Finally, throughout the rule text and in Section R58-18-15, the conditions under which the Department may and shall deny or revoke a license are clarified to be consistent with statutory changes.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The updated text removes outdated processes, clearly defines current practices, and does not change the program's administration. The requirement for elk farms to purchase the RFID tag is \$2 per tag and will cover the Department's cost and shipping for the required tags. The Department anticipates breakeven with tag revenue and costs but will benefit from the animal inventories.
<b>B) Local governments:</b>
Local governments will not be impacted because the processes are being clarified, and the administration is not changing.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
Small businesses will be impacted because of the cost of the RFID tag requirement. The anticipated price is \$2 per tag. Per the first round of inventories and RFID tag applications, the total annual cost is estimated to be around \$2,000 (for 1,000 animals at \$2 per tag), to be borne entirely by small businesses.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
Non-small businesses will not be impacted because they do not operate as elk farms.

**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**):

Other persons will not be impacted because the processes and definitions are being updated, and 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?):

Compliance costs will be impacted because of the cost of the RFID tag requirement. The anticipated price is \$2 per tag. Per the first round of elk inventories conducted by the Department and RFID tag applications, the price is expected to be approximately \$2,000 annually.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$2,000	\$2,000	\$2,000
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$2,000</b>	<b>\$2,000</b>	<b>\$2,000</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$(2,000)</b>	<b>\$(2,000)</b>	<b>\$(2,000)</b>

**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 4-39-106		
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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:**

<b>Official Title of Materials Incorporated (from title page)</b>	USDA Chronic Wasting Disease Program Standards
<b>Publisher</b>	USDA
<b>Issue Date</b>	May 2019
<b>Issue or Version</b>	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.)

<b>A) Comments will be accepted until:</b>	05/31/2023
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<b>9. This rule change MAY become effective on:</b>	06/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig W Buttars, Commissioner	<b>Date:</b>	04/04/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R58-20</b>	<b>Filing ID:</b> 55321

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Animal Industry	
<b>Building:</b>	TSOB South Bldg, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state, and zip:</b>	Taylorsville, UT 84129-2128	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda Price	801-386-4189	amandaprice@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	amberbrown@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R58-20. Domesticated Elk Hunting Parks
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
H.B. 45, Elk Amendments, was passed during the 2023 General Session. The text in this rule needs to be updated to be consistent and reflect current practices when the Department of Agriculture and Food (Department) quarantines animals with Chronic Wasting Disease (CWD).
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
The definitions in Section R58-20-2 have been updated to be consistent with the definition of a domesticated elk ranch in the current statute. By removing the elk farm definition in this rule and having it listed in Rule R58-18, Elk Farming, both rules will be consistent with the statute.
In Sections R58-20-2 and R58-20-3, the license application and renewal process has been clarified for an elk ranch to be consistent with the current law. New language has been added to this rule to provide for transparent CWD surveillance and investigations processes, herd management guidelines, and terms for denial, suspension, or revoking a license for a domesticated elk facility.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>			
<b>A) State budget:</b>			
The updated text removes outdated processes, clearly defines current practices, does not change the program's administration, and will not affect the state budget.			
<b>B) Local governments:</b>			
Local government will not be impacted because the processes are being clarified, and the administration is not changing.			
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>			
Small businesses will not be impacted because the processes for elk ranches are being clarified and the administration is not changing. Elk transported to an elk ranch should already have the necessary RFID tag and an elk ranch would not be impacted by the initial elk tag cost.			
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>			
Non-small businesses will not be impacted because they do not operate as elk ranches.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>			
Other persons will not be impacted because the processes and definitions are being updated, and the program's administration is not changing.			
<b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>			
Compliance costs are not changing for elk ranches because the elk transported to the ranches should already have the necessary RFID tag. The administration of this program is not changing and processes and definitions are being clarified in the updated text.			
<b>G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in the narratives above.)</b>			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The Commissioner of the Department of Agriculture and Food, Craig W Butters, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Section 4-39-106		

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)</b>	
<b>A) Comments will be accepted until:</b>	05/31/2023
<b>9. This rule change MAY become effective on:</b>	06/07/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig W Butters, Commissioner	<b>Date:</b>	04/04/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment			
<b>Rule or Section Number:</b>	<b>R68-27</b>	<b>Filing ID:</b>	<b>55325</b>

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant Industry	
<b>Street address:</b>	4315 S 2700 W, TSOB South Bldg, Floor 2	
<b>City, state and zip:</b>	Taylorsville, UT 84129-2128	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Cody James	385-515-1485	codyjames@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R68-27. Cannabis Cultivation
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
Changes are needed to implement changes passed by the legislature during the 2023 General Session in S.B. 91. Changes are also needed to clarify product tag requirements and ensure tags contain information necessary for the Department of Agriculture and Food (Department) to manage the cannabis program.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>

Changes to agent card requirements are made in Sections R68-27-2 and R68-27-8 based on statutory changes from S.B. 91 (2023). This includes clarifying the language to indicate that cards will be issued to individual agents rather than cannabis production establishments. Additionally, additional information is added to tag requirements in Section R68-27-7.

**Fiscal Information**

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

**A) State budget:**

These changes clarify existing requirements only and will not have a fiscal impact on the Department.

**B) Local governments:**

Local governments will not be impacted because they do not act as or regulate cannabis cultivators.

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

There should be no fiscal impact to small businesses because the changes are clarifying in nature and codify current requirements for product tags.

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

There should be no fiscal impact to non-small businesses because the changes are clarifying in nature and codify current requirements for product tags.

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

There should be no fiscal impact to other persons because the changes are clarifying in nature and codify current requirements for product tags.

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

Compliance requirements and Department fees will not change.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The Commissioner of the Department of 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 4-41a-103(5)		
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**Public Notice Information**

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



<b>A) Comments will be accepted until:</b>	05/31/2023
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<b>9. This rule change MAY become effective on:</b>	06/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig W Buttars, Commissioner	<b>Date:</b>	04/05/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R156-55c</b>	<b>Filing ID:</b> <b>55326</b>

**Agency Information**

<b>1. Department:</b>	Commerce	
<b>Agency:</b>	Professional Licensing	
<b>Building:</b>	Heber M Wells Building	
<b>Street address:</b>	160 E 300 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84111-2316	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Duncombe	801-530-6628	sduncombe@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R156-55c. Plumber Licensing Act Rule
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This filing is made by the Division of Professional Licensing (Division) in collaboration with the Plumbers Licensing Board and the Construction Services Commission in accordance with Executive Orders No. 2021-1 and 2021-12, to elucidate the educational planned program of training requirements, and make formatting changes to update and simplify this rule using logical, understandable, and concise language consistent 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):

Subsection R156-55c-102(2) removes laborious and unnecessary language that is currently defined in Title 15A, State Construction and Fire Codes Act, and appropriately provides minor plumbing work to include residential type plumbing appurtenances and fixtures in addition to appliances.

Subsection R156-55c-302a(5) is amended pursuant to Section 58-1-203, to include the language "reputable and in good standing." This amendment makes clear the board's authority to consider and recommend to the Division out-of-state plumbing training programs that meet Utah's minimum standards.

Subsection R156-55c-302b(1) amends the examination requirements for master and residential master plumbers by removing antiquated theory exam and replacing it with the more apt "Law and Rule Exam." In order to maintain dialectal consistency with other exams.

Subsection R156-55c-302b(2) renames the journeyman and residential journeyman theory exam to the journeyman and residential journeyman written exam.

Additionally, Subsection R156-55c-302b(4) amends the time in which an applicant may retake an exam after a failed attempt from 90 to 120 days.

**Fiscal Information**

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

**A) State budget:**

The proposed changes are not expected to have any fiscal impact on state government revenues or expenditures. The requested changes reflect current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met.

**B) Local governments:**

The proposed changes are not expected to have any fiscal impact on local governments' revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Utah Rulewriting Manual and current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met.

None of these changes substantively change the processes so there is no fiscal impact.

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

The proposed changes are not expected to have any fiscal impact on small businesses' revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Utah Rulewriting Manual and current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met.

None of these changes substantively change the processes so there is no fiscal impact.

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

The proposed changes are not expected to have any fiscal impact on non-small businesses' revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Utah Rulewriting Manual and current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met.

None of these changes substantively change the processes so there is no fiscal impact.

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

The proposed changes are not expected to have any fiscal impact on affected persons. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Utah Rulewriting Manual and current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met.

None of these changes substantively change the processes for affected persons, so there is no fiscal impact.

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

As described above in Box 5E for other persons, the proposed changes are not expected to have any compliance costs for affected persons.

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

this table. Inestimable impacts will be included in narratives above.)

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

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

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

I have reviewed the proposed filing for the above-referenced rule and considered the fiscal impact that the rule may have on businesses. I direct that my comments about the rule's fiscal impact on businesses be inserted at the appropriate place on the notice form to be filed with the Office of Administrative Rules for publication of this rulemaking action.

**Comments:**

The Division, in collaboration with the Plumbers Licensing Board and the Construction Services Commission, propose amendments to Rule R156-55c to update this rule to redefine the details of training relating to fire codes, allows out-of-state reciprocity, and amends the master plumber exam. Also, the Division has made formatting conformities throughout this rule to align with the Utah

Rulewriting Manual in accordance with Executive Orders No. 2021-1 and 2021-12.

**Small Businesses (less than 50 employees):**

The proposed changes are not expected to have any fiscal impact on small businesses in the State of Utah. The amendments are minor updates to keep the rule current with industry standards as approved by the Plumber Licensing Board and Construction Services Commission. Further, the Division does not foresee any negative impact on small businesses from the grammar since the new rule was drafted to comport to the Utah Rulewriting Manual.

**Regulatory Impact to Non-Small Businesses (50 or more employees):**

The Division finds that the non-small businesses in the Utah will not suffer a negative fiscal impact from the proposed changes for the same rationale as described above for small businesses. Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

**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 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-55-101
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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:** 05/31/2023

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

On:	At:	At:
05/05/2023	9:00 AM	160 E 300 S, Salt Lake City, UT - Conference Room 474 and also electronically via Google Meet. Note Google Meet link will be provided in rule hearing posting for 05/05/2023 on the Public Meeting Notice website.

**9. This rule change MAY become effective on:** 06/07/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	04/13/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R277-301</b>	<b>Filing ID:</b> <b>55328</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-301. Educator Licensing
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule is being amended to update licensing requirements.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
These amendments remove the "Eminence" designation option, clarify renewal requirements for local education agencies (LEA)-specific licenses, and update other licensing requirements.

**Fiscal Information**

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

**A) State budget:**

This rule change is not expected to have fiscal impact on state government revenues or expenditures. The technical changes will not add administrative or personnel costs for the Utah State Board of Education (USBE) or other entities as they reflect current practice.

**B) Local governments:**

This rule change is not expected to have major fiscal impact on local government' revenues or expenditures. This rule change makes minor technical changes to licensing for pre-K teachers and removes the "Eminence" designation option. LEAs maintain flexibility to license teachers through the LEA-specific license option and USBE does not anticipate added costs for LEAs.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule change only affects USBE.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This does not add costs for any individuals or other entities.

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

There are no compliance costs for affected persons. LEAs maintain flexibility to appropriately license educators

through the LEA-specific licensing options and there are no added costs for LEAs or USBE.

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

**Regulatory Impact Table**

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

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

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

**Citation Information**

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

Article X, Section 3	Section 53E-6-102	Section 53E-3-401
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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:** 05/31/2023

**9. This rule change MAY become effective on:** 06/07/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	04/14/2023
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Rule or Section Number:</b>	<b>R277-312</b>	<b>Filing ID:</b>	<b>55329</b>
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**Agency Information**

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

**General Information**

**2. Rule or section catchline:**  
R277-312. Online Educator Licensure

**3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):**  
This rule is being amended to clarify the length of time that an Online Educator License application will remain active.

**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):

These amendments specify that an online application for a license transaction shall remain open for one year, at which time the Superintendent may delete the application if the license transaction is not complete.

**Fiscal Information**

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

**A) State budget:**

This rule change is not expected to have fiscal impact on state government revenues or expenditures. This change simply clarifies procedures for unfinished applications.

**B) Local governments:**

This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures. This rule change only affects the Utah State Board of Education (USBE) and procedures for unfinished licensing applications.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule change only affects the USBE.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This does not add costs for any individuals or other entities.



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

There are no compliance costs for affected persons. This simply clarifies USBE procedures for unfinished licensing applications.

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

**Regulatory Impact Table**

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

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

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

**Citation Information**

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

Article X, Section 3	Subsection 53E-3-501(1)(a)	Subsection 53E-3-401(4)
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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:** 05/31/2023

**9. This rule change MAY become effective on:** 06/07/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	04/14/2023
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Repeal

<b>Rule or Section Number:</b>	<b>R277-492</b>	<b>Filing ID:</b>	<b>55330</b>
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**Agency Information**

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

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

**General Information**

**2. Rule or section catchline:**

R277-492. Math and Science Opportunities for Students and Teachers (MOST) Program

**3. Purpose of the new rule or reason for the change** (Why is the agency submitting this filing?):  
 This rule is being repealed because legislative funding has been discontinued.

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

**Fiscal Information**

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

**A) State budget:**  
 This rule change is not expected to have fiscal impact on state government revenues or expenditures. Legislative appropriations to the program have been discontinued.

**B) Local governments:**  
 This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures. LEAs are aware that the legislature has discontinued the funding.

**C) Small businesses** ("small business" means a business employing 1-49 persons):  
 This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule change only affects the Utah State Board of Education (USBE).

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):  
 There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):  
 This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This does not add costs for any individuals or other entities.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):  
 There are no compliance costs for affected persons. The funding has been discontinued by the legislature so this rule no longer applies.

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

**Regulatory Impact Table**

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

  

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

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

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53F-2-505

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	05/31/2023

<b>9. This rule change MAY become effective on:</b>	06/07/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	04/14/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R277-609</b>	<b>Filing ID:</b> <b>55331</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-609. Standards for LEA Discipline Plans and Emergency Safety Interventions
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule is being amended to Incorporate by Reference the updated Least Restricted Behavioral Interventions (LRBI) Technical Assistance Manual.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
The LRBI Technical Assistance Manual dated September 2015 has been updated to the 2023 Edition. In addition, an updated website link is provided.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The updated LRBI manual and link are included. Otherwise, there are no added costs to the Utah State Board of Education (USBE).
<b>B) Local governments:</b>
This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures. The changes to the LRBI manual update and reflect current practice and do not add costs for local education agencies (LEAs).
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule change only affects USBE.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-



small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This does not add costs for any individuals or other entities. It simply updates the LRBI manual.

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

There are no compliance costs for affected persons. The changes to the LRBI manual do not add costs for USBE or LEAs.

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

**Regulatory Impact Table**

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

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

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

**Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-501(1)(b)(v)
Section 53E-3-509	Section 53G-8-202	Section 53G-8-702
Section 53G-8-302		

**Incorporations by Reference Information**

**7. Incorporations by Reference:**

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

<b>Official Title of Materials Incorporated (from title page)</b>	Least Restricted Behavioral Interventions (LRBI) Technical Assistance Manual
<b>Publisher</b>	Utah State Board of Education
<b>Issue Date</b>	2023 Edition

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/31/2023
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**9. This rule change MAY become effective on:** 06/07/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	04/14/2023
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R277-800	Filing ID: 55332

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-800. Utah Schools for the Deaf and the Blind
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule is being amended to update provisions regarding the Utah State Instructional Materials Access Center (USIMAC) and remove outdated language on the Utah Schools for the Deaf and the Blind (USDB) Advisory Council.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
These amendments remove outdated language regarding the USDB Advisory Council and update processes for USIMAC.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The rule change gives flexibility to the USDB to use the USDB advisory council to fulfill the role of a school community council and does not add costs for USBE or USDB.

<b>B) Local governments:</b>
This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures. This rule change only affects USDB.

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

<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This does not add costs for any individuals or other entities.

<b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>
There are no compliance costs for affected persons. The changes simply allow USDB advisory council to act as the school community council.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

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

**Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53E-8-204
Section 53E-8-402	Section 53E-8-409	

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/31/2023
<b>9. This rule change MAY become effective on:</b>	06/07/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	04/14/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R277-926</b>	<b>Filing ID:</b> <b>55333</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-926. Certification of Residential Treatment Center Special Education Program
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule is being amended to require Residential Treatment Centers (RTCs) to notify the Superintendent if staff receive criminal charges or when law enforcement respond to the RTC to investigate health or safety concerns.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
These amendments specifically add a requirement pertaining to Certification Maintenance and General Monitoring, whereby an RTC is required to notify the Superintendent within 48 hours if: a) any staff member is charged with a felony or misdemeanor, other than a Class C violation of Title 41, Motor Vehicles; or b) a law enforcement agency or the Division of Child and Family Services initiates

an investigation regarding a student health or safety concern.

**Fiscal Information**

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

**A) State budget:**

This rule change is not expected to have fiscal impact on state government revenues or expenditures. These rule changes require residential treatment centers to notify the Utah State Board of Education (USBE) within 48 hours of staff criminal charges or student safety concerns. USBE does not anticipate any added costs associated with receiving the reports.

**B) Local governments:**

This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures. This rule change only affects USBE and residential treatment centers.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. USBE does not anticipate major added costs for the residential treatment centers to notify USBE, staff charges, or student safety concerns.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This does not add costs for any individuals or other entities.

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

There are no compliance costs for affected persons. USBE does not anticipate measurable increased costs for residential treatment centers to make reports if staff are charged criminally or there are student safety concerns.

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

**Regulatory Impact Table**

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

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

Net Fiscal Benefits	FY2023	FY2024	FY2025
	\$0	\$0	\$0

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

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

**Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)	
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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:** 05/31/2023

**9. This rule change MAY become effective on:** 06/07/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	04/14/2023
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Rule or Section Number:</b>	<b>R317-101-3</b>	<b>Filing ID:</b> <b>55327</b>
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**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Water Quality	
<b>Room number:</b>	DEQ, 3rd Floor	
<b>Building:</b>	Multi Agency Office Building (MASOB)	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144870	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4870	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Harry Campbell	385-501-9583	hcampbell@utah.gov
Judy Etherington	801-536-4344	Jetherington@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

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

R317-101-3. Application and Project Initiation Procedures

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

This rule change is a response to H.B. 269 (passed in the 2022 General Session) requiring that the Utah State Board of Education (USBE) make rules to establish the elements of a capital asset management plan.

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

This amendment states conditions when a wastewater service provider must adopt a capital asset management plan. It also provides the basic outline of an asset management plan. Formatting and style changes were also made to existing text to conform 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:**

This amendment should not affect the state budget since the state would not be requesting financial assistance from the Water Quality Board, and would not be required to comply with this new requirement.

**B) Local governments:**

Local governments are usually wastewater service providers. Each applicant for financial assistance may incur costs up to \$100,000 in the development of an asset management plan, depending on the size and complexity of the system.

There are many wastewater service providers that already practice asset management, so no additional cost would be incurred.

It is common for those that actively practice asset management to realize savings over time that exceed the initial costs.

Aggregate cost or savings are incalculable since it would depend on the number and complexity of the wastewater systems requesting financial assistance.

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

A wastewater service provider is by rule, if not a government entity, at least sponsored by a government entity. A small business may benefit from savings passed on to customers from a wastewater service provider who



actively practices asset management. However, no direct cost or savings can be determined for small businesses since they would not be eligible for the financial assistance provided by the board and regulated by this rule.

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

A non-small business may benefit from savings passed on to customers from a wastewater service provider who actively practices asset management, but there would probably not be any direct cost or savings due to this amendment.

**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*):

A person may benefit from savings passed on to customers from a wastewater service provider who actively practices asset management, but there would not be any direct cost or financial benefit expected with implementation of this amendment.

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

A capital asset management plan is only required for wastewater service providers who are receiving funding from the Water Quality Board for a wastewater project. Typically, wastewater construction projects begin with an identified issue which needs resolving. As part of the construction project, the whole facility is evaluated and a Facilities Plan is prepared to identify additional issues. During this evaluation, it is beneficial to the facility to add an asset management plan for long-term management and maintenance of the new and existing infrastructure. This would typically be done as an addition to the Facilities Plan engineering contract. Once created, the asset management plan would help staff to conduct appropriate preventative maintenance.

Development of a capital asset management plan would take several hours by staff or a consultant even for a small wastewater provider. After the plan is initially complete, it would need attention from time to time to be continuously operational. Maintenance of the plan would increase the time for performance of duties for staff by roughly 25%. However, some providers that currently practice capital asset management have noted that the reduced time spent on emergency responses has more than made up for higher maintenance and administrative costs because emergency activities are often high priced and very inefficient.

Cost of developing a capital asset management plan for a small wastewater provider are estimated to include staff time used, at 25% of an \$80,000 FTE, it would be \$25,000, calculated at \$20,000 for maintaining the plan through the

year and \$5,000 for the initial time of putting together a very basic plan. This does not represent costs for medium or large wastewater providers, but many large wastewater providers already have an asset management plan. It would be easy to see development of an asset management plan in the first-year jump to \$100,000 for a medium sized mechanical plant.

Newly incorporated preventative maintenance, coupled with an asset management plan, has a higher initial cost; but with time, the savings from longer life and fewer emergency breakdowns of plant facilities, results in savings that outweigh the costs. Asset management promotes activities that extend the life and value of assets. Aggregate cost or savings are incalculable since it would depend on the number and complexity of the wastewater systems requesting financial assistance.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$100,000	\$2,000 (continuing year by year)
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$2,000</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$15,000	\$15,000 (continuing year by year)
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$15,000</b>	<b>\$15,000</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>(\$85,000)</b>	<b>\$13,000</b>

<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>
The Executive Director of the Department of Environmental Quality, Kimberly Shelley, has reviewed and approved this regulatory impact analysis.

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Title 19, Chapter 5	Title 73, Chapter 10c	Title 11, Chapter 8, Part 2
FWPCA Section 603(d)(1)(E)		

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	05/31/2023

<b>9. This rule change MAY become effective on:</b>	06/28/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	John K. Mackey, PE, Director	<b>Date:</b>	04/14/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R414-9</b>	<b>Filing ID:</b> <b>55340</b>

**Agency Information**

<b>1. Department:</b>	Health and Human Services
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W
<b>City, state and zip:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO Box 143102
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102

Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R414-9. Federally Qualified Health Centers
<b>3. Purpose of the new rule or reason for the change</b> (Why is the agency submitting this filing?):
The purpose of this change is to implement by rule Medicaid policy for federally qualified health centers (FQHCs) and rural health clinics (RHCs) to add services, and be reimbursed for added services that meet criteria as set forth in this rule.
<b>4. Summary of the new rule or change</b> (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This amendment implements payment choices, prospective payments, and an alternate payment method for FQHCs. It further implements payment provisions for RHCs and details procedures for FQHC and RHC scope of service changes.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is a potential impact to the state budget, but the Department cannot predict an impact because it does not know what services the providers, if any, will choose to add.
<b>B) Local governments:</b>
There is no impact on local governments as they neither fund nor provide benefits under the Medicaid program.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There is a potential impact on small businesses, but the Department cannot predict an impact because it does not know what services the providers, if any, will choose to add.

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

There is a potential impact on non-small businesses, but the Department cannot predict an impact because it does not know what services the providers, if any, will choose to add.

**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 a potential impact to Medicaid providers, but the Department cannot predict an impact because it does not know what services the providers, if any, will choose to add.

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

There are potential costs to a single provider, but the Department cannot predict these costs because it does not know what services the provider, if any, will choose to add.

**Regulatory Impact Table**

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

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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**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 S. Gruber, has reviewed and approved this fiscal analysis.

Businesses may see a change in revenue, but that change is unknown at this time.

**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-1-213	Section 26B-3-108
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/31/2023
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<b>9. This rule change MAY become effective on:</b>	06/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	04/14/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R414-517</b>	<b>Filing ID:</b> <b>55319</b>

**Agency Information**

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



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

**General Information**

<b>2. Rule or section catchline:</b>
R414-517. Inpatient Hospital Provider Assessments
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The purpose of this change is to update new entity names in conjunction with the Department of Health and the Department of Human Services merger.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
This amendment updates the Department of Health and Human Services (Department) and Division names with the establishment of the Department and the Division of Integrated Healthcare. It also makes other technical changes.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no impact to the state budget as the changes are only name and technical updates.
<b>B) Local governments:</b>
There is no impact on local governments as they neither fund nor provide services under the Medicaid program.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no impact on small businesses as the changes are only name and technical updates.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There is no impact on non-small businesses as the changes are only name and technical updates.

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

There is no impact to other persons or entities as the changes are only name and technical updates.

**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 to a single person or entity as the changes are only name and technical updates.

**Regulatory Impact Table**

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

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

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

Businesses will see neither costs nor revenue as the changes are only name and technical updates to this rule.

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Section 26B-1-213	Section 26-18-3	Title 26B, Chapter 3

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	05/31/2023

<b>9. This rule change MAY become effective on:</b>	06/07/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	04/10/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R432-31</b>	<b>Filing ID:</b> <b>55310</b>

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Health Facility Licensing	
<b>Room number:</b>	1st Floor	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R432-31. Life with Dignity Order
<b>3. Purpose of the new rule or reason for the change</b> (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.
<b>4. Summary of the new rule or change</b> (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The revisions include more specific language consistent with the Utah Rulewriting Manual and current industry standards and terms. Recodified statutory citations are additionally updated in compliance with S.B.38, passed in the 2023 General Session.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
State government process was thoroughly reviewed. This change will not impact the current process for licensure and re-licensure surveys. No change to the state budget is expected because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.
<b>B) Local governments:</b>
Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.
The Intellectual Disabilities 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 item(s) with which local government is involved.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for small businesses because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):

After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for non-small businesses because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

**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.

**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.

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

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

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

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

The Executive Director of 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-2-202		
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/31/2023
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**9. This rule change MAY become effective on:** 06/07/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/31/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Repeal		
<b>Rule or Section Number:</b>	<b>R495-881</b>	<b>Filing ID:</b> <b>55318</b>

**Agency Information**

<b>1. Department:</b>	Health and Human Services
<b>Agency:</b>	Administration (Human Services)
<b>Building:</b>	MASOB
<b>Street address:</b>	195 N 1950 W
<b>City, state and zip:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO Box 143102

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

**General Information**

<b>2. Rule or section catchline:</b>
R495-881. Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Implementation
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
Rule R495-881, Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Implementation, is no longer necessary as the Department of Health and Human Services (Department) will be utilizing Rule R380-250, HIPAA Privacy Rule Implementation, for implementing HIPAA privacy in the Department's Administrative code.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
The Department proposes repealing Rule R495-881 in its entirety.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
No impact on the state budget as this repeal will not impact existing operations or the Department's implementation of HIPAA privacy.
<b>B) Local governments:</b>
No impact on local governments as this repeal will not impact existing operations or the Department's implementation of HIPAA privacy.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
No impact on small businesses as this repeal will not impact existing operations or the Department's implementation of HIPAA privacy.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>

No impact on non-small businesses as this repeal will not impact existing operations or the Department's implementation of HIPAA privacy.

**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**):

No impact on other persons as this repeal will not impact existing operations or the Department's implementation of HIPAA privacy.

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

There are no compliance costs as this repeal will not impact existing operations or the Department's implementation of HIPAA privacy.

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

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

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>				
The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.				

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>
Section 26B-1-202

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)
<b>A) Comments will be accepted until:</b> 05/31/2023

<b>9. This rule change MAY become effective on:</b> 06/07/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b> Tracy S. Gruber, Executive Director	<b>Date:</b> 04/10/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Repeal and Reenact		
<b>Rule or Section Number:</b>	<b>R590-67</b>	<b>Filing ID:</b> 55334

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b> R590-67. Proxy Solicitations and Consent and Authorization of Stockholders of Domestic Stock Insurers
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b> 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.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b> The 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, and update the Severability (the new R590-67-15) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b> 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>B) Local governments:</b> There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b> 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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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		
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/31/2023
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**9. This rule change MAY become effective on:**

06/07/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	04/14/2023
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Repeal and Reenact

<b>Rule or Section Number:</b>	<b>R590-68</b>	<b>Filing ID:</b>	<b>55335</b>
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**Agency Information**

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



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

**General Information**

<b>2. Rule or section catchline:</b>
R590-68. Insider Trading of Equity Securities of Domestic Stock Insurance Companies
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
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.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
The 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 redundant and unnecessary sections, add clarifying sections, and update the Severability (the new R590-68-26) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

**Fiscal Information**

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

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

<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):</b>
There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

<b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>
There are no compliance costs for 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.)

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

NOTICES OF PROPOSED RULES

<b>Net Benefits</b>	<b>Fiscal \$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Section 31A-2-201	Section 31A-5-303	

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	05/31/2023

<b>9. This rule change MAY become effective on:</b>	06/07/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	04/14/2023
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
<b>Rule or Section Number:</b>	<b>R590-216</b>	<b>Filing ID:</b> <b>55336</b>

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b>
R590-216. Standards for Safeguarding Customer Information
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
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.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
The 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 Determined Violation and Enforcement sections, and add a Severability (the new R590-216-7) section. The changes do not add, remove, or change any regulations or requirements.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
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>B) Local governments:</b>
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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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-23a-417	
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/31/2023
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<b>9. This rule change MAY become effective on:</b>	06/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	04/14/2023
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Repeal and Reenact		
<b>Rule or Section Number:</b>	<b>R590-220</b>	<b>Filing ID:</b> <b>55341</b>

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b>
R590-220. Submission of Accident and Health Insurance Filings
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
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.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
The 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 (the old R590-220-18) section, and update the Severability (the new R590-220-19) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

**Fiscal Information**

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

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

<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):</b>
There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

<b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>
There are no compliance costs for 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.)

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

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>				
The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.				

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Section 31A-2-201	Section 31A-2-201.1	Section 31A-2-202
Section 31A-2-212	Section 31A-22-605	Section 31A-22-620
Section 31A-22-1404	Section 31A-22-2006	Section 31A-30-106
Section 31A-30-106.1	Section 31A-43-304	Section 31A-45-103

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	05/31/2023

<b>9. This rule change MAY become effective on:</b>	06/07/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	04/14/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R590-264</b>	<b>Filing ID:</b> <b>55337</b>

**Agency Information**

<b>1. Department:</b>	Insurance
<b>Agency:</b>	Administration
<b>Room number:</b>	Suite 2300
<b>Building:</b>	Taylorville State Office Building

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

**General Information**

<b>2. Rule or section catchline:</b>
R590-264. Property and Casualty Actuarial Opinion Rule
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
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.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
The 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, expand the definition of "qualified actuary," remove the Penalties (the old R590-264-8) section and Effective Date (the old R590-264-9) section, and update the Severability (the new R590-264-7) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
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>B) Local governments:</b>
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.

NOTICES OF PROPOSED RULES

**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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The 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-4-113	
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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:** 05/31/2023

**9. This rule change MAY become effective on:** 06/07/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	04/14/2023
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Rule or Section Number:</b>	<b>R590-266</b>	<b>Filing ID:</b>	<b>55388</b>
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**Agency Information**

<b>1. Department:</b>	Insurance
<b>Agency:</b>	Administration
<b>Room number:</b>	Suite 2300
<b>Building:</b>	Taylorsville State Office Building

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

**General Information**

<b>2. Rule or section catchline:</b>
R590-266. Utah Essential Health Benefits Package
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
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.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
The 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 (the old R590-266-5) section, and update the Severability (the new R590-266-5) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
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>B) Local governments:</b>
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.

<b>C) Small businesses</b> ("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.
<b>D) Non-small businesses</b> ("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.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.
<b>F) Compliance costs for affected persons</b> (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.
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

NOTICES OF PROPOSED RULES

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Section 31A-2-201	Section 31A-2-212	

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	05/31/2023

<b>9. This rule change MAY become effective on:</b>	06/07/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	04/14/2023
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
<b>Rule or Section Number:</b>	<b>R708-55</b>	<b>Filing ID:</b> <b>55317</b>

**Agency Information**

<b>1. Department:</b>	Public Safety
<b>Agency:</b>	Driver License
<b>Room number:</b>	Suite 2600
<b>Street address:</b>	4315 S 2700 W, 2nd Floor

<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	PO Box 144501	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4501	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R708-55. Foreign Driver License Reciprocity
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule is necessary to implement S.B. 95 that passed during the 2023 General Session.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
This rule establishes the process for a foreign country to enter into a reciprocity agreement with the Driver License Division (Division) to facilitate the exchange of driver licenses. This rule would allow qualified applicants from approved countries to be exempt from certain testing processes when applying for a driver license.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This proposed rule is not expected to have any fiscal impact on state governments budget because there is no cost associated with entering into a reciprocity agreement or with the facilitation of the exchange of driver licenses by exempting certain testing requirements.
<b>B) Local governments:</b>
This proposed rule is not expected to have any fiscal impact on local governments because there is no cost associated with entering into a reciprocity agreement or



with the facilitation of the exchange of driver licenses by exempting certain testing requirements. In addition, there are no local governments involved in the process this rule is implementing.

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

This proposed rule is not expected to have any fiscal impact on any small businesses because there is no cost associated with entering into a reciprocity agreement or with the facilitation of the exchange of driver licenses by exempting certain testing requirements. In addition, there are no small businesses involved in the process this rule is implementing.

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

This proposed rule is not expected to have any fiscal impact on any non-small businesses budgets because there is no cost associated with entering into a reciprocity agreement or with the facilitation of the exchange of driver licenses by exempting certain testing requirements. In addition, there are no non-small businesses involved in the process this rule is implementing.

**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 a direct non-fiscal benefit to persons other than small businesses, non-small businesses, state, or local governments. This rule filing will enable qualified individuals to exchange their foreign driver licenses with exemption from certain testing requirements. This will make the process easier for qualified applicants who are presenting a driver license from a foreign country who has entered into a reciprocity agreement with the Division.

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

There are no compliance costs for affected persons to adhere to 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Commissioner of the Department of Public Safety, Jess L. Anderson, 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 53-3-110		
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/31/2023
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**9. This rule change MAY become effective on:**

06/07/2023a  
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.



**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Christopher Caras, Director	<b>Date:</b>	04/06/2023
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R990-200-3</b>	<b>Filing ID:</b> <b>55322</b>

**Agency Information**

<b>1. Department:</b>	Workforce Services	
<b>Agency:</b>	Housing and Community Development	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 45244	
<b>City, state and zip:</b>	Salt Lake City, UT 84145-0244	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda B. McPeck	801-526-9653	ampeck@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R990-200-3. Definitions
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The purpose of this filing is to clarify the "good standing" definition and address feedback received from stakeholders regarding previous proposed changes.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):</b>
This change amends "good standing" by making the five-year requirement apply only to certain good-standing criteria rather than across the board.
It also requires applicants and recipients that have previously received multi-family allocations to be in good standing with the Utah Housing Corporation at the time of application.

Finally, it removes "voluntary relinquishment" from the Section R990-200-3 since that definition is not referenced anywhere in this rule.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have any fiscal impact on state revenues or expenditures. There are no additional state employees or resources needed to oversee this rule change. This rule change will not increase workload and can be carried out with existing budget. This rule change does not change the current available bond cap.
<b>B) Local governments:</b>
This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because the program does not rely on local governments for funding, administration, or enforcement.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This rule change is expected to have indirect positive fiscal impact on small businesses because it provides a more transparent process for an applicant ascertaining the viability of their application.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
This rule change is expected to have indirect positive fiscal impact on non-small businesses because it provides a more transparent process for an applicant ascertaining the viability of their application.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
There is no fiscal impact to other persons. This rule change requires no action or compliance by a person other than a business submitting an application to the Board of Review.
<b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>
There are no compliance costs for affected persons because this rule change does not create any new administrative fees.

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

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

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>				
The Executive Director of the Department of Workforce Services, Casey Cameron, has reviewed and approved this regulatory impact analysis.				

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Section 35A-8-2104		

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	05/31/2023

<b>9. This rule change MAY become effective on:</b>	06/07/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Casey Cameron, Executive Director	<b>Date:</b>	04/10/2023
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End of the Notices of Proposed Rules Section



## NOTICES OF CHANGES IN PROPOSED RULES

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

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends May 31, 2023.

From the end of the 30-day waiting period through August 29, 2023, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

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

NOTICE OF CHANGE IN PROPOSED RULE		
<b>Rule or Section Number:</b>	R590-283-6	<b>Filing ID: 55256</b>
<b>Date of Previous Publication:</b>	03/15/2023	

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R590-283-6. Reporting
<b>3. Reason for this change</b> (Why is the agency submitting this filing?):
After filing the initial amendment, the Department of Insurance (Department) discovered an error in the reporting dates in the rule.
<b>4. Summary of this change</b> (What does this filing do?):
The change corrects the filing date and period for a report filed with the Department. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the March 15, 2023, issue of the Utah State Bulletin, on page 78. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**Fiscal Information**

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

**A) State budget:**

There is no anticipated cost or savings to the state budget. The report will still be filed with the Department and will still be reviewed by Department personnel.

**B) Local government:**

There is no anticipated cost or savings to local governments. This rule governs a relationship between the Department and its licensees, and does not involve local governments in any way.

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

There is no anticipated cost or savings to small businesses. The report must still be filed with the Department; this amendment just shifts the filing dates.

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

There is no anticipated cost or savings to non-small businesses. The report must still be filed with the Department; this amendment just shifts the filing dates.

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

There is no anticipated cost or savings to any other persons. This rule governs a relationship between the Department and its licensees, and does not involve other persons in any way.

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

There is no anticipated cost or savings to affected persons. The report must still be filed with the Department; this amendment just shifts the filing dates.

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

**Regulatory Impact Table**

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

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

**Citation Information**

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

Section 31A-2-201	Section 31A-22-642	Section 31A-30-118
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/31/2023
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<b>9. This rule change MAY become effective on:</b>	06/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	04/07/2023
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**End of the Notices of Changes in Proposed Rules Section**





# NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R68-25	Filing ID: 55312
Effective Date:	04/04/2023	

### Agency Information

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant Industry	
<b>Street address:</b>	4315 S 2700 W, TSOB South Bldg, Floor 2	
<b>City, state and zip:</b>	Taylorsville, UT 84129-2128	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Cody James	385-515-1485	codyjames@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

### General Information

<b>2. Rule or section catchline:</b>
R68-25. Industrial Hemp Program-Cannabinoid Product Processors
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
Emergency changes are needed to clarify the allowances of a Tier Three and Tier Four processing licensee to ensure product safety, as well as to remove the requirement for licensees to participate in the FBI Rap Back program for background checks because the Department of Agriculture and Food's (Department) application to have hemp processors participate in this program was denied. The Department filed a previous emergency change but needs another one to extend the timing while the Department drafts permanent rule changes.
<b>4. Summary of the new rule or change (What does this filing do?):</b>
Rule R68-25 is updated to clarify that Tier Three licensees may receive bulk cannabinoid product rather than concentrate and to remove their ability to manufacture under their license. A change has also been made to clarify that a Tier Four licensee may only sell finished product to a retailer. Additionally, language is removed from Section R68-25-4 requiring licensees to participate in the FBI Rap Back program (referenced in Subsection 4-41-103.2(6)). The Department's application to have hemp processors participate in this program was denied and statutory language has been clarified to ensure the application is approved.

<b>5A) The agency finds that regular rulemaking would:</b>	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.
<b>B) Specific reasons and justifications for this finding:</b>	
The licensing clarifications are needed to ensure that licensees are producing products that are safe for the public to consume and to address concerns that have arisen under the Department's management of the hemp program. The background check changes are needed to ensure the Department is not requiring processors to participate in a background check program that they are not allowed to participate in while still ensuring that adequate background checks are completed for those employees who interact with products with potential THC concentration above 0.3%.	

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>	
<b>A) State budget:</b>	
The changes will not impact the state budget because they make this rule consistent with current Department practice or are clarifying changes only.	
<b>B) Local governments:</b>	
Local governments are not licensed under the industrial hemp program and will not be impacted by the changes.	
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):	
Small businesses should not be impacted by this change because the changes are clarifying licensing requirements and the costs to participate in the program should not change. Background check costs will not change because licensees have not yet participated in the Rap Back program.	

<b>D) Persons other than small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
Other persons should not be impacted by this change because the changes are clarifying licensing requirements and the costs to participate in the program should not change. Background check costs will not change because licensees have not yet participated in the Rap Back program.
<b>E) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):
The fees charged by the Department and compliance requirements of the program will not be impacted by this rule change.
<b>F) Comments by the department head on the fiscal impact this rule may have on businesses</b> (Include the name and title of the department head):
This rule change will not have a fiscal impact on businesses. Craig W Buttars, Commissioner

**Citation Information**

<b>7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Subsection 4-41-103(4)		

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig W Buttars, Commissioner	<b>Date:</b>	04/04/2023
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**End of the Notices of 120-Day (Emergency) Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

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

<b>Rule Number:</b>	R156-37c	<b>Filing ID:</b> 50265
<b>Effective Date:</b>	04/03/2023	

### Agency Information

<b>1. Department:</b>	Commerce	
<b>Agency:</b>	Professional Licensing	
<b>Building:</b>	Heber M Wells Building	
<b>Street address:</b>	160 E 300 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84111-2316	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Lisa Martin	801-530-6628	lmartin@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

### General Information

<b>2. Rule catchline:</b>	R156-37c. Utah Controlled Substance Precursor Act Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>	

Title 58, Chapter 37c, provides for the licensure and regulation of distributors and purchasers engaged in regulated transactions of listed controlled substance precursor chemicals.

Subsection 58-1-106(1) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58.

This rule was enacted to clarify the provisions of Title 58, Chapter 37c, with respect to controlled substance precursor distributors and purchasers.

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

Since this rule was last reviewed in April 2018, the Division has received no written comments with respect to this rule.

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

This rule is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 37c.

This rule also provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning the requirements in Title 58, Chapter 37c. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	03/31/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R156-74</b>	<b>Filing ID:</b>	<b>50319</b>
<b>Effective Date:</b>	<b>04/03/2023</b>		

**Agency Information**

<b>1. Department:</b>	Commerce		
<b>Agency:</b>	Professional Licensing		
<b>Building:</b>	Heber M Wells Building		
<b>Street address:</b>	160 E 300 S		
<b>City, state and zip:</b>	Salt Lake City, UT 84111-2316		
<b>Mailing address:</b>	PO Box 146741		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Tracy Taylor	801-530-6628	trtaylor@utah.gov	
<b>Please address questions regarding information on this notice to the agency.</b>			

**General Information**

<b>2. Rule catchline:</b>
R156-74. State Certification of Court Reporters Act Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 58, Chapter 74, provides for the state certification and regulation of court reporters.
Subsection 58-1-106(1) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58.
This rule was enacted to clarify the provisions of Title 58, Chapter 74, with respect to court reporters.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
Since this rule was last reviewed in April 2018, the rule has been amended one time in September 2019 as a result of legislation during the 2019 General Session which affected Title 58, Chapter 74. The Division has received no written comments with respect to this rule.

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

This rule is necessary as it provides a mechanism to inform potential state certificate holders of the requirements for state certification as allowed under statutory authority provided in Title 58, Chapter 74.

This rule also provides information to ensure applicants for state certification are adequately trained and meet minimum certification requirements, and provides state certificate holders with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	03/31/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R380-250</b>	<b>Filing ID:</b>	<b>50889</b>
<b>Effective Date:</b>	<b>04/10/2023</b>		

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R380-250. HIPAA Privacy Rule Implementation

<p><b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b></p> <p>Section 26B-1-213 grants the Department of Health and Human Services (Department) the power to adopt, amend, or rescind rules.</p> <p>Section 26-18-3 requires the Department to implement the Medicaid program through administrative rules.</p>
<p><b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b></p> <p>The Department did not receive any written comments regarding this rule.</p>
<p><b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b></p> <p>This rule is necessary because it safeguards health information in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and because it allows members to request and access their protected health information (PHI), request to amend or restrict PHI, request an accounting of disclosures, and to file a complaint over a HIPAA violation. Therefore, this rule should be continued.</p> <p>The Department anticipates amending this rule due to changes following consolidation and the recodification of the Department's statute.</p>

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	04/10/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R382-1</b>	<b>Filing ID:</b>	<b>54587</b>
<b>Effective Date:</b>	<b>04/06/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services
<b>Agency:</b>	Children's Health Insurance Program
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W
<b>City, state and zip:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO Box 143102
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R382-1. Benefits and Administration
<p><b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b></p> <p>Section 26B-1-213 grants the Department of Health and Human Services (Department) the power to adopt, amend, or rescind rules.</p> <p>Section 26-40-103 requires the Department to administer and implement by rule the Children's Health Insurance Program (CHIP).</p>
<p><b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b></p> <p>The Department did not receive any written comments regarding this rule.</p>
<p><b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b></p> <p>This rule is necessary it sets forth benefits, limitations, enrollment, reimbursement, cost sharing, and the fair-hearing process under CHIP. Therefore, this rule should be continued.</p> <p>The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.</p>

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	04/06/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R382-10</b>	<b>Filing ID:</b>	<b>52938</b>
<b>Effective Date:</b>	<b>04/10/2023</b>		

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R382-10. Public Health Emergency Provisions
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-1-213 grants the Department of Health and Human Services (Department) the power to adopt, amend, or rescind rules.
Section 26-40-103 requires the Department to administer and implement by rule the Children's Health Insurance Program (CHIP).
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department did not receive any written comments regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary because it sets forth eligibility requirements for children to receive CHIP coverage. Therefore, this rule should be continued.
The Department anticipates an amendment to this rule following the recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	04/10/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R414-52</b>	<b>Filing ID:</b>	<b>51011</b>
<b>Effective Date:</b>	<b>04/06/2023</b>		

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R414-52. Optometry Services
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26-18-3 requires the Department of Health and Human Services (Department) to implement by rule vision services for eligible Medicaid members.
42 CFR 440.60 allows Medicaid to cover vision services performed by a licensed optometrist.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department did not receive any written comments regarding this rule.



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

This rule is necessary because it implements optometry services for Medicaid members as described in the Vision Care Services Provider Manual and in the Medicaid State Plan. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	04/06/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R414-53</b>	<b>Filing ID:</b>	<b>51022</b>
<b>Effective Date:</b>	<b>04/06/2023</b>		

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R414-53. Eyeglasses Services
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26-18-3 requires the Department of Health and Human Services (Department) to implement by rule vision services for eligible Medicaid members.

42 CFR 440.120(d) defines eyeglasses in relation to Medicaid coverage.

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

The Department did not receive any written comments regarding this rule.

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

This rule is necessary because it implements eyeglasses services for Medicaid members as described in the Vision Care Services Provider Manual and in the Medicaid State Plan. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	04/06/2023
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R523-16</b>	<b>Filing ID:</b>	<b>51257</b>
<b>Effective Date:</b>	<b>04/06/2023</b>		

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R523-16. Certification of Essential Treatment Examiners and Case Managers



<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized by Subsection 62A-15-105 that allows the establishment, by rule, minimum standards for local substance abuse authorities and local mental health authorities, and is required by 62A-15-1202.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments have be received over the past five years.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Office of Substance Use and Mental Health (OSUMH) has determined that this rule is necessary to comply with statute. Therefore, this rule should be continued.
OSUMH has reviewed this rule for changes and compliance with the Utah Rulewriting Manual, and is submitting an amendment to the Office of Administrative Rules for publication and comment.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	04/06/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R805-2</b>	<b>Filing ID: 54190</b>
<b>Effective Date:</b>	<b>04/14/2023</b>	

**Agency Information**

<b>1. Department:</b>	Higher Education (Utah Board of)	
<b>Agency:</b>	University of Utah, Administration	
<b>Room number:</b>	309	
<b>Building:</b>	Park Building	
<b>Street address:</b>	201 South Presidents Circle	
<b>City, state and zip:</b>	Salt Lake City, UT 84112	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Rebekah Bradway	801-585-7002	rebekah.bradway@legal.uta.h.edu
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R805-2. Government Records Access and Management Act Procedures
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized under Subsections 63A-12-104(2) and 63G-2-204(3), and Section 63G-3-201. Section 63A-12-104 permits governmental entities to designate at which level the requirements of that chapter are undertaken, and Subsection 63G-2-204(3) permits a governmental entity to adopt rules specifying where and to whom requests for access shall be directed.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The University of Utah is not aware of any written comments received during the specified time period.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule establishes the process for a person to submit a records request to the University of Utah under the Government Records Access and Management Act (GRAMA), including where and to whom a records request for access shall be directed. This information is not set forth in the Utah Code and, without this information, there is no mechanism for ensuring that records requests are directed or submitted to the department within the University of Utah with the ability to fulfill the request. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Phyllis Vetter, General Counsel	<b>Date:</b>	04/12/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R895-4</b>	<b>Filing ID: 53717</b>
<b>Effective Date:</b>	<b>04/14/2023</b>	

**Agency Information**

<b>1. Department:</b>	Government Operations
<b>Agency:</b>	Technology Services
<b>Street address:</b>	4315 S 2700 W
<b>City, state and zip:</b>	Taylorsville, UT 84129

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Stephanie Weteling	801-599-7870	stephanie@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R895-4. Sub-Domain Naming Conventions for Executive Branch Agencies
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is issued by the Chief Information Officer (CIO) under the authority of Section 63A-16-205 of the Technology Governance Act, and in accordance with Section 63G-3-201 of the Utah Rulemaking Act.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No written comments were received during and since the last five-year review of this rule from interested parties supporting or opposing this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule establishes the use of "utah.gov" sub-domain name for executive branch agency websites. The ".gov" sub-domain identifier is controlled by the Federal .gov domain registrar, thereby protecting state interests.
The State of Utah, CIO's office is responsible for issuance of all "utah.gov" sub-domains, further protecting the integrity of the identifier. The "utah.gov" identifier offers immediate recognition to constituents for developing credibility and confidence through a consistent interface. The "utah.gov" sub-domain simplifies constituent access to state agency services.
Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Alan Fuller, Chief Information Officer	<b>Date:</b>	04/14/2023
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<b>FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION</b>		
<b>Rule Number:</b>	<b>R895-6</b>	<b>Filing ID: 53729</b>
<b>Effective Date:</b>	<b>04/14/2023</b>	

**Agency Information**

<b>1. Department:</b>	Government Operations	
<b>Agency:</b>	Technology Services	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Stephanie Weteling	801-599-7870	stephanie@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R895-6. IT Plan Submission Rule for Agencies
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is issued by the Chief Information Officer (CIO) under the authority of Subsection 63A-16-205-1(ii) of the Technology Governance Act, in accordance with Section 63G-3-201 of the Utah Rulemaking Act.
Also required by Section 63A-16-203, Agency Information Technology Plans.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No written comments were received during and since the last five-year review of this rule from interested parties supporting or opposing this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is required by Subsection 63A-16-205-1(ii) of the Technology Governance Act and is necessary to specify the detail and format required in an agency information technology plan submitted in accordance with Section 63A-16-203. Therefore, this rule should be continued.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Alan Fuller, Chief Information Officer	<b>Date:</b>	04/14/2023
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**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

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

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

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

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
<b>Rule Number:</b>	<b>R495-881</b>	<b>Filing ID: 51175</b>
<b>New Deadline Date:</b>	<b>07/31/2023</b>	

### Agency Information

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Administration (Human Services)	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 143102	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jonah Shaw	385-310-2389	jshaw@utah.gov

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

### General Information

<b>2. Rule catchline:</b>
R495-881. Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Implementation
<b>3. Reason for requesting the extension:</b>
This extension will grant the Department of Health and Human Services enough time to repeal this rule as it is no longer necessary following consolidation and the existence of Rule R380-250, HIPAA Privacy Rule Implementation.

### Agency Authorization Information

<b>Agency head or designee and title:</b>	Nate Winters, Deputy Director	<b>Date:</b>	03/31/2023
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**End of the Notices of Five-Year Review Extensions Section**



## NOTICES OF RULE EFFECTIVE DATES

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

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

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

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### Agriculture and Food

#### Animal Industry

No. 55241 (Amendment) R58-1: Admission, Identification, and Inspection of Livestock, Poultry, and Other Animals  
Published: 03/01/2023  
Effective: 04/13/2023

No. 55243 (Amendment) R58-3: Brucellosis Vaccination Requirements  
Published: 03/01/2023  
Effective: 04/07/2023

No. 55254 (Amendment) R58-22: Equine Infectious Anemia (EIA)  
Published: 03/15/2023  
Effective: 04/21/2023

No. 55228 (Amendment) R58-23: Equine Viral Arteritis (EVA)  
Published: 03/01/2023  
Effective: 04/07/2023

#### Plant Industry

No. 55227 (Amendment) R68-26: Cannabinoid Product Registration and Labeling  
Published: 03/01/2023  
Effective: 04/07/2023

No. 55257 (Amendment) R68-29: Quality Assurance Testing on Cannabis  
Published: 03/15/2023  
Effective: 04/21/2023

No. 55258 (Amendment) R68-37: Industrial Hemp Cannabinoid Product Testing  
Published: 03/15/2023  
Effective: 04/21/2023

No. 55259 (New Rule) R68-38: Cannabis Licensing Process  
Published: 03/15/2023  
Effective: 04/21/2023

#### Regulatory Services

No. 55202 (Amendment) R70-101: Bedding, Upholstered Furniture and Quilted Clothing  
Published: 02/15/2023  
Effective: 04/04/2023

### Education

#### Administration

No. 55245 (Amendment) R277-115: LEA Supervision and Monitoring Requirements of Third Party Providers and Contracts  
Published: 03/01/2023  
Effective: 04/07/2023

No. 55246 (Amendment) R277-303: Educator Preparation Programs  
Published: 03/01/2023  
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No. 55247 (Repeal) R277-463: Class Size Average and Pupil-Teacher Ratio Reporting  
Published: 03/01/2023  
Effective: 04/07/2023

No. 55249 (Amendment) R277-600: Student Transportation Standards and Procedures  
Published: 03/01/2023  
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No. 55250 (Repeal) R277-617: Smart School Technology Program  
Published: 03/01/2023  
Effective: 04/07/2023

NOTICES OF RULE EFFECTIVE DATES

Environmental Quality

Environmental Response and Remediation  
No. 55229 (Amendment) R311-200: Petroleum Storage  
Tanks: Definitions  
Published: 03/01/2023  
Effective: 04/14/2023

No. 55230 (Amendment) R311-202: Federal Underground  
Storage Tank Regulations  
Published: 03/01/2023  
Effective: 04/14/2023

No. 55231 (Amendment) R311-206: Petroleum Storage  
Tanks: Certificate of Compliance and Financial Assurance  
Mechanisms  
Published: 03/01/2023  
Effective: 04/14/2023

Waste Management and Radiation Control, Radiation  
No. 55240 (Amendment) R313-16-230: Registration of  
Radiation Machines  
Published: 03/01/2023  
Effective: 04/17/2023

Health and Human Services

Disease Control and Prevention, Environmental Services  
No. 55242 (Repeal and Reenact) R392-100: Food Service  
Sanitation  
Published: 03/01/2023  
Effective: 04/25/2023

No. 55237 (Repeal and Reenact) R392-510: Utah Indoor  
Clean Air Act  
Published: 03/01/2023  
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Health Care Financing, Coverage and Reimbursement Policy  
No. 55225 (Amendment) R410-14: Administrative Hearing  
Procedures  
Published: 02/15/2023  
Effective: 03/30/2023

No. 55226 (New Rule) R414-24: Claims and Adjustments  
for the Provider Reimbursement Information System  
Published: 02/15/2023  
Effective: 04/03/2023

No. 55223 (Amendment) R414-301: Medicaid General  
Provisions  
Published: 02/15/2023  
Effective: 03/30/2023

Insurance

Administration  
No. 55262 (Repeal and Reenact) R590-226: Submitting  
Life Insurance Filings  
Published: 03/15/2023  
Effective: 04/21/2023

No. 55263 (Repeal and Reenact) R590-227: Submitting  
Annuity Filings  
Published: 03/15/2023  
Effective: 04/21/2023

No. 55264 (Repeal and Reenact) R590-228: Submitting  
Credit Life and Credit Accident and Health Insurance Filings  
Published: 03/15/2023  
Effective: 04/21/2023

No. 55232 (Amendment) R590-229: Annuity Disclosure  
Published: 03/01/2023  
Effective: 04/07/2023

No. 55233 (Amendment) R590-244: Individual and Agency  
Licensing Requirements  
Published: 03/01/2023  
Effective: 04/07/2023

No. 55234 (Amendment) R590-252: Use of Senior-Specific  
Certifications and Professional Designations  
Published: 03/01/2023  
Effective: 04/07/2023

Natural Resources

State Parks  
No. 55261 (Amendment) R651-635: Commercial,  
Privileged, and Special Uses of Division Manage Park Areas  
Published: 03/15/2023  
Effective: 04/25/2023

Transportation

Program Development  
No. 55244 (Amendment) R926-12: Share the Road Bicycle  
Support Restricted Account  
Published: 03/01/2023  
Effective: 04/11/2023

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