

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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EDITOR'S NOTES

Revision to the Filing on Rule R64-4, ID 55840, from the October 15, 2023, Bulletin

The Department of Agriculture and Food (Department) has requested that updated information for the cost to the state budget for the proposed repeal and reenact for Rule R64-4, ID 55840, that was published in the October 15, 2023, Bulletin (2023-20, page 10) be made available. For questions, contact the persons listed in Box 1 below.

NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal and Reenact

Rule or Section Number:

R64-4

Filing ID: 55840

Agency Information

1. Department:	Agriculture and Food	
Agency:	Conservation	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov
Jim Bowcutt	435-232-4017	jdbowcutt@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R64-4. Agricultural Water Optimization Program

.....

Fiscal Information

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

A) State budget:

Under S.B. 277 (2023), \$200,000,000 (split between \$170,000,000 of general fund and \$30,000,000 of ARPA funding) was appropriated to the agricultural water optimization account for grants under this program.

Under line 205 of S.B. 277 (2023), the Department, along with the Department of Natural Resources is able to use 1.5% of account funds for program administration. The Department and the Department of Natural Resources has interpreted this language to allow 1% of the account funds to be used by the Department and 0.5% used by the Department of Natural Resources. Under this formula, up to a total of \$450,000 of the ARPA funding and \$2,550,000 of general fund may be used by the Department for administration expenses over the life of the program.

Based on how the Department anticipates grants will be awarded the Department plans to use approximately \$210,000 of this funding in FY 2024, \$710,000 in FY 2025, and \$615,000 in FY 2026 with approximately \$450,000 used in FY 2027.

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$210,000	\$710,000	\$615,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$210,000	\$710,000	\$615,000
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$(210,000)	\$(710,000)	\$(615,000)

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner of the Department of Agriculture and Food, Craig W Buttars, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 73-10g-205(6)	Section 73-10g-206	
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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: 11/14/2023

9. This rule change MAY become effective on: 11/21/2023

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

Agency Authorization Information

Agency head or designee and title:	Craig W Buttars, Commissioner	Date:	10/02/2023
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End of the Editor's Notes Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between October 03, 2023, 12:00 a.m., and October 16, 2023, 11:59 p.m. are included in this, the November 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 December 01, 2023. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through February 29, 2024, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R68-41	Filing ID: 55858

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
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 persons listed above.		

General Information

2. Rule or section catchline:
R68-41. Home Delivery and Courier
3. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food (Department) is taking over management of medical cannabis pharmacy facilities following changes passed in H.B. 72 during the 2023 General Session. This rule will provide guidelines for the Department's management of pharmacies. This rule is primarily based on rules formerly used by the Department of Health and Human Services. This rule specifically provides guidelines for medical cannabis home delivery and couriers.
4. Summary of the new rule or change:
This new rule includes operating standards for medical cannabis home delivery services and home delivery agents, as well as application and education requirements medical cannabis courier agents.

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 costs of program management previously incurred by the Department of Health and Human Services prior to the implementation of H.B. 72 will now be incurred by the Department.
B) Local governments:
This proposed rule will not impact local governments because they do not participate in the medical cannabis program.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated costs or savings to small businesses. The program is paid for by licensing fees which will continue to support the program and will not change. Fee revenue will be transferred to the Department rather than the Department of Health and Human Services.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated costs or savings to non-small businesses. The program is paid for by licensing fees which will continue to support the program and will not change. Fee revenue will be transferred to the Department rather than the Department of Health and Human Services.
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 by this rule because they do not participate in the medical cannabis program.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
Compliance costs for affected persons will not change. Program requirements will generally be the same but will be managed by the Department. Fees are not changing under this new 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	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Agriculture and Food, Craig W Butters, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 4-41a-1202		

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:	12/01/2023

9. This rule change MAY become effective on:	12/08/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Craig W Butters, Commissioner	Date:	10/16/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R82-1	Filing ID: 55828

Agency Information

1. Department:	Alcoholic Beverage Services	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state and zip:	Salt Lake City, UT 84104	
Mailing address:	PO Box 30408	
City, state and zip:	Salt Lake City, UT 84130-0408	
Contact persons:		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Ericka Evans	801-977-6800	eaevans@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R82-1. General
3. Purpose of the new rule or reason for the change:
This rule change corrects technical issues found during annual agency rules review.
4. Summary of the new rule or change:
This rule change corrects cross references to the Utah Code and federal regulations, spacing, punctuation, terminology, and makes other technical changes.

Fiscal Information

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

A) State budget:

This rule change is not expected to have a fiscal impact on the state budget because the rule change is technical in nature.

B) Local governments:

This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures because the rule change is technical in nature.

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

This rule change is not expected to have a fiscal impact on small businesses because the rule change is technical in nature.

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

This rule change is not expected to have a fiscal impact on non-small businesses because the rule change is technical in nature.

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 a fiscal impact on persons other than small businesses, non-small businesses, or state or local government entities because the rule change is technical in nature.

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

This rule change is not expected to have a compliance cost because the rule change is technical 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	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Alcoholic Beverage Services, Tiffany Clason, 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 32B-1-206	Section 32B-1-607	Section 32B-2-202
Section 32B-2-206		

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: 12/01/2023

9. This rule change MAY become effective on: 12/08/2023

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

Agency Authorization Information

Agency head or designee and title:	Tiffany Clason, Executive Director	Date:	10/02/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R82-2	Filing ID:	55830
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Agency Information

1. Department:	Alcoholic Beverage Services		
Agency:	Administration		
Street address:	1625 S 900 W		
City, state and zip:	Salt Lake City, UT 84104		
Mailing address:	PO Box 30408		
City, state and zip:	Salt Lake City, UT 84130-0408		
Contact persons:			
Name:	Phone:	Email:	
Vickie Ashby	801-977-6801	vickieashby@utah.gov	
Ericka Evans	801-977-6800	eaevans@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:
R82-2. Administration
3. Purpose of the new rule or reason for the change:
This rule change is made to conform with statutory changes made in S.B. 173 during the 2023 General Session, to remove irrelevant deadlines given increased flexibility from implementation of an online licensing and permitting system, and to clarify Alcoholic Beverage Services Commission subcommittee duties.
4. Summary of the new rule or change:
This rule change corrects internal cross references, clarifies the definition of "crime of moral turpitude," clarifies Alcoholic Beverage Services Commission subcommittee duties, removes reference to the 5 p.m. cut-off for late license renewal applications, corrects technical numbering issues, prohibits sale of spirituous liquor in containers smaller than 200 milliliters except as provided in Section 32B-2-303, clarifies statutory authority for this rule, and makes other technical changes.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule is not expected to have a fiscal impact on the state budget because this rule change is technical in nature or consistent with current and previous Department of Alcoholic Beverage Services (Department) practice.
B) Local governments:
This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures because this rule change is technical in nature or consistent with current and previous department practice.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have a fiscal impact on small businesses because this rule change is technical in nature or consistent with current and previous Department practice.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule change is not expected to have a fiscal impact on non-small businesses because this rule change is technical in nature or consistent with current and previous Department practice.
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 a fiscal impact on persons other than small businesses, non-small businesses or state or local government entities because this rule change is technical in nature or consistent with current and previous Department practice.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
This rule change is not expected to have a compliance cost because this rule change is technical in nature or consistent with current and previous Department practice.
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Alcoholic Beverage Services, Tiffany Clason, 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 32B-1-102	Section 32B-2-201.5	Section 32B-2-202
Section 32B-2-504	Section 32B-2-605	Section 32B-5-303

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:	12/01/2023

9. This rule change MAY become effective on:	12/08/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tiffany Clason, Executive Director	Date:	10/02/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R82-3	Filing ID: 55835

Agency Information

1. Department:	Alcoholic Beverage Services	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state and zip:	Salt Lake City, UT 84104	
Mailing address:	PO Box 30408	
City, state and zip:	Salt Lake City, UT 84130-0408	
Contact persons:		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Ericka Evans	801-977-6800	eaevans@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R82-3. Disciplinary Actions and Enforcement
3. Purpose of the new rule or reason for the change:
This rule amendment changes cross references changed during the 2023 General Session and corrects other technical issues found during annual agency rules review.
4. Summary of the new rule or change:
This rule amendment changes cross references and makes other technical changes.

Fiscal Information

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

A) State budget:

This rule change is not expected to have a fiscal impact on the state budget because this rule change is technical in nature.

B) Local governments:

This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures because this rule change is technical in nature.

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

This rule change is not expected to have a fiscal impact on small businesses because this rule change is technical in nature.

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

This rule change is not expected to have a fiscal impact on non-small businesses because this rule change is technical in nature.

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**):

This rule change is not expected to have a fiscal impact on persons other than small businesses, non-small businesses or state or local government entities because this rule change is technical in nature.

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

This rule change is not expected to have a compliance cost because this rule change is technical 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	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Alcoholic Beverage Services, Tiffany Clason, 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 32B-1-103	Section 32B-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.)

A) Comments will be accepted until:	12/01/2023
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9. This rule change MAY become effective on:	12/08/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tiffany Clason, Executive Director	Date:	10/02/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R82-6	Filing ID: 55836

Agency Information

1. Department:	Alcoholic Beverage Services	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state and zip:	Salt Lake City, UT 84104	
Mailing address:	PO Box 30408	
City, state and zip:	Salt Lake City, UT 84130-0408	
Contact persons:		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Ericka Evans	801-977-6800	eaevans@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R82-6. Specific Retail Provisions
3. Purpose of the new rule or reason for the change:
This rule change is made to conform this rule with statutory changes made in S.B. 173 passed during the 2023 General Session.
4. Summary of the new rule or change:
This rule change prohibits sale of spirituous liquor in containers smaller than 200 milliliters except as provided in Section 32B-2-303, clarifies statutory authority for the remainder of the current rule, and makes other technical changes.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have a fiscal impact on the state budget because this rule change is consistent with current and previous Department of Alcoholic Beverage Services (Department) practice.

B) Local governments:																								
This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures because this rule change is consistent with current and previous Department practice.																								
C) Small businesses ("small business" means a business employing 1-49 persons):																								
This rule change is not expected to have a fiscal impact on small businesses because this rule change is consistent with current and previous Department practice.																								
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																								
This rule change is not expected to have a fiscal impact on non-small businesses because this rule change is consistent with current and previous Department practice.																								
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 a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because this rule change is consistent with current and previous Department practice.																								
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):																								
This rule change is not expected to have a compliance cost because this rule change is consistent with current and previous Department practice.																								
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)																								
Regulatory Impact Table																								
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2024</th> <th>FY2025</th> <th>FY2026</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Non-Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Other Persons</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2024	FY2025	FY2026	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0	Small Businesses	\$0	\$0	\$0	Non-Small Businesses	\$0	\$0	\$0	Other Persons	\$0	\$0	\$0
Fiscal Cost	FY2024	FY2025	FY2026																					
State Government	\$0	\$0	\$0																					
Local Governments	\$0	\$0	\$0																					
Small Businesses	\$0	\$0	\$0																					
Non-Small Businesses	\$0	\$0	\$0																					
Other Persons	\$0	\$0	\$0																					

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Alcoholic Beverage Services, Tiffany Clason, 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 32B-2-303	Section 32B-2-202	

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:	12/01/2023

9. This rule change MAY become effective on:	12/08/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tiffany Clason, Executive Director	Date:	10/02/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R82-9	Filing ID: 55837

Agency Information

1. Department:	Alcoholic Beverage Services	
Agency:	Administration	
Street address:	1625 S 900 W	
City, state and zip:	Salt Lake City, UT 84104	
Mailing address:	PO Box 30408	
City, state and zip:	Salt Lake City, UT 84130-0408	
Contact persons:		
Name:	Phone:	Email:
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Ericka Evans	801-977-6800	eaevans@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R82-9. Event Permits
3. Purpose of the new rule or reason for the change:
This rule amendment changes cross references changed during the 2023 General Session and corrects other technical issues found during annual agency rules review.
4. Summary of the new rule or change:
This rule amendment modifies cross references, provides that an event permittee is subject to disciplinary action if the permittee does not comply with the control measures upon which the director decides to issue a permit, and makes other technical changes.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have a fiscal impact on the state budget because it is technical in nature or consistent with current and previous Department of Alcoholic Beverage Services (Department) practice.

B) Local governments:			
This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures because this rule change is technical in nature or consistent with current and previous Department practice.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
This rule change is not expected to have a fiscal impact on small businesses because this rule change is technical in nature or consistent with current and previous Department practice.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
This rule change is not expected to have a fiscal impact on non-small businesses because this rule change is technical in nature or consistent with current and previous Department practice.			
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 a fiscal impact on persons other than small businesses, non-small businesses or state or local government entities because this rule change is technical in nature or consistent with current and previous Department practice.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
This rule is not expected to have a compliance cost because this rule change is technical in nature or consistent with current and previous Department practice.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Alcoholic Beverage Services, Tiffany Clason, 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 32B-9-204	Section 32B-2-202	

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:	12/01/2023

9. This rule change MAY become effective on:	12/08/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tiffany Clason, Executive Director	Date:	10/02/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R152-21	Filing ID: 55843

Agency Information

1. Department:	Commerce	
Agency:	Consumer Protection	
Building:	Heber Wells Bldg	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Daniel Larsen	801-530-6601	dcprules@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R152-21. Credit Services Organizations Act Rule
3. Purpose of the new rule or reason for the change:
This proposed amendment is being submitted as a result of the Division of Consumer Protection's (Division) review completed in accordance with Section 63G-3-305, and in accordance with Executive Order No. 2021-12.
4. Summary of the new rule or change:
This amendment conforms this rule's structure to other Division rules and to the Rulewriting Manual for Utah. The amendment removes current Sections R152-21-3 and R152-21-4 because those sections duplicate statutory provisions. The amendment also modernizes and streamlines the definitions that appear in proposed Section R152-21-3.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This amendment is anticipated to have no fiscal impact on the state budget.

This amendment is expected to result in a de minimis, inestimable fiscal benefit to the state budget due to streamlined definitions that are simpler to understand and apply. The benefit is inestimable because employee pay and the amount of time saved will vary, and the frequency with which the definitions are reviewed and applied is not readily available.

The cost to further research the issue would be unreasonably high relative to the expected fiscal benefit.

B) Local governments:

This amendment is not expected to have any fiscal impact on local governments because it does not impose requirements upon local governments.

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

The Division anticipates that the amendment may result in a minor, inestimable reduction of regulatory burden on small businesses due to the streamlined requirements of the proposed rule change. The reduction is inestimable because the number of impacted small businesses is not readily available due to inconsistent classification in NAICS data, and because the amount of burden relieved depends on the method each impacted small business uses to maintain its records.

The cost to further research the issue would be unreasonably high.

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

The Division anticipates that the amendment may result in a minor, inestimable reduction of regulatory burden on non-small businesses due to the streamlined requirements of the proposed rule change. The reduction is inestimable because the number of impacted non-small businesses is not readily available due to inconsistent classification in NAICS data, and because the amount of burden relieved depends on the method each impacted non-small business uses to maintain its records.

The cost to further research the issue would be unreasonably high.

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 amendment is not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

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

This amendment does not impose 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.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Commerce, Margaret Busse, 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 13-2-5(1)		
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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:	12/01/2023
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9. This rule change MAY become effective on:	12/08/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Managing Analyst	Date:	09/27/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R156-46a	Filing ID:	55847
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Agency Information

1. Department:	Commerce	
Agency:	Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Tracy Taylor	801-530-6621	trtaylor@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R156-46a. Hearing Instrument Specialist Licensing Act Rule

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

The proposed amendments update this rule in accordance with statutory changes made by S.B. 12 passed in the 2023 General Session.

4. Summary of the new rule or change:

In accordance with statutory changes made by S.B. 12 (2023), Sections R156-46a-302a and R156-46a-302b are removed in their entirety and replaced by Sections R156-46a-302 and R156-46a-302.5 to remove the requirement to take the International Hearing Society's licensing examination (ILE), to clarify internship supervision provisions, and to align this rule with the statutory changes.

Additionally, Subsection R156-46a-303(2)(b) is updated to provide that a hearing instrument intern license may be renewed for a term of three years if the hearing instrument intern presents evidence satisfactory to the Division of Professional Licensing (Division) and board that the intern is on a course reasonably expected to lead to licensure, and a circumstance of hardship arose beyond the licensee's control to prevent the completion of the licensure process.

Formatting changes are also made throughout this rule consistent with the Rulewriting Manual for Utah and to update citation references.

The Division also notes the suggestion of the Office of Administrative Rules staff that the "Table" in Section R156-46a-502d be created as a Word "table". However, the Division will be keeping this Table as it is since it is a document template to be used by licensees in their practice. The wording is not conducive to a formatted type table.

Public Hearing Information

The Division will hold a public hearing on 11/17/2023 at 9 AM at 160 E 300 S, Conference Room 474 (4th Floor), Salt Lake City, Utah.

Or via Google Meet
 Google Meet Meeting link: meet.google.com/ngx-fsph-bwc

Or join by phone
 (US) +1 302-440-5055
 PIN: 550866830

Fiscal Information

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

A) State budget:

The proposed amendments are not expected to have any fiscal impact on state government revenues or expenditures.

The proposed amendments merely update and clarify provisions and conform this rule to statutory changes.

B) Local governments:

The proposed amendments are not expected to have any fiscal impact on local governments' revenues or expenditures.

The proposed amendments merely update and clarify provisions and conform this rule to statutory changes.

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

The proposed amendments are not expected to have any fiscal impact on small businesses' revenues or expenditures.

The proposed amendments merely update and clarify provisions and conform this rule to statutory changes.

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

The proposed amendments are not expected to have any fiscal impact on non-small businesses' revenues or expenditures.

The proposed amendments merely update and clarify provisions and conform this rule to statutory changes.

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 amendments are not expected to have any fiscal impact on affected persons.

The proposed amendments merely update and clarify provisions and conform this rule to statutory changes.

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

The proposed amendments are not expected to impose any compliance costs on any 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.)

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.			
The Division proposes amendments to update Rule R156-46a, the Hearing Instrument Specialist Licensing Act Rule. The proposed amendments are required by S.B. 12 (2023).			
Sections were removed to take out the requirement of the ILE.			
Clarification has been for internship supervision provisions and to update the requirement of hearing instrument intern license, which may be renewed for a term of three years.			
The Division has made formatting changes throughout this rule to conform to the Rulewriting Manual for Utah in accordance with Executive Orders No. 2021-1 and 2021-12.			
Small Businesses (less than 50 employees): The Division does not foresee any foreseeable impact on small businesses since these amendments are made to make the rule comport to the requirements of S.B. 12 (2023) and the Rulewriting Manual for Utah.			
Regulatory Impact to Non-Small Businesses (50 or more employees):			

These amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses.

These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

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 58-46a-101
Section 58-46a-304		

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:	12/01/2023	
B) A public hearing (optional) will be held:		
Date:	Time:	Place (physical address or URL):
11/17/2023	9:00 AM	See information in Box 4 above

9. This rule change MAY become effective on:	12/08/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	10/12/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R156-69	Filing ID: 55846

Agency Information

1. Department:	Commerce
Agency:	Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S

City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Larry Marx	801-530-6254	lmarx@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R156-69. Dentist and Dental Hygienist Practice Act Rule
3. Purpose of the new rule or reason for the change:
The Division of Professional Licensing (Division) in collaboration with the Dentist and Dental Hygienist Licensing Board is filing these proposed amendments: 1) as required by S.B. 237 passed in the 2023 General Session, establish the notification requirement to DOPL for a dental hygienist who will engage in the practice of dental hygiene in a public health setting; 2) lessen the regulatory burden on dentists who perform moderate sedation by reducing the requirements for monitoring patient oxygenation to the use of an oximeter, and requiring only one individual to be in the operatory that is ACLS (or PALS) certified instead of two; and 3) lessen the regulatory burden on dentists who perform Deep Sedation or General Anesthesia by requiring only one individual to be in the operatory that is ACLS (or PALS) certified instead of two.
4. Summary of the new rule or change:
Subsection R156-69-302a(2)(c)(iii)(A) is amended to remove the requirement to use end-tidal capnography in addition to pulse oximetry during moderate sedation of a patient. Subsection R156-69-302a(2)(c)(iii)(B) is amended to require only one ACLS (or PALS) certified person to be in the operatory during moderate sedation of a patient; this would be the licensee performing the treatment, thereby removing the requirement for an assistant to be ACLS (or PALS) trained. Subsection R156-69-301a(2)(d)(iii)(B) is amended to require only one ACLS (or PALS) certified person to be present in the operatory for a dentist with a deep sedation and general anesthesia permit, which would be the licensee performing the treatment, thereby removing the requirement for an assistant to be ACLS (or PALS) trained. Finally, in accordance with S.B. 237 (2023), new Section R156-69-801 is added to establish the required notification

to the Division on a one-time basis by a dental hygienist who will engage in the independent practice of dental hygiene in a public health setting, and Section R156-69-502 is correspondingly amended to add to the definition of "Unprofessional Conduct" violation of Subsection 58-69-801(5) or Section R156-69-801 by a dental hygienist who is working in a public health setting.

Public Hearing Information

The Division will hold a public hearing on 11/17/2023 at 9 AM at 160 E 300 S, Conference Room 474 (4th Floor), Salt Lake City, Utah.

Or via Google Meet

Google Meet Meeting link: meet.google.com/ngx-fsph-bwc

Or join by phone
 (US) +1 302-440-5055
 PIN: 550866830

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
As described below for small businesses in Box 5C, the Division estimates that the proposed amendments to Section R156-69-302a may benefit state government agencies who provide dental services, but the exact savings cannot be estimated as each entity will provide different services and utilize differing equipment, and hire employees with differing qualifications. The remainder of these proposed amendments are expected to have no measurable impact on state revenues or expenditures as they merely update the rule to implement S.B. 237 (2023) requirements.
B) Local governments:
As described below for small businesses in Box 5C, the Division estimates that the proposed amendments to Section R156-69-302a may benefit local government agencies who provide dental services, but the exact savings cannot be estimated as each entity will provide different services and utilize differing equipment, and hire employees with differing qualifications.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed amendments to R156-69-302a will reduce the cost of equipment needed for moderate sedation and will also reduce the training costs for dental service providers who are treating patients utilizing moderate sedation or deep sedation/general anesthesia, therefore, the Division expects these amendments to benefit the estimated 2,156 small businesses in Utah engaged in providing dental services (Offices of Dentist (NAICS

621210) and All Other Outpatient Care Centers (NAICS 621498)).

However, the exact savings cannot be estimated as the relevant information is not available as each dental practice is unique, with each practitioner utilizing different equipment and hiring employees with differing qualifications.

New Section R156-69-801 that establishes the required notice to the Division for dental hygienists who will be practicing independently in a public health setting is not expected to have a measurable impact on businesses owned by or employing dental hygienists who choose to practice independently in a public health setting beyond the fiscal impact described in the fiscal note for S.B. 237 at <https://le.utah.gov/~2023/bills/static/SB0237.html>, as the amendment simply implements the mandate for notice under SB 237.

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

The proposed amendments to R156-69-302a will reduce the cost of equipment needed for moderate sedation and will also reduce the training costs for dental service providers who are treating patients utilizing moderate sedation or deep sedation/general anesthesia, therefore, the Division expects these amendments to benefit the estimated 21 non-small businesses in Utah engaged in providing dental services (Offices of Dentist (NAICS 621210) and All Other Outpatient Care Centers (NAICS 621498)).

However, the exact savings cannot be estimated as the relevant information is not available as each dental practice is unique, with each practitioner utilizing different equipment and hiring employees with differing qualifications.

New Section R156-69-801 that establishes the required notice to the Division for dental hygienists who will be practicing independently in a public health setting is not expected to have a measurable impact on non-small businesses owned by or employing dental hygienists who choose to practice independently in a public health setting beyond the fiscal impact described in the fiscal note for S.B. 237 at <https://le.utah.gov/~2023/bills/static/SB0237.html>, as the amendment simply implements the mandate for notice under S.B. 237.

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

There are approximately 4,325 licensed dentists in Utah, who primarily work in businesses as owners or partners. As described above in Box 5C for small businesses, the Division anticipates a savings for licensed dentists who choose to engage in the practice of providing moderate

sedation or deep sedation/general anesthesia to their patients, but the exact cost savings cannot be estimated as each practitioner is unique and utilizes differing equipment and hires employees with differing qualifications.

The proposed new Section R156-69-801 enacted pursuant to S.B. 237 (2023) that establishes the required notice to the Division by dental hygienists who will be practicing independently in a public health setting will impact dental hygienists who choose to practice independently in a public health setting, but the amendments are not expected to impact these persons beyond the fiscal impact described in the fiscal note for S.B. 237 at <https://le.utah.gov/~2023/bills/static/SB0237.html> because the amendment simply implements the notice mandate under S.B. 237.

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

As described in Box 5E, there are no compliance costs expected 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.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

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

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

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

The Division proposes amendments to update Rule R156-69, the Dentist and Dental Hygienist Practice Act Rule.

The proposed amendments were required by S.B. 237 (2023). The essence of S.B. 237 is to decrease regulations on dentists who perform moderate sedation by reducing the requirements for monitoring patient oxygenation to the use of an oximeter, and requiring only one certified individual instead of two.

The proposed change is to also decrease regulation on dentists who perform deep sedation or general anesthesia by requiring only one certified individual to be in the operatory instead of two. The Division has made formatting changes throughout the rule to conform this rule to the Rulewriting Manual for Utah in accordance with Executive Orders No. 2021-1 and 2021-12.

Small Businesses (less than 50 employees):
The Division does not expect any foreseeable impact on small businesses.

The proposed amendments to R156-69 will reduce the cost of sedation equipment and reduce the training costs for dental service providers.

The Division foresees benefits to the estimated 2,156 small businesses in Utah engaged in providing dental services (NAICS 621210) and other similar outpatient care centers (NAICS 621498).

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

There are approximately 21 non-small businesses in Utah engaged in providing dental services (NAICS 621210) and other similar outpatient care centers (NAICS 621498).

These amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses.

These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

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 58-69-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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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:	12/01/2023
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B) A public hearing (optional) will be held:

Date:	Time:	Place (physical address or URL):
11/17/2023	9:00 AM	See information in Box 4 above

9. This rule change MAY become effective on:	12/08/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	10/04/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R270-1	Filing ID: 55794

Agency Information

1. Department:	Crime Victim Reparations	
Agency:	Administration	
Room number:	200	
Street address:	350 E 500 S, Suite 200	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Melanie Scarlet	801-238-2360	mscarlet@utah.gov
Gary Scheller	801-238-2360	garys@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R270-1. Award and Reparation Standards

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

The purpose of this rule change is to keep up with the increased cost to victims in the areas of relocation, funeral, and outpatient mental health services benefit categories. These benefits have not seen an increase in many years and have not kept up with inflation.

According to apartments.com, the average cost for a 1-bedroom apartment in Salt Lake City is \$1,700 per month, much more than Utah Office for Victims of Crime's (UOVC) \$1,000 benefit.

UOVC regularly sees funeral and burial expenses following a homicide that are much higher than the \$7,000 that is currently available to survivors.

Lastly, UOVC victims are having a difficult time finding a provider that will accept the current pay structure for mental health services. Because of this, victims often must pay out of pocket for the upfront costs and then seek reimbursement from UOVC. Unfortunately, UOVC's reimbursements are only a fraction of what the victim paid.

This rule change is intended to alleviate the financial burden on victims of crime.

4. Summary of the new rule or change:

This rule change will increase the following benefits: relocation benefit from \$1,000 to \$2,000, funeral benefit from \$7,000 to \$14,000, and change how UOVC will pay the mental health benefit.

Instead of paying capped rates of \$70, \$90, and \$130, UOVC would be paying the PEHP rate for those services.

Fiscal Information

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

A) State budget:

There will be a fiscal impact to the state budget. However, this funding is already available in the restricted revenue account as defined in Section 63M-7-526.

To get the numbers for this estimate, UOVC looked at what was spent between FY18 - FY22. UOVC is not able to say that there will be an increase each year as what the UOVC pays out in each category fluctuates depending on victim needs for that particular year.

B) Local governments:

This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures.

This rule change only impacts UOVC expenses.

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

This rule change will have a positive impact on small businesses' revenue. UOVC pays directly to funeral homes, storage facilities, moving companies, therapists who are self-employed or work for small businesses.

UOVC arrived at the numbers below by multiplying the total expected increase by the average percentage paid to small business over a five-year period (FY18 - FY22). The average percentage paid to small businesses during that time frame was 55% which equates to \$354,678.51 of the expected increase.

UOVC is not adding an expected increase for FY25 and FY26 as the numbers in the table below were determined based on a five-year average of total benefits paid. These numbers fluctuate from year to year depending on victims' needs for that particular year.

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

This rule change will have a positive impact on non-small businesses' revenue. UOVC pays for therapy provided by non-small businesses such as Primary Childrens Safe and Healthy Families program.

UOVC arrived at the numbers below by multiplying the total expected increase by the average percentage paid to non-small businesses over a five-year period (FY18 - FY22). The average percentage paid to non-small businesses during that time frame was 29%, which equates to \$187,012.31.

Score.org reports that non-small businesses make up less than 1% of business in Utah, and yet they receive an average of 29% of UOVC's gross yearly benefit payout. These payouts are paid at a significantly lower rate than victims would pay if they paid the provider directly, as UOVC is currently paying at a rate of 50% of the billed amount which makes this rule change an additional benefit to persons (and not just non-small businesses) that is difficult to quantify.

UOVC is not adding an expected increase for FY25 and FY26 as the numbers in the table below were determined based on a five-year average of total benefits paid. These numbers fluctuate from year to year depending on victims' needs for that particular year.

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

This rule change will positively benefit persons who are victims of crime and are clients of UOVC. It will increase the amount that UOVC is able to reimburse victims of crime for their out-of-pocket expenses.

UOVC arrived at the numbers below by multiplying the total expected increase by the average percentage paid to persons (victims of crime) over a five-year period (FY18 - FY22). The average percentage paid to persons during that time frame was 16% which equates to \$103,179.21.

UOVC is not adding an expected increase for FY25 and FY26 as the numbers in the table below were determined based on a five-year average of total benefits paid. These numbers fluctuate from year to year depending on victims' needs for that particular year.

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.

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	FY2024	FY2025	FY2026
State Government	\$644,870.03	\$644,870.03	\$644,870.03
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$644,870.03	\$644,870.03	\$644,870.03
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$503,045.72	\$503,045.72	\$503,045.72
Non-Small Businesses	\$18,899.33	\$18,899.33	\$18,899.33
Other Persons	\$103,179.21	\$103,179.21	\$103,179.21
Total Fiscal Benefits	\$644,870.03	\$644,870.03	\$644,870.03

Net Benefits	Fiscal \$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Director of the Utah Office for Victims of Crime, Gary Scheller, 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 63M-7-5		

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:	12/01/2023

9. This rule change MAY become effective on:	12/08/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Gary Scheller, Director	Date:	10/11/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-113	Filing ID: 55852

Agency Information

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

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

General Information

2. Rule or section catchline:
R277-113. LEA Fiscal and Auditing Policies
3. Purpose of the new rule or reason for the change:
This rule is being amended due to passage of H.B. 2 in the 2023 General Session, which amended Section 53F-2-209 and authorized Local Education Agencies (LEAs) to transfer funds from state restricted programs in response to changing student needs. In these rule amendments, the Utah State Board of Education (USBE) created the necessary requirements to implement this provision.
4. Summary of the new rule or change:
These amendments specifically remove the definition of and references to the Financial Accounting Standards Board (FASB). This rule also adds requirements for LEA recordkeeping for flexible use of restricted funds.

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 fiscal note to H.B. 2 (2023) captured any impacts to state budgets. The changes do not affect USBE budgets.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. LEAs are allowed to transfer state restricted funding. This rule change provides necessary guidance for LEAs on recordkeeping, and any impacts were captured in the fiscal note to H.B. 2 (2023). The removal of FASB language does not impact LEA budgets as charters moved from FASB reporting guidelines to Governmental Accounting Standards Board (GASB) reporting in 2021.
C) Small businesses ("small business" means a business employing 1-49 persons):

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

This only affects LEAs and USBE.

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

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

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

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

This only affects LEAs and USBE.

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

There are no compliance costs for affected persons.

There are no costs to comply with the recordkeeping requirements for LEAs. LEAs already keep accounting records in their general ledger.

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	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The 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)(e)

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:	12/01/2023

9. This rule change MAY become effective on:	12/08/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/16/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-326	Filing ID: 55853

Agency Information

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

General Information

2. Rule or section catchline:
R277-326. Early Learning
3. Purpose of the new rule or reason for the change:
This rule is being amended to exempt educators who primarily teach students who are deaf from statutory early literacy professional learning requirements consistent with the Utah State Board of Education's (USBE) authority under Subsection 53F-5-214(6)(b)(ii)(E).
4. Summary of the new rule or change:
These amendments specifically add requirements for an early literacy professional learning opportunity.

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. There are no costs to the USBE associated with exempting educators who teach students who are deaf from training requirements.
The educators are still allowed to participate in trainings related to early literacy but have flexibility to pursue trainings that are more suited to deaf students.

<p>B) Local governments:</p> <p>This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. There are no costs to Local Education Agencies (LEAs) associated with exempting educators who teach students who are deaf from training requirements.</p> <p>The educators are still allowed to participate in trainings related to early literacy, but have flexibility to pursue trainings that are more suited to deaf students.</p>
<p>C) Small businesses ("small business" means a business employing 1-49 persons):</p> <p>This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.</p> <p>This only affects educators.</p>
<p>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</p> <p>There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.</p>
<p>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):</p> <p>This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.</p> <p>This only affects educators.</p>
<p>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</p> <p>There are no compliance costs for affected persons.</p> <p>There are no compliance costs for educators associated with educators for students who are deaf being exempted from early literacy training requirements.</p>
<p>G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)</p>

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The 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 53F-5-214

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:	12/01/2023

9. This rule change MAY become effective on:	12/08/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/16/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-495	Filing ID: 55854

Agency Information

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

General Information

2. Rule or section catchline:
R277-495. Electronic Devices in Public Schools
3. Purpose of the new rule or reason for the change:
This rule is being amended to clarify the requirements related to the Local Education Agency (LEA) electronic device policy.
4. Summary of the new rule or change:
These amendments add a requirement clarifying that an LEA policy must include a prohibition on the use of electronic devices that "significantly impair academic excellence".
There is also an additional technical correction made to a code reference.

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 requirement is for LEAs to update their policies and does not impact the Utah State Board of Education (USBE) budgets.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

LEAs will be required to update their electronic device policy. While there are nominal costs associated with these changes, LEAs regularly review and updated their policies and USBE is unable to provide an estimated cost.

There is not a quantifiable fiscal impact to LEAs associated with updating their electronic device policy.

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

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

This only affects LEAs.

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

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

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

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

This only affects LEAs.

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.
There are no quantifiable costs for LEAs or other entities.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The 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 53G-8202(2)(c)(i)
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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:	12/01/2023
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9. This rule change MAY become effective on:	12/08/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/16/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-553	Filing ID: 55855

Agency Information

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

General Information

2. Rule or section catchline:
R277-553. Charter School Oversight, Monitoring and Appeals
3. Purpose of the new rule or reason for the change:
This rule is being amended to update requirements for remediation and probation.
4. Summary of the new rule or change:
The amendments specifically add a timeframe for an authorizer's comprehensive review of governing board performance, review and update of the charter agreement, and regular monitoring of its charter schools.
The amendments also remove the specific timeframe that an authorizer review and update the charter agreement, and the date associated with an authorizer's requirement to submit a remediation policy to the Board for approval.

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 changes apply to charter school authorizers, which includes the State Charter School Board (SCSB). However, the language clarifies charter authorizer duties and does not add any quantifiable costs for the Utah State Board of Education (USBE), the SCSB, or other authorizers.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
Charter schools will continue to be monitored and reviewed, with no fiscal impact due to the clarifications for charter school authorizers.
There is no impact to Local Education Agency (LEA) budgets.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
This only affects USBE, SCSB, and LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

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

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

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

This only affects charter school authorizers.

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.

There are no compliance costs for charter school authorizers associated with clarifying their duties and timelines.

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	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The 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-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: 12/01/2023

9. This rule change MAY become effective on: 12/08/2023

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

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/16/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R277-604	Filing ID:	55856
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Agency Information

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

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
 R277-604. Private School, Home School, and Bureau of Indian Education (BIE) Student Participation in Public School Achievement Tests

3. Purpose of the new rule or reason for the change:
 This rule is being amended due to the passage of H.B. 215 during the 2023 General Session.

4. Summary of the new rule or change:
 These amendments specifically add Utah Fits All and Special Needs Opportunity Scholarship Program "scholarship" students to several references in the rule, creating the opportunity for scholarship students to participate in statewide assessments through Local Education Agencies (LEAs).

The amendments also add a definition for "Eligible school", "Qualifying school", in addition to making updates to the definition of "Scholarship student".

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.

There are no impacts to the Utah State Board Education (USBE) or other state entity budgets outside the fiscal notes to H.B. 215 (2023).

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

Provisions for scholarship students to take statewide assessments do not add costs for LEAs as they are already required to accommodate home and private school students wishing to take statewide assessments at a convenient LEA.

This rule change does not add any costs beyond any identified by the fiscal note to H.B. 215 (2023).

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

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

This only affects USBE and LEAs.

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

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

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

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

This only affects USBE and LEAs.

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.

There are no compliance costs outside those already identified in the fiscal note to H.B. 215 (2023).

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	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The 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-3-401	Subsection 53E-4-302(1)(a)
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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.)

NOTICES OF PROPOSED RULES

A) Comments will be accepted until:	12/01/2023
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9. This rule change MAY become effective on:	12/08/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/16/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R402-2	Filing ID: 55859

Agency Information

1. Department:	Health and Human Services		
Agency:	Family Health, Early Childhood		
Room number:	3032		
Building:	Multi-Agency State Office Building (MASOB)		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144610		
City, state and zip:	Salt Lake City, UT 84114-4610		
Contact persons:			
Name:	Phone:	Email:	
Jennifer Floyd	385-377-0941	jffloyd@utah.gov	
Alexis Weight	801-273-2956	abweight@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:
R402-2. Early Childhood Utah Advisory Council Membership, Duties and Procedures
3. Purpose of the new rule or reason for the change:
Following the consolidation and recodification of the Department of Health and Human Services' (Department)

statute, this rule is being proposed under Title R402, and is simultaneously being repealed from Title R433.

4. Summary of the new rule or change:

This filing takes the language from Rule R433-2, Early Childhood Utah Advisory Council Membership, Duties and Procedures, which is simultaneously being proposed for repeal, and creates a new rule under Title R402 as Rule R402-2, Early Childhood Utah Advisory Council Membership, Duties and Procedures.

Additionally, this filing amends language that existed in Rule R433-2 to reflect the recent recodification of the Department's statute.

(EDITOR'S NOTE: The proposed repeal of Rule R433-2 is under ID 55860 in this issue, November 1, 2023, of the Bulletin.)

Fiscal Information

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

A) State budget:

There is no impact to the state budget as there are only minor changes and technical updates.

B) Local governments:

There is no impact on local governments as there are only minor changes and technical updates.

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

There is no impact on small businesses as there are only minor changes and technical updates.

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

There is no impact on non-small businesses as there are only minor changes 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 there are only minor changes 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 there are only minor changes and technical updates.

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	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Section 26B-1-422		
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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: 12/01/2023

9. This rule change MAY become effective on: 12/08/2023

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

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	10/15/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal		
Rule or Section Number:	R433-2	Filing ID: 55860

Agency Information

1. Department:	Health and Human Services	
Agency:	Family Health and Preparedness, Maternal and Child Health	
Room number:	3032	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144610	
City, state and zip:	Salt Lake City, UT 84114-4610	
Contact persons:		
Name:	Phone:	Email:
Jennifer Floyd	385-377-0941	jfloyd@utah.gov
Alexis Weight	801-273-2956	abweight@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R433-2. Early Childhood Utah Advisory Council Membership, Duties and Procedures
3. Purpose of the new rule or reason for the change:
Following the consolidation and recodification of the Department of Health and Human Services' (Department)

statute, this rule is being repealed from Title R433, and is simultaneously being proposed under Title R402.

4. Summary of the new rule or change:

This filing repeals Rule R433-2, Early Childhood Utah Advisory Council Membership, Duties and Procedures, in its entirety and the language is simultaneously being proposed under Title R402 as Rule R402-2, Early Childhood Utah Advisory Council Membership, Duties and Procedures, due to the consolidation and recodification of the Department's statute.
(EDITOR'S NOTE: The proposed new Rule R402-2 is under ID 55859 in this issue, November 1, 2023, of the Bulletin.)

Fiscal Information

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

A) State budget:

There is no anticipated impact on the state budget as this repeal only moves Rule R433-2 to Title R402 as Rule R402-2.

B) Local governments:

There is no anticipated impact on local governments as this repeal only moves Rule R433-2 to Title R402 as Rule R402-2.

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

There is no anticipated impact on small businesses as this repeal only moves Rule R433-2 to Title R402 as Rule R402-2.

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

There is no anticipated impact on non-small businesses as this repeal only moves Rule R433-2 to Title R402 as Rule R402-2.

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

There is no impact on other persons or entities as this repeal only moves Rule R433-2 to Title R402 as Rule R402-2.

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 this repeal only moves Rule R433-2.

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	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Health and Human Services, Tracy S. 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 26-66-101 | |

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:	12/01/2023
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9. This rule change MAY become effective on:	12/08/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	10/16/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R590-230	Filing ID: 55861

Agency Information

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

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R590-230. Suitability in Annuity Transactions
3. Purpose of the new rule or reason for the change:
This rule is being updated to comply with the federal Dodd-Frank Act. These updates are required to prevent the federal government from preempting the states' regulation of annuities.
These standards have been developed by the states and must be adopted as written.

4. Summary of the new rule or change:

The changes clarify that all recommendations by agents and insurers must be in the best interest of the consumer and that agents and carriers may not place their financial interest ahead of the consumers' interest in making a recommendation.

They also require agents and carriers to act with "reasonable diligence, care and skill" in making recommendations, and include enhancements to the current rule's supervision system to assist in compliance.

Fiscal Information

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

A) State budget:

There is no anticipated cost or savings to the state budget. The changes do not require any extra or reduced work on the part of the state.

B) Local governments:

There is no anticipated cost or savings to local governments.

This rule governs the relationship between the Department of Insurance and its licensees, and does not affect local governments in any way.

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

Producers will have to take an updated continuing education (CE) course as a result of these changes, but the hours count toward the CE that they're already required to take.

There may be a cost for such a course, but this updated CE course would take the place of another course that they would pay for anyway.

Effectively, there will be a net-zero cost to producers, including insurance agencies that pay the costs of their agents' CE courses.

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

The only non-small businesses that will be impacted by these changes are insurers.

However, Utah is the 44th state to adopt the standards. All insurers who write annuities are already complying with the standards in other states.

There should be no additional 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**):

Producers will have to take an updated CE course as a result of these changes, but the hours count toward the CE that they're already required to take.

There may be a cost for such a course, but this updated CE course will take the place of another course that they would pay for anyway.

Effectively, there will be a net-zero cost to producers.

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.

As stated above, insurers that must comply with this rule are already complying in 43 other states, so complying in Utah will not require any additional cost; producers will be required to take an updated CE course, but this course will replace another required course.

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	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

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

Citation Information

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

Section 31A-2-201	Section 31A-22-425	
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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:	12/01/2023
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9. This rule change MAY become effective on:	12/08/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	10/16/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R653-12	Filing ID: 55842

Agency Information

1. Department:	Natural Resources
Agency:	Water Resources
Room number:	310
Building:	Natural Resources Building
Street address:	1594 W North Temple
City, state and zip:	Salt Lake City, UT 84116

Mailing address:	1594 W North Temple, Rm 310	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Carly Payne	801-538-7235	carlypayne@utah.gov
Joel Williams	801-538-7349	joelwilliams@utah.gov
Martin Bushman	801-538-7273	martinbushman@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R653-12. 2023 Grant Money for Wasatch Front Aqueduct Resilience Projects
3. Purpose of the new rule or reason for the change:
The Utah Legislature appropriated \$50,000,000 in the 2023 General Session to the Department of Natural Resources, Division of Water Resources (Division) to help fund Wasatch Front aqueduct resilience projects through loans and grants, see S.B. 3, Item 543.
4. Summary of the new rule or change:
The purpose of this new rule is to describe the eligibility requirements, limitations, conditions, and application and approval process for water providers to receive grant money from the Division for improving the resilience of major aqueducts along the Wasatch Front to withstand a major earthquake.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The Legislature appropriated \$50,000,000 in one-time funding to the Division for "Wasatch Front Aqueduct Resilience" in S.B. 3, Item 543 in the 2023 General Session. The Legislature did not provide further specifics or direction on the distribution of the appropriated funds.
This rule is necessary under Subsection 63G-3-201(2) to guide the Division and ensure consistency in its distribution of \$50,000,000 in grants.
The grant program will be administered by existing staff at the Division. No new hires or overtime pay will be required.

B) Local governments:
The grant program will not fiscally impact local governments negatively.
The program simply makes funding available to eligible water providers for improving and protecting major Wasatch Front aqueducts from earthquake damage and disruption.
This rule does not require water providers to make aqueduct improvements, and participation in the grant program is completely voluntary under this rule. Those that choose to participate and receive grant funding, however, will contribute at least 50% of the cost of a resilience project and at least 25% of a resilience study to receive grant funding for the remainder.
Aqueducts, once improved and secured, will provide significant benefits to the communities and citizens serviced by them, particularly in the event of an earthquake.
C) Small businesses ("small business" means a business employing 1-49 persons):
To the extent a water provider is not a local government and more closely related to a small business, it will be impacted similarly to that described in the local governments above.
A residual benefit of this rule and the grant program it implements to small businesses will be increased demand for the design, manufacture, and construction of hardened aqueduct systems.
In total, the grant program will infuse \$50,000,000 in grants in addition to water providers' cost share into the planning and construction of resilience projects and studies.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
To the extent a water provider is not a local government and more closely related to a non-small business, it will be impacted similarly to that described in the local governments above.
A residual benefit of this rule and the grant program it implements to non-small businesses will be increased demand for the design, manufacture, and construction of hardened aqueduct systems.
In total, the grant program will infuse \$50,000,000 in grants in addition to water providers' cost share into the planning and construction of resilience projects and studies.
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):

NOTICES OF PROPOSED RULES

No anticipated impacts to others different than to local governments, small businesses, and non-small business. See previous responses above.

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

This rule does not require water providers to improve or harden their existing aqueduct systems or to seek grant funds to do so.

Participation in the program is completely voluntary under this rule.

Those that choose to participate and receive grant funding, however, must contribute at least 50% of project costs and at least 25% of study costs to receive grant funding for the remainder.

The total out-of-pocket expense to a grant recipient will depend on the nature and size of the resilience project for which grant funding is sought.

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	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Natural Resources, Joel Ferry, 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:

S.B. 3, Item 543, 2023 General Session	Subsection 63G-3-201(2)	
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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: 12/01/2023

9. This rule change MAY become effective on: 12/15/2023

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

Agency Authorization Information

Agency head or designee and title:	Candice Hasenyager, Division Director	Date:	10/02/2023
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End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R152-21	Filing ID: 50244
Effective Date:	10/04/2023	

Agency Information

1. Department:	Commerce	
Agency:	Consumer Protection	
Building:	Heber Wells Bldg	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146704	
City, state and zip:	Salt Lake City, UT 84114-6704	
Contact persons:		
Name:	Phone:	Email:
Daniel Larsen	801-530-6601	dcprules@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:	R152-21. Credit Services Organizations Act Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	

This rule is promulgated in accordance with Section 13-2-5, which authorizes the director of the Division of Consumer Protection (Division) to issue rules to administer and enforce enumerated laws, including Title 13, Chapter 21, Credit Services Organizations Act.

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

The Division is unaware of 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 provides guidance to regulated persons and entities concerning the obligations imposed and conduct prohibited by Title 13, Chapter 21, Credit Services Organizations Act. Therefore, this rule should be continued.

The Division has proposed amendments to this rule. The amended rule includes definitions that supplement those in Section 13-21-2. These definitions clarify terms used but not defined by statute. The definitions assist regulated entities in their compliance efforts, and promote consistency in the Division's administration and enforcement efforts by reducing the need to repeatedly interpret undefined terms.

(EDITOR'S NOTE: The proposed amendments to Rule R152-21 are under ID 55843 in this issue, November 1, 2023, of the Bulletin.)

Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Managing Analyst	Date:	10/04/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-495	Filing ID:	50452
Effective Date:	10/16/2023		

Agency Information

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

General Information

2. Rule catchline:
R277-495. Electronic Devices in Public Schools
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Utah State Board of Education (Board); Subsection 53E-3-401(4), which allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law; Subsection 53G-8-202(2)(c)(i), which directs the Superintendent to develop a conduct and discipline policy model for elementary and secondary public schools; and 47 CFR, Part 54, Children's Internet Protection Act, which requires schools and libraries that have computers with internet access to certify they have internet safety policies and technology protection measures in place to receive discounted internet access and services.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no public comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it directs all local education agencies (LEAs) and public schools to adopt policies, individually or collectively as school districts or consortia of charter schools, governing the possession and use of electronic devices including both LEA-owned and privately-owned, while on public school premises or during participation in school activities; and for LEA-owned devices, wherever the LEA-owned devices are used. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/16/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-551	Filing ID:	54899
Effective Date:	10/16/2023		

Agency Information

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

General Information

2. Rule catchline:
R277-551. Charter Schools - General Provisions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Utah State Board of Education (Board); Section 53F-2-702, which directs the Board to distribute funds for charter school students directly to the charter school; Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities; and Subsection 53G-5-205(5), which requires the Board to make rules establishing minimum standards that a charter school authorizer is required to apply.

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

There were no public comments received.

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

This rule is necessary to provide operational requirements for charter schools. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/16/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-553	Filing ID:	52570
Effective Date:	10/16/2023		

Agency Information

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

General Information

2. Rule catchline:

R277-553. Charter School Oversight, Monitoring and Appeals

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

This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Utah State Board of Education (Board); Subsection 53E-3-401(4), which allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law; Subsection 53G-5-205(5), which requires the Board to establish minimum standards that a charter school authorizer is required to apply when evaluating a charter school application and monitoring charter school compliance; and Subsection 53G--5-501(5), which directs the Board to adopt rules specifying the timeline for remedying deficiencies and ensuring the compliance of a charter school with its charter.

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

There were no public comments received.

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

This rule is necessary establish minimum standards that an authorizer is required to apply when monitoring charter school compliance. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/16/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-555	Filing ID:	50494
Effective Date:	10/16/2023		

Agency Information

1. Department:	Education		
Agency:	Administration		
Building:	Board of Education		
Street address:	250 E 500 S		

City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R277-555. Corrective Action Against Charter School Authorizers
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Utah State Board of Education (Board); Subsection 53E-3-401(4), which allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law; Title 53G, Chapter 5, Charter Schools, which allows the Board to make rules governing aspects of operations of charter schools; and Subsection 53G-5-205(6), which authorizes the Board to establish reasonable consequences for a charter school authorizer that fails to comply with state statute or board rule.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no public comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary to establish procedures for review and consequences for non-compliance by a charter school authorizer. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/16/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R331-25	Filing ID: 50806
Effective Date:	10/05/2023	

Agency Information

1. Department:	Financial Institutions	
Agency:	Administration	
Room number:	201	
Street address:	324 S State St	
City, state and zip:	Salt Lake City, UT 84111-2393	
Mailing address:	PO Box 146800	
City, state and zip:	Salt Lake City, UT 84114-6800	
Contact persons:		
Name:	Phone:	Email:
Paul Allred	801-538-8855	pallred@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R331-25. Rule Governing Debt Cancellation and Debt Suspension Agreements Issued by Depository Institutions, Who Are Under the Jurisdiction of the Department of Financial Institutions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 7-1-324(2) authorizes any member of a class of depository institution, that is subject to the jurisdiction of the Department of Financial Institutions (Department), to issue a debt cancellation or a debt suspension agreement pursuant to a rule issued by the commissioner.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No supporting or opposing written comments have been received by the agency concerning 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 regulates depository institutions authorized to issue a debt cancellation or a debt suspension agreement. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Darryle Rude, Commissioner	Date:	10/05/2023
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Agency Authorization Information

Agency head or designee and title:	Ryan Starks, Executive Director	Date:	10/06/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R357-22	Filing ID:	55412
Effective Date:	10/06/2023		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-267	Filing ID:	54019
Effective Date:	10/13/2023		

Agency Information

1. Department:	Governor	
Agency:	Economic Opportunity	
Building:	World Trade Center	
Street address:	60 E South Temple	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Dane Ishihara	801-792-8764	dishihara@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

Agency Information

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

General Information

2. Rule catchline:
R357-22. Rural Employment Expansion Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 63N-4-403 requires the Office of Economic Opportunity to make rules describing the administration of the rural jobs act and documentation requirements for a business to receive a tax credit certificate.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is authorized by state law. Therefore, this rule should be continued.

General Information

2. Rule catchline:
R590-267. Personal Injury Protection Relative Value Study Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, the Insurance Code.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Insurance Department (Department) received one comment in 2020 after the Division of Industrial Accidents filed a rule adding telehealth and telemedicine codes and reimbursement fees for workers' compensation claims. The commenter asked if the Department would be amending Rule R590-267 to account for telehealth and telemedicine as well.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

While the Department agreed with the commenter, it determined that amending this rule was not the appropriate resolution. Instead, the Department issued Bulletin 2020-11 to give the industry direction on how to account for telehealth and telemedicine for a workers' compensation claim.

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

This rule is required by Subsection 31A-22-307(2). It is necessary because it gives the Department a mechanism by which to ensure that an injured person is treated equitably while receiving services covered by automobile personal injury protection coverage. This rule sets a reasonable value of services that acts as a baseline for such services. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	10/13/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R623-3	Filing ID:	51515
Effective Date:	10/11/2023		

Agency Information

1. Department:	Lieutenant Governor	
Agency:	Elections	
Room number:	220	
Building:	Capitol	
Street address:	350 N State Street	
City, state and zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 142325	
City, state and zip:	Salt Lake City, UT 84114-2325	
Contact persons:		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Shelly Jackson	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R623-3. Utah State Plan on Election Reform
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by 42 USC 15404; 42 USC 15403(e); Subsection 67-1a-2(2); and the Utah Constitution, Article VII, Sections 1, 5, and 14.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been submitted in the last five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule enables the state of Utah to receive federal funds under the Help America Vote Act (HAVA). Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Ryan Cowley, Director of Elections	Date:	10/10/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R623-5	Filing ID:	51517
Effective Date:	10/10/2023		

Agency Information

1. Department:	Lieutenant Governor	
Agency:	Elections	
Room number:	220	
Building:	Capitol	
Street address:	350 N State Street	
City, state and zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 142325	
City, state and zip:	Salt Lake City, UT 84114-2325	
Contact persons:		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov

Shelly Jackson	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R623-5. Municipal Alternate Voting Methods Pilot Project
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is required by Title 63G, Chapter 4, the Utah Administrative Procedures Act, and is enacted under the authority of Title 63G, Chapter 3, the Utah Administrative Rulemaking Act.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comment has been received in the last five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule provides procedures for counting judges in the municipal alternative voting methods pilot project. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Ryan Cowley, Director of Elections	Date:	10/10/2023
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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		
Rule Number:	R380-300	Filing ID: 50890
New Deadline Date:	02/19/2024	

Agency Information

1. Department:	Health and Human Services	
Agency:	Administration	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R380-300. Employee Background Screening
3. Reason for requesting the extension:
The Department of Health and Human Services has been advised by legal counsel to hold this five-year review until the current proposed rule is adopted and can be submitted as the five-year review document on or after 10/21/2023.

Agency Authorization Information

Agency head or designee and title:	Carmen Richins, Director, Division of Licensing and Background Checks	Date:	10/16/2023
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Agriculture and Food

Plant Industry

No. 55653 (Amendment) R68-25: Industrial Hemp Program
- Cannabinoid Product Processors
Published: 09/01/2023
Effective: 10/17/2023

No. 55652 (Amendment) R68-26: Cannabinoid Product
Registration and Labeling
Published: 09/01/2023
Effective: 10/17/2023

Commerce

Professional Licensing

No. 55594 (Amendment) R156-28: Veterinary Practice Act
Rule
Published: 09/01/2023
Effective: 10/12/2023

Education

Administration

No. 55654 (Amendment) R277-303: Educator Preparation
Programs
Published: 09/01/2023
Effective: 10/11/2023

No. 55655 (New Rule) R277-330: Utah Effective Educator
Standards
Published: 09/01/2023
Effective: 10/11/2023

No. 55656 (Repeal) R277-433: Disposal of Textbooks in
the Public Schools
Published: 09/01/2023
Effective: 10/11/2023

No. 55657 (Amendment) R277-465: CPR in Schools
Published: 09/01/2023
Effective: 10/11/2023

No. 55658 (Amendment) R277-469: Instructional Materials
Commission Operating Procedures
Published: 09/01/2023
Effective: 10/11/2023

No. 55659 (Amendment) R277-494: Charter, Online,
Home, and Private School Student Participation in
Extracurricular or Co-curricular School Activities
Published: 09/01/2023
Effective: 10/11/2023

No. 55660 (Repeal) R277-530: Utah Effective Educator
Standards
Published: 09/01/2023
Effective: 10/11/2023

No. 55661 (Amendment) R277-550: Charter Schools -
Definitions
Published: 09/01/2023
Effective: 10/11/2023

No. 55662 (Amendment) R277-554: State Charter School
Board Grants and Mentoring Program
Published: 09/01/2023
Effective: 10/11/2023

Government Operations

Records Committee

No. 55612 (Amendment) R35-1: State Records Committee
Appeal Hearing Procedures
Published: 09/01/2023
Effective: 10/11/2023

Technology Services

No. 55541 (Amendment) R895-4: Sub-Domain Naming
Conventions for Executive Branch Agencies
Published: 08/15/2023
Effective: 10/04/2023

NOTICES OF RULE EFFECTIVE DATES

Health and Human Services

Center for Medical Cannabis

No. 55700 (Amendment) R383-1: Definitions

Published: 09/15/2023

Effective: 10/23/2023

No. 55717 (Amendment) R383-2: Electronic Verification System and Inventory Control System

Published: 09/15/2023

Effective: 10/23/2023

No. 55714 (Amendment) R383-4: Qualified Medical Providers

Published: 09/15/2023

Effective: 10/23/2023

No. 55694 (Amendment) R383-5: Dosing Guidelines

Published: 09/15/2023

Effective: 10/23/2023

No. 55695 (Amendment) R383-6: Pharmacy Medical Providers

Published: 09/15/2023

Effective: 10/23/2023

No. 55698 (Amendment) R383-7: Medical Cannabis Pharmacy

Published: 09/15/2023

Effective: 10/23/2023

No. 55699 (Amendment) R383-8: Medical Cannabis Pharmacy Agent

Published: 09/15/2023

Effective: 10/23/2023

No. 55697 (Amendment) R383-9: Home Delivery and Courier

Published: 09/15/2023

Effective: 10/23/2023

No. 55701 (Repeal) R383-11: Agreement With a Tribe

Published: 09/15/2023

Effective: 10/23/2023

No. 55710 (Repeal) R383-12: Administrative Hearing Procedures

Published: 09/15/2023

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No. 55716 (Repeal and Reenact) R383-13:

Compassionate Use Board

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No. 55711 (Amendment) R383-14: Administrative Penalties

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No. 55715 (New Rule) R383-15: Compassionate Use Board Administrative Hearing Procedure

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Health Care Financing, Coverage and Reimbursement Policy

No. 55496 (Amendment) R414-8: Electronic Personal Medical Records for the Medicaid Program

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No. 55446 (Amendment) R414-19a: Coverage for Dialysis Services by an End Stage Renal Disease Facility

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No. 55503 (Amendment) R414-60: Medicaid Policy for Pharmacy Program

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No. 55616 (Amendment) R414-522: Electronic Visit Verification Requirements for Personal Care and Home Health Care Services

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Health Care Facility Licensing

No. 55504 (Amendment) R432-201: Mental Retardation Facility: Supplement A to the Small Health Care Facility Rule

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Natural Resources

Outdoor Recreation

No. 55589 (New Rule) R650-302: Utah Outdoor Recreation Infrastructure Grant

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No. 55590 (New Rule) R650-303: Restoration Recreation Infrastructure Grant Program

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No. 55673 (New Rule) R650-304: Utah Children's Outdoor Recreation and Education Grant Program

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State Parks

No. 55650 (Repeal) R651-102: Government Records Access Management Act

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No. 55649 (Repeal) R651-103: Electronic Meetings

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No. 55651 (Repeal) R651-607: Disorderly Conduct

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No. 55648 (Repeal) R651-632: Enforcement
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No. 55646 (Amendment) R651-633: Special Closures or
Restrictions
Published: 09/01/2023
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No. 55647 (Amendment) R651-700: Administrative
Procedures for Real Property Management
Published: 09/15/2023
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Wildlife Resources

No. 55534 (Repeal and Reenact) R657-4: Possession and
Release of Pen-reared Gamebirds
Published: 08/15/2023
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No. 55474 (Amendment) R657-20: Falconry
Published: 07/01/2023
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No. 55475 (Repeal) R657-22: Commercial Hunting Areas
Published: 07/01/2023
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No. 55479 (Repeal) R657-46: The Use of Game Birds in
Dog Field Trials and Training
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Public Service Commission

Administration
No. 55689 (New Rule) R746-316: Electrical Power Delivery
Quality Plans
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Tax Commission

Property Tax
No. 55713 (Amendment) R884-24P-29: Construction Work
in Progress Pursuant to Utah Constitution Art. XIII, Section 2
and Utah Code Ann. Sections 59-2-201 and 59-2-301
Published: 09/15/2023
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No. 55708 (Amendment) R884-24P-33: 2023 Personal
Property Valuation Guides and Schedules Pursuant to Utah
Code Ann. Section 59-2-107
Published: 09/15/2023
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Transportation Commission

Administration
No. 55692 (Amendment) R940-3: State Infrastructure Bank
Fund, Prioritization process, Procedures, and Standards for
Making Loans or Providing Infrastructure Assistance
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Workforce Services

Housing and Community Development
No. 55712 (Amendment) R990-200: Private Activity Bonds
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End of the Notices of Rule Effective Dates Section

