

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed February 16, 2024, 12:00 a.m. through March 01, 2024, 11:59 p.m.

Number 2024-06  
March 15, 2024

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

Unless otherwise noted, all information presented in this publication is in the public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Utah state digest.

Semimonthly.

1. Delegated legislation--Utah--Digests. I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

# TABLE OF CONTENTS

---

<b>NOTICES OF PROPOSED RULES .....</b>	<b>1</b>
AGRICULTURE AND FOOD	
Plant Industry	
R68-30. Independent Cannabis Testing Laboratory .....	2
AUDITOR	
Administration	
R123-6. Allocation of Money in the Property Tax Valuation Fund.....	3
COMMERCE	
Professional Licensing	
R156-1. General Rule of the Division of Occupational and Professional Licensing.....	5
Real Estate	
R162-2e. Appraisal Management Company Administrative Rules .....	9
NATURAL RESOURCES	
Water Resources	
R653-13. Acquisition and Disposal of Real Property Interests .....	11
<b>NOTICES OF CHANGES IN PROPOSED RULES.....</b>	<b>15</b>
AGRICULTURE AND FOOD	
Animal Industry	
R58-11. Slaughter of Livestock and Poultry.....	16
<b>FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION .....</b>	<b>19</b>
GOVERNMENT OPERATIONS	
Facilities Construction and Management	
R23-23. Health Reform -- Health Insurance Coverage in State Contracts --	
Implementation .....	19
HEALTH AND HUMAN SERVICES	
Population Health, Health Promotion and Prevention	
R384-100. Cancer Reporting Rule .....	20
R384-200. Cancer Control Program .....	20
R384-203. Prescription Drug Database Access .....	21
Health Care Facility Licensing	
R432-7. Specialty Hospital - Psychiatric Hospital Construction .....	22
R432-8. Specialty Hospital - Substance Use Disorder Construction.....	22
R432-9. Specialty Hospital - Rehabilitation Construction Rule.....	23

TABLE OF CONTENTS

R432-10. Specialty Hospital - Long-Term Acute Care Construction Rule .....24

R432-11. Orthopedic Hospital Construction .....24

R432-12. Small Health Care Facility-4 to 16 Beds-Construction Rule .....25

Family Health, Maternal and Child Health

R433-200. Pharmacist Hormonal Contraception Dispensing Authority .....25

Services for People with Disabilities

R539-2. Service Coordination.....26

HIGHER EDUCATION (UTAH BOARD OF)

Salt Lake Community College

R784-1. Government Records Access and Management Act Rules .....27

**NOTICES OF FIVE-YEAR REVIEW EXTENSIONS .....29**

HEALTH AND HUMAN SERVICES

Disease Control and Prevention, Medical Examiner

R448-100. Unattended Death and Reporting Requirements.....29

**NOTICES OF RULE EFFECTIVE DATES .....31**

## 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 February 16, 2024, 12:00 a.m., and March 01, 2024, 11:59 p.m. are included in this, the March 15, 2024, 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 April 15, 2024. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through July 15, 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: Amendment		
Rule or Section Number:	R68-30	Filing ID: 56334

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant Industry	
<b>Building:</b>	TSOB South Bldg, Floor2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-982-2200	bforsyth@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

**General Information**

<b>2. Rule or section catchline:</b>
R68-30. Independent Cannabis Testing Laboratory
<b>3. Purpose of the new rule or reason for the change:</b>
Changes are needed to allow medical cannabis waste to be used by a medical cannabis research licensee.
<b>4. Summary of the new rule or change:</b>
The changes to this rule add a definition for medical cannabis research license in Section R68-30-3.
The rule has also been updated to add additional language related to the disposal of medical cannabis waste to Subsections R68-30-9(10) and R68-30-9(11) to allow for the waste to be used by a medical cannabis research licensee and includes labeling, testing, and sample retention requirements.
Additional small changes have been made to make this rule more consistent with the Rulewriting Manual for Utah requirements.

**Fiscal Information**

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

**A) State budget:**

There is no anticipated impact on the state budget because allowing waste to be transferred to a research licensee does not impact the Department of Agriculture and Food's (Department) management of the cannabis program.

**B) Local governments:**

This rule does not impact local governments because they are not medical cannabis licensees.

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

This rule change will not impact small businesses because the clarifications only relate to research licensees which are not small businesses.

In Section 4-41a-901, only research universities may be licensed to conduct medical cannabis research. None of Utah's research universities qualify as a small business.

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

The changes will not impact non-small businesses because the clarifications allowing research licensees to use medical cannabis waste does not impact the costs to participate in the medical cannabis program.

**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 changes will not impact other persons because the amendments do not change the cost to participate in the 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 and Department medical cannabis fees will not change.

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

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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The Commissioner of the Department of Agriculture and Food, Craig W, Buttars, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

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

Subsection 4-41a-103(5)	Subsection 4-41a-302(3)(b)(ii)	Subsection 4-41a-404(3)
Subsection 4-41a-405(2)(b)(iv)	Subsection 4-41a-701(3)	Subsection 4-41a-801(1)

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	04/15/2024
<b>9. This rule change MAY become effective on:</b>	04/22/2024

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig W. Buttars, Commissioner	<b>Date:</b>	02/27/2024
---	--------------------------------	--------------	------------

**NOTICE OF PROPOSED RULE**

<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R123-6</b>	<b>Filing ID:</b> <b>56331</b>

**Agency Information**

<b>1. Department:</b>	Auditor	
<b>Agency:</b>	Administration	
<b>Room number:</b>	E310	
<b>Building:</b>	Utah State Capitol Complex, East Building	
<b>Street address:</b>	350 N State St	
<b>City, state and zip:</b>	Salt Lake City, UT 84114	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Mandy Teerlink	801-538-1363	mteerlink@gmail.com
Seth Oveson	435-572-0440	soveson@gmail.com

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

**General Information**

<b>2. Rule or section catchline:</b>
R123-6. Allocation of Money in the Property Tax Valuation Fund
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this filing is to improve the accurate valuation and uniform assessment levels of property in receiving counties in accordance with Section 59-2-1603.
<b>4. Summary of the new rule or change:</b>
This change adds requirements for receiving counties to provide GIS parcel data, as well as assessment roll data to improve compliance with the statutory requirement of mass appraisals described in Section 59-2-303.1.

**Fiscal Information**

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

**A) State budget:**

No fiscal impact to the state budget. No state funds are used by this program.

**B) Local governments:**

Only counties are involved in this program.

This rule change will disqualify counties from receiving a disbursement from the multicounty assessing and collecting levy unless they meet the requirements to provide mass appraisal and GIS information to the state on an annual basis.

Revenues equal disbursements, resulting in an aggregate \$0 net fiscal impact. No other local governments are involved in this program.

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

The proposed rule change will not have a fiscal impact on small businesses.

This rule only applies to counties because they are tasked with collecting taxes for all taxing entities. This rule change does not increase or decrease the levy amount paid by taxpayers.

The changes to this rule establish requirements for counties that would like to qualify to receive a portion of the multi-county levy.

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

The proposed rule change will not have a fiscal impact on non-small businesses.

This rule only applies to counties because they are tasked with collecting taxes for all taxing entities. This rule change does not increase or decrease the levy amount paid by taxpayers.

The changes to this rule establish requirements for counties that would like to qualify to receive a portion of the multi-county levy

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

No fiscal impact.

This change has no impact on the associated statutorily-imposed tax levy. This rule only applies to counties

because they are tasked with collecting taxes for all taxing entities.

This rule change does not increase or decrease the levy amount paid by taxpayers.

The changes to the rule establish requirements for counties that would like to qualify to receive a portion of the multi-county levy.

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

No fiscal impact.

This change has no impact on the associated statutorily-imposed tax levy. This rule only applies to counties because they are tasked with collecting taxes for all taxing entities.

This rule change does not increase or decrease the levy amount paid by taxpayers.

The changes to the rule establish requirements for counties that would like to qualify to receive a portion of the multi-county levy.

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

**Regulatory Impact Table**

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



Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The State Auditor of the Office of the State Auditor, John Dougall, has reviewed and approved this regulatory impact analysis.			

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Section		
59-2-303.1		

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	04/15/2024

<b>9. This rule change MAY become effective on:</b>	04/22/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Seth Oveson, Local Government Manager	<b>Date:</b>	02/21/2024
---	--	--------------	------------

NOTICE OF PROPOSED RULE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R156-1</b>	<b>Filing ID:</b> <b>56322</b>

**Agency Information**

<b>1. Department:</b>	Commerce
<b>Agency:</b>	Professional Licensing
<b>Building:</b>	Heber M Wells Building
<b>Street address:</b>	160 E 300 S
<b>City, state and zip:</b>	Salt Lake City, UT 84111-2316

<b>Mailing address:</b>	PO Box 146741	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Deborah Blackburn	801-530-6628	deborahblackburn@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R156-1. General Rule of the Division of Occupational and Professional Licensing

<b>3. Purpose of the new rule or reason for the change:</b>
The Division of Professional Licensing (Division) is filing these proposed amendments to clarify and update this rule and implement statutory changes and remove barriers to licensure in accordance with S.B. 36 passed in the 2023 General Session.

<b>4. Summary of the new rule or change:</b>
Section R156-1-102: Updates the definition of "cheating" for Division exams and provides that "home telephone number" in Subsection 58-1-106(3) includes a licensee's personal cell phone number, and the new Section R156-1-102b clarifies that a word formed by derivation from a defined word is subject to the definition's restrictions on use.

Section R156-1-106: Updates and clarifies procedures for persons requesting a licensee list from the Division under Section 58-1-106, including requiring opt-out provisions for licensees who receive communications, and cessation of use of licensee information upon notice from the Division; clarifies that the Division may deny a request if the requester failed to comply with terms of a previous application, and may distribute a list to a Utah nonprofit voluntary professional membership association of individuals licensed by the Division for purposes that may include advertising or soliciting association membership, and to a local health department for public health emergency or public health concern purposes.

Section R156-1-109: Requires each program contract for entry and participation in UPHP to include the written concurrence of the Division's director; and substitutes the bureau manager for the Construction Services Commission (CSC) as the presiding officer to conduct dismissal of a disciplinary proceeding for a contractor, plumber, electrician, or alarm company based upon the respondent's documented compliance.

Section R156-1-109a: S.B. 36 (2023) amended Section 58-1-109 to provide that boards of seven or more

members may split into panels to serve as the fact-finding presiding officer in cases. This new section provides procedures for the director's designation of board panel members and for a petition to review a panel's recommended order.

Section R156-1-110. Clarifies that a request for a subpoena and a finding by the investigative subpoena authority is part of the investigative case file and is evidence obtained as a part of an investigation before that evidence is presented in an administrative action or criminal action (i.e., protected under GRAMA). Also requires each investigative subpoena to include a declaration of custodian of records form.

Section R156-1-301: S.B. 36 (2023) amended Subsection 58-1-301(1) to allow the Division to accept by rule "other satisfactory evidence" of an applicant's identity in lieu of a social security number. This amendment provides that other satisfactory evidence of an applicant's identity is:

- a) an Individual Taxpayer Identification Number (ITIN);
- b) an Alien Registration Number (A-number); or
- c) for an applicant who has never been issued a social security number, ITIN, or A-number:
  - i) an unexpired government-issued passport from the applicant's country of residence; and
  - ii) an intent-to-hire letter from a Utah-based employer.

Note: this amendment does NOT delete or change in any way the requirement for the Division to verify an applicant's lawful presence in the U.S. (see Section 63G-12-402).

Section R156-1-302. Clarifies that under Subsection 58-1-302(2) or (3), an applicant with one year of experience practicing under a license in the other jurisdiction is not required to have the license currently active, and that the Division may consider the time that has elapsed since an applicant's licensed or lawful practice in an evaluation of the applicant's experience under Subsection 58-1-302(3), and that unless expressly exempted in statute or rule the Division may require an applicant under Section 58-1-302 to pass one or more of the exams required to obtain licensure in the profession, such as a business and law exam, jurisprudence exam, or professional exam.

The new Section R156-1-309 establishes and updates the Division's standards and procedures for the administration of Division exams. and incorporation of reference of the Division of Professional Licensing Exam Policies and Procedures dated December 29, 2023.

Section R156-1-401 is renumbered from Section R156-1-302 and formatting changes are made throughout.

The only substantive updates clarify that the Division may consider as factors relevant to a licensing decision the current administrative status of the applicant or licensee or results from actions taken by other agencies, employers, etc. for any regulated profession (not just the same profession).

Section R156-1-501: Updates and clarifies the definition of "unprofessional conduct" to provide that unprofessional conduct includes:

- 1) surrendering licensure to an authority having jurisdiction over a licensee/applicant in any regulated profession (not just the same profession) while an investigation is in progress or after a charging document has been filed;
- 2) engaging in conduct that results in disciplinary action in any profession, if the conduct:
  - a) when considered with the functions and duties of profession bears a substantial relationship to the licensee's/applicant's ability to safely or competently practice the profession; or
  - b) would in Utah constitute grounds for denial of licensure or disciplinary proceedings under Section 58-1-401;
- 3) prohibiting or inhibiting the ability of a licensee's customer, patient, or other consumer of the licensee's goods or services from making a complaint to a licensing or regulatory authority, including through the use of a contract provision;
- 4) engaging in cheating or otherwise violating Section R156-1-309 regarding Division exams; and
- 5) as an exam candidate or as an exam proctor, grader, or administrator, failing to comply with the Division of Professional Licensing Exam Policies and Procedures dated December 29, 2023.

The amendments also update the definition of unprofessional conduct for practicing a profession through a business structure with words improperly omitted in its name.

Section R156-1-502: Eliminates as unnecessary the outdated mid-range fine schedule because Section 58-1-502 already covers these fine amounts.

**Public hearing information:**

A public hearing will be held on 03/27/2024 at 9:00 AM at the Heber M Wells Building, 160 E 300 S in Conference Room 475, Salt Lake City, UT.

It is also available via Google Meet. Google Meet Meeting link: [meet.google.com/jmp-sesj-him](https://meet.google.com/jmp-sesj-him)

Or join by phone:  
 (US) +1 478-308-5597  
 PIN: 768409146

**Fiscal Information**

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

**A) State budget:**

The Division does not expect the proposed amendments to result in any impact to the state budget as the proposed amendments simply implement statutory changes, streamline and update this rule in accordance with Executive Order No. 2021-12, and update and clarify standards regarding Division administration of Title 58, and will not affect state practices or procedures or impose

additional cost or savings beyond what was anticipated during the legislative process.

**B) Local governments:**

No impact is expected to local governments because these changes will not affect local government practices or procedures.

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

The proposed amendments to Section R156-1-301 that will allow the Division to accept the listed evidence of an applicant for licensure's identity in lieu of a social security number may indirectly benefit small businesses in Utah comprising establishments employing these licensees as the amendments may facilitate the ability of these businesses to hire qualified licensees.

However, the full fiscal and non-fiscal impact cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that a small business may experience from any resulting increased ability to employ qualified licensees will vary widely depending on the requirements of the small business and the individual characteristics of each employee.

The Division does not expect the remainder of the proposed amendments to result in any impact to small business as they merely streamline and update the rule in accordance with Executive Order No. 2021-12, or implement statutory changes made by S.B. 36 (2023) and not affect small business practices or procedures or impose additional costs or savings beyond what was anticipated during the legislative process.

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

The proposed amendments to Section R156-1-301 that will allow the Division to accept the listed evidence of an applicant for licensure's identity in lieu of a social security number may indirectly benefit non-small businesses in Utah comprising establishments employing these licensees as the amendments may facilitate the ability of these businesses to hire qualified licensees.

However, the full fiscal and non-fiscal impact cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that a non-small business may experience from any resulting increased ability to employ qualified licensees will vary widely depending on the requirements of the non-small business and the individual characteristics of each employee.

The Division does not expect the remainder of the proposed amendments to result in any impact to non-small business as they merely streamline and update this rule in accordance with Executive Order No. 2021-12, or

implement statutory changes made by S.B. 36 (2023) and will not affect non-small business practices or procedures or impose additional costs or savings beyond what was anticipated during the legislative process.

**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 to Section R156-1-301 are expected to remove barriers to licensure for some applicants for licensure who do not possess a social security number, by allowing them the option of submitting alternative evidence of their identity. Please Note: These amendments do NOT delete or change in any way the requirement for the Division to verify an applicant's lawful presence in the U.S. -- see Section 63G-12-402.

However, the full fiscal and non-fiscal impact to these individuals cannot be estimated because the data necessary to determine how many of these individuals might be able to obtain licensure and then become hired is unavailable, and the benefits that each may experience from any resulting increased ability to become employed will vary depending on the employer and the individual characteristics of each licensee.

The proposed amendments to Sections R156-1-401 and R156-1-501 updating and clarifying the definitions of "unprofessional conduct" may affect Division licensees or applicants who have engaged in the defined unprofessional conduct, but no measurable fiscal impact to these persons is expected. Although a licensee or applicant who is in violation may experience a fiscal impact, it is impossible to estimate what those costs might be with any accuracy at present, both because they would apply only in cases of unforeseeable violations, and because any potential costs would depend on the unique characteristics and actions of each individual licensee or applicant. This relevant data is unavailable and the cost of acquiring any such data is prohibitively expensive.

Further, the goal of this rule is to provide a deterrent so that there is a \$0 net impact on all parties involved and minimal occasions for noncompliance, therefore for the typical licensee the amendments are expected to have no direct or indirect fiscal impact.

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

As described in Box 5E for other persons, the Division does not anticipate any compliance costs for any affected persons from these proposed amendments.

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

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

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

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

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

The Division, in concert with the Department of Commerce, Division's Act regarding general provisions relating to the Division. These proposed amendments clarify and update this rule and implement statutory changes and remove barriers to licensure passed by S.B. 36 (2023).

These proposed amendments clarify definitions that apply to all licensees, update and clarify general procedures as it relates to the Division, and to remove barriers to licensure, including proof of identity and experience.

This rule has also been updated and renumbered, where appropriate. Further, this rule should comport with the Rulewriting Manual for Utah.

**Small Businesses - less than 50 employees:** The Division does not expect any foreseeable impact on small businesses and expects that the changes to prove identity may indirectly benefit small businesses and their licensees. The full fiscal and non-fiscal impacts cannot be estimated because the data is unavailable at this time. The Division does not expect the remainder of the proposed amendments to result in any impact to small businesses because they merely streamline and update this rule in accordance with Executive Order No., 2021-12 or implement statutory changes made by S.B. 36 (2023).

**Regulatory Impact to Non-small Businesses - 50 or more employees:** There is no fiscal or non-fiscal impact to non-small businesses, as described in the description for small businesses listed above. The 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)	Section 58-1-308	Subsection 58-1-501(2)
---------------------------	------------------	------------------------

**Incorporations by Reference Information**

**7. Incorporations by Reference:**

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

<b>Official Title of Materials Incorporated (from title page)</b>	Division of Professional Licensing Exam Policies and Procedures
<b>Publisher</b>	Division of Professional Licensing
<b>Issue Date</b>	December 29, 2023

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	04/15/2024
--	------------

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

<b>Date:</b>	<b>Time:</b>	<b>Place</b> (physical address or URL):
03/27/2024	9:00 AM	See information in Box 4 above.

**9. This rule change MAY become effective on:** 04/22/2024

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	02/13/2024
---	--------------------------------------	--------------	------------

NOTICE OF PROPOSED RULE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R162-2e</b>	<b>Filing ID:</b> <b>56336</b>

**Agency Information**

<b>1. Department:</b>	Commerce	
<b>Agency:</b>	Real Estate	
<b>Room number:</b>	2nd Floor	
<b>Building:</b>	Heber M. Wells Bldg	
<b>Street address:</b>	160 E 300 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 146711	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6711	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Justin Barney	801-530-6603	justinbarney@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R162-2e. Appraisal Management Company Administrative Rules
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of the proposed rule amendment is to clarify and add to the definitions section; clarify and in some instances lower, Appraisal Management Company (AMC) employee requirements; and reorganize sections of the existing rule.
<b>4. Summary of the new rule or change:</b>
The proposed amendment will add definitions for "general criteria" and "third-party property data collector."  The updated edition of the Uniform Standards of Professional Appraisal Practice (USPAP) is incorporated into this rule by reference.

The proposed rule will require an AMC that uses a third-party data collector to disclose relevant information to the appraiser, including the identity of the collector, the date the data is collected, and other relevant information.

In addition, the proposed amendment will clarify the employee relationship of certain AMC appraisers and will lower the amount of time certain AMC staff personnel are required to spend taking a USPAP instructive course.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The Division of Real Estate (Division) has the staff and budget in place to administer the proposed rule amendment.  None of the proposed changes is expected to impact the state's budget by either increasing costs or generating savings. After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in any cost or savings to the state budget.
<b>B) Local governments:</b>
This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures. Local governments are not required to comply with the AMC administrative rules.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
The Division does not expect any foreseeable impact on small businesses.  The proposed amendments clarify and update this rule and do not create new obligations for AMCs, nor does it increase the costs associated with any existing obligation.  The Division notes that it is difficult to estimate or measure the impact at this time.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
This rule change will not have a fiscal impact on non-small businesses, or the impact is inestimable.  Approximately 50% of the 106 AMCs operating in Utah are estimated to be non-small businesses (53 AMCs). All 106 AMCs registered in Utah are subject to the proposed rule amendment.  The fiscal impact to the 53 non-small business AMCs is estimated in Box 5(F) below,  After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal

impact to non-small businesses or, if there is a fiscal impact, the impact is inestimable.

**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 rule change does not create new obligations for persons other than small businesses, non-small businesses, state, or local government entities nor does it increase the cost associated with any existing obligation.

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

There are 106 AMCs registered in Utah. Of these, six AMCs have a Utah address associated with their registration.

The Division estimates that approximately 50% of the 106 AMCs registered in Utah are small businesses, and 50% are non-small businesses. All 106 AMCs will be affected by the proposed rule change.

No AMC is required to offer third-party data collector appraisal assignments provided for in the proposed rule amendment. Those AMCs that choose to offer such assignments have made a business decision to do so, presumably because of likely cost savings to the AMC for this type of assignment but also because of other possible benefits perceived by the AMC unrelated to cost savings.

The proposed rule would require an AMC that chooses to offer an appraisal assignment that includes data collected by a third-party, to communicate to the appraiser information about who collected data for use in the appraisal assignment, when the data was collected, and other relevant information. This information would already be known to the AMC. An AMC typically already discloses this information to the appraiser through a simple electronic communication or other method selected by the AMC.

The Division is unable to estimate how many appraisal assignments AMCs will choose to offer an appraiser where a third-party data collector is used. However, whatever the number, the cost of communicating the required information is estimated to be negligible or is unable to be determined.

One AMC indicates that this information is already contained in the assignment report provided to the appraiser. The AMC indicated that the disclosure required by the proposed rule amendment may be made by entering a single computer keystroke, with no way of attributing a dollar amount to the estimated cost to comply.

The proposed rule amendment reduces the education requirement for certain AMC personnel and may result in

both a time savings and cost savings for affected AMCs. An AMC that has an unlicensed person who selects an appraiser for an appraisal assignment or for conducting an appraisal review will benefit from the proposed rule amendment through the reduced education requirement.

The Division is unable to estimate the cost savings to affected persons (all AMCs) because the Division cannot know how many AMCs might use, now, or in the future, an unlicensed person to select an appraiser for an assignment or for to conduct an appraisal review.

After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal impact to affected persons or, if there is a fiscal impact, the impact is inestimable. Any fiscal impact would likely be negligible and offset by a possible cost savings to the AMC.

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

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

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

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

The Department of Commerce and the Division propose amendments to update and clarify Rule R162-2e. These proposed amendments clarify and update this rule regarding AMCs who use third party data collectors and their procedures.

In some instances, these changes may lower requirements for certain AMC employees which may result in a savings for them.

Further, the new language should comport with the Rulewriting Manual for Utah.

**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 61-2e-103	Subsection 61-2e-305(2)	Subsection 61-2e-304(3)
Subsection 61-2e-301(3)		

**Incorporations by Reference Information**

**7. Incorporations by Reference:**

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

<b>Official Title of Materials Incorporated (from title page)</b>	Uniform Standards of Professional Appraisal Practice (USPAP)
<b>Publisher</b>	The Appraisal Foundation, Appraisal Standards Board
<b>Issue Date</b>	January 1, 2024
<b>Issue or Version</b>	2024 Edition

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	04/15/2024
--	------------

<b>9. This rule change MAY become effective on:</b>	04/22/2024
---	------------

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Justin F. Barney, Interim Division Director	<b>Date:</b>	02/23/2024
---	---	--------------	------------

**NOTICE OF PROPOSED RULE**

<b>TYPE OF FILING:</b> New		
<b>Rule or Section Number:</b>	<b>R653-13</b>	<b>Filing ID:</b> <b>56335</b>

**Agency Information**

<b>1. Department:</b>	Natural Resources	
<b>Agency:</b>	Water Resources	
<b>Room number:</b>	310	
<b>Building:</b>	Natural Resources Building	
<b>Street address:</b>	1594 W North Temple, Suite 310	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 146201	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6201	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Carly Payne	801-538-7235	carlypayne@utah.gov
Marisa Egbert	801-538-7252	marisaegbert@utah.gov
Elizabeth Harris	385-395-0857	eharris@agutah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R653-13. Acquisition and Disposal of Real Property Interests

<b>3. Purpose of the new rule or reason for the change:</b>
Section 79-2-403 requires agencies within the Department of Natural Resources that buy, sell, or exchange real property to enact rules to ensure that the value of the real property is congruent with the proposed price and other terms of the purchase, sale, or exchange.

This proposed rule is to comply with the requirements of that statute.

**4. Summary of the new rule or change:**

This rule establishes that the Division of Water Resources (Division) may determine the fair market value of real property from a broker price opinion, a market analysis, or an appraisal.

It also identifies specific situations where these methods would not be required to establish the value.

Finally, this rule provides that in cases where the Division considers factors other than the monetary value in acquiring or disposing of property, the Division shall document the factors considered and the rationale for the purchase or sale.

**Fiscal Information**

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

**A) State budget:**

The Division is expected to incur a small cost per property valued associated with this rule where the Division elects to obtain an appraisal to determine value, a cost that is contemplated by the statute directing the Division to establish this rule.

The exact amount cannot be estimated because it is unknown how many properties will need to be valued over the life of the rule.

However, the cost to appraise a property is expected to be small, and would have a nominal affect on the state or agency budget.

**B) Local governments:**

This rule will not have a financial impact on local governments.

This rule only affects how the Division values and disposes of real property interests.

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

This rule will not have a financial impact on small businesses.

This rule only affects how the Division values and disposes of real property interests.

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

This rule will not have a financial impact on non-small businesses.

This rule only affects how the Division values and disposes of real property interests.

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

No anticipated impacts to others different than to local governments and small businesses, 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?):

The Division is expected to incur a small cost per property valued associated with this rule where the Division elects to obtain an appraisal to determine value, a cost that is contemplated by the statute directing the Division to establish this rule.

The exact amount cannot be estimated because it is unknown how many properties will need to be valued over the life of this rule.

However, the cost to appraise a property is expected to be small and would have a nominal affect on the state or agency budget.

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

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



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

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The Executive Director of the Department of 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:**  
 Section 79-2-403

**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:** 04/15/2024

**9. This rule change MAY become effective on:** 04/22/20214

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Candice Hasenyager, Director	<b>Date:</b>	01/17/2024
---	------------------------------	--------------	------------

**End of the Notices of Proposed Rules Section**



## NOTICES OF CHANGES IN PROPOSED RULES

---

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

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends April 15, 2024.

From the end of the 30-day waiting period through July 15, 2024, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

---

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

NOTICES OF CHANGES IN PROPOSED RULES

NOTICE OF CHANGE IN PROPOSED RULE		
<b>Rule or Section Number:</b>	<b>R58-11</b>	<b>Filing ID: 56256</b>
<b>Date of Previous Publication:</b>	<b>01/01/2024</b>	

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Animal Industry	
<b>Building:</b>	TSOB South Bldg, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129-2128	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Amber Brown	385-245-5222	ambermbrown@utah.gov
Leann Hunting	385-977-2158	leannhunting@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R58-11. Slaughter of Livestock and Poultry
<b>3. Reason for this change:</b>
The agency is removing the term "fixed" from this rule to allow establishments to utilize mobile slaughter units.
<b>4. Summary of this change:</b>
Since the publication of this rule change, the Department of Agriculture and Food (Department) has received public comment from various agricultural producers arguing that the requirement to operate 20,000 bird exempt facilities in a fixed establishment is unduly burdensome.
The Department previously felt that 20,000 bird exempt producers could not satisfy federally mandated sanitation requirements without a fixed facility, however, has reconsidered this position. This change in the proposed

rule removes the term "fixed establishment" in Subsection R58-11-8(4).

(EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the January 1, 2024, issue of the Utah State Bulletin, on page 9. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no anticipated cost or expense to the state budget because the Department's costs associated with enforcement of this rule will not change.
The Department will continue to educate federally exempt producers to help them achieve compliance with this rule.
<b>B) Local government:</b>
Local governments will not be impacted because local governments are not involved in slaughter or inspection of slaughter facilities.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
Small businesses will not be impacted. Compliance costs will remain the same.
Processors that were previously unable to process over 1,000 birds without a fixed facility will be able to process additional birds.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
Non-small businesses will not be impacted. Compliance costs will remain the same.
Processors that were previously unable to process over 1,000 birds without a fixed facility will be able to process additional birds.
<b>E) Persons other than small businesses, non-small businesses, or state or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):

Other persons will not be impacted because they do not operate as poultry processors.

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

There are no changes in compliance costs for affected persons.

The updated rule does not impact the compliance requirements of this rule.

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

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

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

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

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

**Citation Information**

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

Subsection 4-32-109(1)		
------------------------	--	--

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	04/15/2024
--	------------

<b>9. This rule change MAY become effective on:</b>	04/22/2024
---	------------

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig W. Buttars, Commissioner	<b>Date:</b>	02/16/2024
---	--------------------------------	--------------	------------

**End of the Notices of Changes in 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](http://adminrules.utah.gov). The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R23-23</b>	<b>Filing ID: 55143</b>
<b>Effective Date:</b>	<b>02/27/2024</b>	

### Agency Information

<b>1. Department:</b>	Government Operations	
<b>Agency:</b>	Facilities Construction and Management	
<b>Room number:</b>	3626	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W, 3rd Floor	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Mike Kelley	801-957-7239	mkelley@agutah.gov
Michelle Adams	801-957-7240	michelledadams@agutah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

### General Information

<b>2. Rule catchline:</b>
R23-23. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation

### 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 63A-5b-607(8) explicitly requires this rule with several other agencies to:

- 1) establish the requirements and procedures a contractor and a subcontractor shall follow to demonstrate compliance with this section, including audits and penalties; and
- 2) establish a website on which shall be posted the commercially equivalent benchmark for the qualified health coverage that is provided by the Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).

### 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 since the last five-year review.

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

Subsection 63A-5b-607(8) continues to require this rule. Therefore, this rule should be continued

### Agency Authorization Information

<b>Agency head or designee and title:</b>	James R. Russell, Director	<b>Date:</b>	02/27/2024
---	-------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R384-100</b>	<b>Filing ID: 55895</b>
<b>Effective Date:</b>	<b>02/22/2024</b>	

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Population Health, Health Promotion and Prevention	
<b>Room number:</b>	227	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City UT 84116	
<b>Mailing address:</b>	PO Box 142107	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2107	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Marie Nagata	385-465-5949	mnagata@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R384-100. Cancer Reporting Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-1-202 and Title 26B, Chapter-227 authorize this rule.  Through routine reporting of cancer cases, trends in cancer incidence and mortality can be monitored and prevention and control measure evaluated.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments have been received supporting or opposing this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>

This Cancer Reporting Rule is adopted to specify the reporting requirements for cases of cancer, allowing for evaluation, and prevention efforts. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/22/2024
---	-------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R384-200</b>	<b>Filing ID: 50897</b>
<b>Effective Date:</b>	<b>02/22/2024</b>	

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Population Health, Health Promotion and Prevention	
<b>Room number:</b>	227	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 142107	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2107	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Marie Nagata	385-465-5949	mnagata@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R384-200. Cancer Control Program
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-7-227 requires the Department of Health and Human Services (Department) to establish and operate a reasonable program to prevent, delay, and detect the onset of chronic diseases, including cancer.



Sections 26B-1-202 and 26B-7-227 authorize this rule, which governs program eligibility, benefits, and administration for the Utah Cancer Control and BeWise Programs.

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

The Department has not received any comments supporting or opposing this rule since its last five-year review.

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

The Utah Cancer Control and BeWise Programs continue to receive funding to provide screening services to women in Utah and render specific data elements to fulfill part of the funding requirements. Without continuation of this rule, those programs' eligibility, benefits, and administration would not be governed as required by statute. Therefore, this rule should be continued.

As there were no comments received in opposition to this rule, the Department did not respond to comments.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/22/2024
---	-------------------------------------	--------------	------------

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

<b>Rule Number:</b>	<b>R384-203</b>	<b>Filing ID:</b>	<b>56021</b>
<b>Effective Date:</b>	<b>02/20/2024</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Population Health, Health Promotion and Prevention		
<b>Building:</b>	Multi-Agency State Office Building		
<b>Street address:</b>	195 N 1950 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Mailing address:</b>	PO Box 142106		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2106		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Gary Mower	385-602-4171	gdmower@utah.gov	

Mariah Noble	385-214-1150	mariahnoble@utah.gov
--------------	--------------	----------------------

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

**General Information**

<b>2. Rule catchline:</b>
R384-203. Prescription Drug Database Access

**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 establishes procedures and application processes pursuant to Subsection 58-37f-301(2)(f) for the Utah Department of Health and Human Services Executive Director to allow access to the Utah Controlled Substance Database by a designated and assigned person to conduct scientific studies regarding the use or abuse of controlled substances, who is not an employee of the Department of Health and Human Services.

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

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

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

This rule is necessary because the database is still in operation and researchers are still requesting data from it. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/20/2024
---	-------------------------------------	--------------	------------

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

<b>Rule Number:</b>	<b>R432-7</b>	<b>Filing ID:</b>	<b>51050</b>
<b>Effective Date:</b>	<b>02/23/2024</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Health Care Facility Licensing		
<b>Building:</b>	MASOB		
<b>Street address:</b>	195 N 1950 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R432-7. Specialty Hospital - Psychiatric Hospital Construction
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-2-202 authorizes the Office of Licensing (Office) to write and enforce rules to govern licensure of health care facilities in Utah.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There have been no comments received since the last five-year review and no recommended substantive changes from the Health Care Facility Rule Committee.
Aside from recodification and the Rulewriting Manual for Utah compliance edits, there have been no comments or recommendations for changes to this rule over the past five years.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.
Statute requires the Office to write and enforce rules pertaining to the construction of psychiatric specialty hospitals. This rule ensures there is no lapse in oversight of the construction requirements for psychiatric specialty hospitals. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/20/2024
---	-------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	R432-8	<b>Filing ID:</b> 55382
<b>Effective Date:</b>	02/23/2024	

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Health Care Facility Licensing	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R432-8. Specialty Hospital - Substance Use Disorder Construction
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-2-202 authorizes the Office of Licensing (Office) to write and enforce rules to govern licensure of health care facilities in Utah.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There have been no comments received since the last five-year review and no recommended substantive changes from the Health Care Facility Rule Committee since the most recent activation of this rule.
Aside from recodification and the Rulewriting Manual for Utah compliance edits, there have been no comments or recommendations for changes to this rule over the past five years.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.

Statute requires the Office to write and enforce rules pertaining to the construction of substance use disorder specialty hospitals. This rule ensures there is no lapse in oversight of the construction requirements for substance use disorder specialty hospitals. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/20/2024
---	-------------------------------------	--------------	------------

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

<b>Rule Number:</b>	<b>R432-9</b>	<b>Filing ID:</b>	<b>55932</b>
<b>Effective Date:</b>	<b>02/23/2024</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Health Care Facility Licensing		
<b>Building:</b>	MASOB		
<b>Street address:</b>	195 N 1950 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Janice Weinman	385-321-5586	jweinman@utah.gov	
Mariah Noble	385-214-1150	mariahnoble@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>
R432-9. Specialty Hospital - Rehabilitation Construction Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-2-202 authorizes the Office of Licensing (Office) to write and enforce rules to govern licensure of health care facilities in Utah.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>

There have been no comments received since the last five-year review and no recommended substantive changes from the Health Care Facility Rule Committee.

Aside from recodification and the Rulewriting Manual for Utah compliance edits, there have been no comments or recommendations for changes to this rule over the past five years.

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

This five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.

Statute requires the Office to write and enforce rules pertaining to the construction of rehabilitation specialty hospitals. This rule ensures there is no lapse in oversight of the construction requirements for rehabilitation specialty hospitals. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/20/2024
---	-------------------------------------	--------------	------------

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

<b>Rule Number:</b>	<b>R432-10</b>	<b>Filing ID:</b>	<b>55122</b>
<b>Effective Date:</b>	<b>02/23/2024</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Health Care Facility Licensing		
<b>Building:</b>	MASOB		
<b>Street address:</b>	195 N 1950 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Janice Weinman	385-321-5586	jweinman@utah.gov	
Mariah Noble	385-214-1150	mariahnoble@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>
R432-10. Specialty Hospital - Long-Term Acute Care Construction Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-2-202 authorizes the Office of Licensing (Office) to write and enforce rules to govern licensure of health care facilities in Utah.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There have been no comments received since the last five-year review and no recommended substantive changes from the Health Care Facility Rule Committee.  Aside from recodification and the Rulewriting Manual for Utah compliance edits, there have been no comments or recommendations for changes to this rule over the past five years.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.  Statute requires the Office to write and enforce rules pertaining to the construction of long-term acute care specialty hospitals. This rule ensures there is no lapse in oversight of the construction requirements for long-term acute care specialty hospitals. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/20/2024
---	---	--------------	------------

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

<b>Rule Number:</b>	<b>R432-11</b>	<b>Filing ID:</b>	<b>55347</b>
<b>Effective Date:</b>	<b>02/23/2024</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services
<b>Agency:</b>	Health Care Facility Licensing
<b>Building:</b>	MASOB
<b>Street address:</b>	195 N 1950 W

<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R432-11. Orthopedic Hospital Construction
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-2-202 authorizes the Office of Licensing (Office) to write and enforce rules to govern licensure of health care facilities in Utah.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There have been no comments received since the last five-year review and no recommended substantive changes from the Health Care Facility Rule Committee since the most recent activation of this rule.  Aside from recodification and the Rulewriting Manual for Utah compliance edits, there have been no comments or recommendations for changes to this rule over the past five years.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.  Statute requires the Office to write and enforce rules pertaining to the construction of orthopedic specialty hospitals. This rule ensures there is no lapse in oversight of the construction requirements for orthopedic specialty hospitals. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/20/2024
---	---	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R432-12</b>	<b>Filing ID: 55686</b>
<b>Effective Date:</b>	<b>02/28/2024</b>	

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Health Care Facility Licensing	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R432-12. Small Health Care Facility-4 to 16 Beds-Construction Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-2-202 authorizes the Office of Licensing (Office) to write and enforce rules to govern licensure of health care facilities in Utah.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There have been no comments received since the last five-year review and no recommended substantive changes from the Health Care Facility Rule Committee.
Aside from recodification and the Rulewriting Manual for Utah compliance edits, there have been no comments or recommendations for changes to this rule over the past five years.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.

Statute requires the Office to write and enforce rules pertaining to the construction of small (4-16 bed) healthcare facilities. This rule ensures there is no lapse in oversight of the construction requirements for small (4-16 bed) healthcare facilities. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/28/2024
---	-------------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R433-200</b>	<b>Filing ID: 55924</b>
<b>Effective Date:</b>	<b>02/20/2024</b>	

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Family Health, Maternal and Child Health	
<b>Room number:</b>	3032	
<b>Building:</b>	Multi-Agency State Office Building (MASOB)	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144610	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4610	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Nickee Andjelic	801-273-2869	npalacios@utah.gov
Alexis Weight	801-273-2956	abweight@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R433-200. Pharmacist Hormonal Contraception Dispensing Authority

<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-4-505 authorizes this rule to establish a protocol required for standing prescription drug orders for a self-administered hormonal contraceptive.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments have been received since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is essential as it defines the stakeholder requirements that are necessary for carrying out the statute. Therefore, this rule should be continued.
The Department of Health and Human Services (Department) anticipates no amendments to this rule following the recent consolidation and recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/20/2024
---	---	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R539-2</b>	<b>Filing ID: 55878</b>
<b>Effective Date:</b>	<b>02/28/2024</b>	

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Services for People with Disabilities	
<b>Room number:</b>	4th Floor	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 145145	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-5145	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Bruce Quaglia	435-669-4855	bquaglia@utah.gov

Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R539-2. Service Coordination
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsections 26B-6-403(2)(b), 26B-6-403(2)(l), and 26B-6-403(2)(q) authorize and establish the Division of Services for People with Disabilities' (Division) responsibilities for service coordination.
This rule (specifically Section R539-2-4) operationalizes the needs assessment questionnaire that the Division is mandated by Subsection 26B-6-402(4)(a) to administer in rule. The needs assessment questionnaire determines who will enter services from the waiting list based upon statutory categories of severity of disability, caregiver ability, time spent waiting, and urgency of need.
Rule R539-2 further describes the process for how services are accessed once a person enters Division services, as mandated broadly by statute in Subsections 26B-6-403(2)(b), 26B-6-403(2)(l), and 26B-6-403(2)(q).
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
There have been no comments in support of or opposition to this rule since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary to establish standards and procedures for administration of the Division's service system, as required by statute. Therefore, this rule should be continued.
As there were no comments received in opposition to this rule, the Department of Health and Human Services did not respond to comments.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/28/2024
---	---	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R784-1	Filing ID: 52004
Effective Date:	02/16/2024	

**Agency Information**

<b>1. Department:</b>	Higher Education (Utah Board of)	
<b>Agency:</b>	Salt Lake Community College	
<b>Room number:</b>	211 P	
<b>Building:</b>	AAB	
<b>Street address:</b>	4600 S Redwood Road	
<b>City, state and zip:</b>	Taylorsville, UT 84123	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jen Hughes	801-957-4637	Jen.hughes@slcc.edu
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R784-1. Government Records Access and Management Act Rules

**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 63G-2-204(3) permits government entities to make rules that specify where and to whom requests for access shall be directed.

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

Salt Lake Community College has not received any written comments since the last five-year review either in support or opposition to this rule.

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

This rule is justified because Salt Lake Community College is a government entity that is subject to records requests under the Government Records Access and Management Act. Therefore, this rule should be continued.

As there were no comments received regarding this rule, no disagreements were made.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Chris Lacombe, General Counsel	<b>Date:</b>	02/16/2024
---	--------------------------------	--------------	------------

**End of the Five-Year Notices of Review and Statements of Continuation Section**





## NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

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

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

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

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
<b>Rule Number:</b>	<b>R448-10</b>	<b>Filing ID: 51116</b>
<b>New Deadline Date:</b>	<b>08/03/2024</b>	

### Agency Information

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Disease Control and Prevention, Medical Examiner	
<b>Building:</b>	Utah Public Health Laboratory Phase 2	
<b>Street address:</b>	4451 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Erik Christensen, MD	801-816-3850	edchristensen@utah.gov
Michael Staley, PhD	801-816-3860	mstaley@utah.gov

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

### General Information

<b>2. Rule catchline:</b>
R448-100. Unattended Death and Reporting Requirements
<b>3. Reason for requesting the extension:</b>
The Department of Health and Human Services is planning to repeal this rule entirely because the contents of this rule has been put into statute, rendering Rule R448-10 redundant.
However, the current expiration date would cause this rule to expire before the repeal has sufficient time to complete its mandatory public comment and public comment review period. A five-year review extension would allow time for the repeal to be made effective and remove this rule through the proper process before this rule expires in a way that could cause confusion.

### Agency Authorization Information

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/27/2024
---	-------------------------------------	--------------	------------

**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

#### Animal Industry

No. 56244 (Repeal and Reenact) R58-7: Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons  
Published: 01/01/2024  
Effective: 02/14/2024

#### Regulatory Services

No. 56267 (Amendment) R70-410: Grading and Inspection of Small Shell Egg Producers  
Published: 01/15/2024  
Effective: 02/28/2024

### Capitol Preservation Board (State)

#### Administration

No. 56243 (Amendment) R131-2: Capitol Hill Complex Facility Use  
Published: 01/15/2024  
Effective: 02/21/2024

### Cultural and Community Engagement

#### Pete Suazo Utah Athletic Commission

No. 56203 (Amendment) R457-1: Pete Suazo Utah Athletic Commission Act Rule  
Published: 01/01/2024  
Effective: 02/20/2024

### Education

#### Administration

No. 56284 (Amendment) R277-100: Definitions for Utah State Board of Education (Board) Rules  
Published: 02/01/2024  
Effective: 03/11/2024

No. 56285 (New Rule) R277-111: Board Oversight Framework  
Published: 02/01/2024  
Effective: 03/11/2024

No. 56286 (Amendment) R277-114: Corrective Action and Withdrawal or Reduction of Program Funds

Published: 02/01/2024  
Effective: 03/11/2024

No. 56287 (Amendment) R277-304: Teacher Preparation Programs

Published: 02/01/2024  
Effective: 03/11/2024

No. 56288 (Amendment) R277-716: Alternative Language Services for Utah Students

Published: 02/01/2024  
Effective: 03/11/2024

### Health and Human Services

#### Disease Control and Prevention, Immunization

No. 56044 (Amendment) R396-100: Immunization Rule for Students  
Published: 11/15/2023  
Effective: 02/25/2024

#### Data, Systems and Evaluation, Vital Records and Statistics

No. 55963 (Amendment) R436-8: Authorization for Final Disposition of Deceased Persons  
Published: 11/15/2023  
Effective: 02/22/2024

No. 55915 (Amendment) R436-19: Abortion Reporting  
Published: 11/15/2023  
Effective: 02/22/2024

#### Utah Public Health Laboratory Environmental Lab Certification Program

No. 56119 (Amendment) R444-1: Approval of Clinical Laboratories  
Published: 11/15/2023  
Effective: 02/22/2024

## NOTICES OF RULE EFFECTIVE DATES

### Ombudsman (Office of)

No. 56065 (New Rule) R500-1: Processing Complaints Regarding the Utah Division of Child and Family Services  
Published: 11/15/2023  
Effective: 02/22/2024

No. 56207 (New Rule) R500-2: Disabilities Ombudsman Program  
Published: 12/15/2023  
Effective: 02/22/2024

### Aging and Adult Services

No. 56063 (Amendment) R510-302: Adult Protective Services  
Published: 11/15/2023  
Effective: 02/22/2024

### Child Protection Ombudsman (Office of)

No. 56066 (Repeal) R515-1: Processing Complaints Regarding the Utah Division of Child and Family Services  
Published: 11/15/2023  
Effective: 02/22/2024

### Substance Use and Mental Health

No. 56051 (Repeal) R523-1: General Provisions  
Published: 11/15/2023  
Effective: 02/22/2024

### Juvenile Justice and Youth Services

No. 55914 (Repeal and Reenact) R547-13: Guidelines for Admission to Secure Youth Detention Facilities  
Published: 11/15/2023  
Effective: 02/27/2024

### Insurance

#### Administration

No. 56266 (Repeal and Reenact) R590-167: Individual, Small Employer, and Group Health Benefit Plan Rule  
Published: 01/15/2024  
Effective: 02/21/2024

No. 56282 (Amendment) R590-271: Data Reporting for Consumer Quality Comparison  
Published: 02/01/2024  
Effective: 03/11/2024

### Natural Resources

#### State Parks

No. 56188 (Amendment) R651-633: Special Closures or Restrictions  
Published: 01/01/2024  
Effective: 02/15/2024

#### Wildlife Resources

No. 55876 (Amendment) R657-13: Prohibited Fish List  
Published: 02/01/2024  
Effective: 03/13/2024

No. 56276 (Amendment) R657-33: Taking Bear  
Published: 02/01/2024  
Effective: 03/13/2024

No. 56281 (Amendment) R657-51: Poaching-Reported Reward Permits  
Published: 02/01/2024  
Effective: 03/13/2024

No. 56277 (Amendment) R657-62: Drawing Application Procedures  
Published: 02/01/2024  
Effective: 03/13/2024

### Public Safety

#### Driver License

No. 55755 (Repeal and Reenact) R708-31: Ignition Interlock Systems  
Published: 10/15/2023  
Effective: 03/12/2024

No. 55755 (Change in Proposed Rule) R708-31: Ignition Interlock Systems  
Published: 02/01/2024  
Effective: 03/12/2024

No. 55756 (Repeal and Reenact) R708-48: Ignition Interlock System Program  
Published: 10/15/2023  
Effective: 03/12/2024

No. 55756 (Change in Proposed Rule) R708-48: Ignition Interlock System Program  
Published: 02/01/2024  
Effective: 03/12/2024

### Higher Education (Utah Board of)

#### Administration

No. 56252 (New Rule) R765-264: Student Religious Accommodations.  
Published: 01/01/2024  
Effective: 02/14/2024

No. 56231 (New Rule) R765-545: Prohibitions on and Disclosures of Foreign Donations to Higher Education Institutions  
Published: 01/01/2024  
Effective: 02/14/2024

No. 56230 (Amendment) R765-611: Veterans Tuition Gap Program  
Published: 01/01/2024  
Effective: 02/14/2024

No. 56253 (New Rule) R765-612: Opportunity Scholarship  
Published: 01/01/2024  
Effective: 02/14/2024

No. 56232 (New Rule) R765-614: Public Safety Officer Career Advancement Grant Program  
Published: 01/01/2024  
Effective: 02/14/2024

NOTICES OF RULE EFFECTIVE DATES

No. 56233 (New Rule) R765-616: Adult Learner Grant Program  
Published: 01/01/2024  
Effective: 02/14/2024

No. 56234 (New Rule) R765-625: International Internship Scholarship Pilot Program Fund  
Published: 01/01/2024  
Effective: 02/14/2024

No. 56239 (Amendment) R765-620: Access Utah Promise Scholarship Program  
Published: 01/01/2024  
Effective: 02/14/2024

No. 56235 (New Rule) R765-627: First Responder Mental Health Services Grant  
Published: 01/01/2024  
Effective: 02/14/2024

No. 56240 (Amendment) R765-621: Terrell H. Bell Education Scholarship Program  
Published: 01/01/2024  
Effective: 02/14/2024

No. 56236 (New Rule) R765-628: WICHE Professional Student Exchange Program  
Published: 01/01/2024  
Effective: 02/14/2024

No. 56241 (New Rule) R765-624: Utah Promise Partner Program  
Published: 01/01/2024  
Effective: 02/14/2024

No. 56251 (New Rule) R765-1010: Data Breaches  
Published: 01/01/2024  
Effective: 02/14/2024

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

