

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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# TABLE OF CONTENTS

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<b>NOTICES OF PROPOSED RULES .....</b>	<b>1</b>
AGRICULTURE AND FOOD	
Medical Cannabis and Industrial Hemp	
R66-3. Quality Assurance Testing on Cannabis .....	2
Plant Industry	
R68-29. Quality Assurance Testing on Cannabis .....	4
HEALTH AND HUMAN SERVICES	
Population Health, Emergency Medical Services	
R426-10. Air Ambulance Licensure and Operations.....	5
Data, Systems and Evaluation, Vital Records and Statistics	
R436-16. Violation of Rules .....	7
JUDICIAL PERFORMANCE EVALUATION COMMISSION	
Administration	
R597-7. General Provisions.....	9
LABOR COMMISSION	
Boiler, Elevator and Coal Mine Safety	
R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.....	11
LIEUTENANT GOVERNOR	
Administration	
R622-3. Use of the Great Seal of the State of Utah .....	13
<b>NOTICES OF 120-DAY (EMERGENCY) RULES.....</b>	<b>17</b>
HEALTH AND HUMAN SERVICES	
Integrated Healthcare	
R414-60-7. Reimbursement.....	17
<b>FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION .....</b>	<b>21</b>
AGRICULTURE AND FOOD	
Conservation Commission	
R64-3. Utah Environmental Stewardship Certification Program (UESCP), a.k.a. Agriculture Certificate of Environmental Stewardship (ACES).....	21
ENVIRONMENTAL QUALITY	
Water Quality	
R317-401. Graywater Systems.....	22

TABLE OF CONTENTS

HEALTH AND HUMAN SERVICES

    Integrated Healthcare

        R414-14A. Hospice Care .....23

    Health Care Facility Licensing

        R432-13. Freestanding Ambulatory Surgical Center Construction Rule .....23

        R432-14. Birthing Center Construction Rule .....24

        R432-32. Licensing Exemption for Non-Profit Volunteer End-of-Life Care .....25

CULTURAL AND COMMUNITY ENGAGEMENT

    History

        R455-11. Historic Preservation Tax Credit.....25

        R455-14. Procedures for Electronic Meetings .....26

        R455-15. Procedures for Emergency Meetings .....26

PUBLIC SAFETY

    Fire Marshal

        R710-12. Hazardous Materials Training and Certification .....27

**NOTICES OF RULE EFFECTIVE DATES .....29**

## NOTICES OF PROPOSED RULES

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between March 16, 2024, 12:00 a.m., and April 01, 2024, 11:59 p.m. are included in this, the April 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 May 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 August 13, 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.

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

NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R66-3	Filing ID: 56367

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Medical Cannabis and Industrial Hemp	
<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	
<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	801-710-9945	bforsyth@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@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>
R66-3. Quality Assurance Testing on Cannabis
<b>3. Purpose of the new rule or reason for the change:</b>
This rule originally existed as Rule R68-29.  However, a repeal has been filed on Rule R68-29 so it can be reenacted under a new title specific to medical cannabis and industrial hemp, Title R66.  An additional small change is needed to allow tiny amounts of THC O Acetate (THC-OAc) to be present in samples without them failing quality assurance testing. This clarification is needed to allow safe products to stay in the market despite the unintentional presence of a small amount of artificially derived cannabinoid.
<b>4. Summary of the new rule or change:</b>
This new rule is substantively the same as Rule R68-29, which is being repealed and simultaneously reenacted as Rule R66-3 under the new Title R66.  One change has been made to previous Subsection R68-29-7(2) which would allow for small amounts of THC-OAc

to be present in samples without failing quality assurance testing.

(EDITOR'S NOTE: The proposed repeal of Rule R68-29 is under ID No. 56366 in this issue, April 15, 2024, of the Bulletin.)

**Fiscal Information**

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

**A) State budget:**

This proposed new rule does not have a fiscal impact to the state because the rule text is not changing between the repeal and the new rule.

It is just being repealed to be reenacted under new Rule R66-3.

The new language in Section R66-3-7 will not have a fiscal impact because the Department of Agriculture and Food (Department) laboratory was already testing for THC-OAc and will continue to do so.

**B) Local governments:**

Local governments will not be impacted because they do not participate in the medical cannabis program.

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

This change does not have a fiscal impact to small businesses because this rule is not changing, it is just being repealed to be reenacted under Rule R66-3.

The new language in Section R66-3-7 will impact small businesses in a positive way because it will allow cannabis licensees to continue to sell their products. The impact cannot be quantified at this time because the Department does not know how many of each licensee's products may have THC-OAc, nor does the Department have access to information regarding what portion of each licensee's revenue would be put in jeopardy without the ability to sell these products or whether that would impact the viability of their business overall.

The changes will not have a negative fiscal impact because the Department has not yet acted on a licensee based on the presence of THC-OAc.

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

This change does not have a fiscal impact to non-small businesses because the rule is not changing, it is just being repealed to be reenacted under Rule R66-3.

The new language in Section R66-3-7 will impact non-small businesses in a positive way because it will allow cannabis licensees to continue to sell their products. The

impact cannot be quantified at this time because the Department does not know how many of each licensee's products may have THC-OAc, nor does the Department have access to information regarding what portion of each licensee's revenue would be put in jeopardy without the ability to sell these products or whether that would impact the viability of their business overall.

The changes will not have a negative fiscal impact because the Department has not yet acted on a licensee based on the presence of THC-OAc.

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

This change does not have a fiscal impact to other persons because this rule is not changing, it is just being repealed to be reenacted under Rule R66-3.

The change to Section R68-29-7 will not impact other persons because they are not cannabis licensees.

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

Compliance costs are not impacted because the substance of this rule is not changing with this filing.

The change in Section R68-29-7 does not change the cost of participating in the program.

**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 4-2-103(1)(i)		
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/15/2024
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<b>9. This rule change MAY become effective on:</b>	05/22/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig W. Buttars, Commissioner	<b>Date:</b>	03/11/2024
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF FILING:</b> Repeal		
<b>Rule or Section Number:</b>	<b>R68-29</b>	<b>Filing ID:</b> <b>56366</b>

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant 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	
<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	801-710-9945	bforsyth@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

**General Information**

<b>2. Rule or section catchline:</b>
R68-29. Quality Assurance Testing on Cannabis
<b>3. Purpose of the new rule or reason for the change:</b>
The rule is being repealed so it can be simultaneously reenacted under a new title specific to medical cannabis and industrial hemp, Title R66.
<b>4. Summary of the new rule or change:</b>
This rule is repealed in its entirety so it can be reenacted under a new title specific to medical cannabis and industrial hemp.  The substantive content will remain the same under new Rule R66-3.  (EDITOR'S NOTE: The proposed new Rule R66-3 is under ID No. 56367 in this issue, April 15, 2024, of the Bulletin.)

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
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<b>A) State budget:</b>			
This proposed repeal does not have a fiscal impact to the state because the rule text is not changing between the repeal and the new rule.  It is reenacted as new Rule R66-3.			
<b>B) Local governments:</b>			
Local governments will not be impacted because they do not participate in the medical cannabis program.			
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
This proposed repeal does not have a fiscal impact to small businesses because the rule text is not changing between the repeal and the new rule.			
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
This proposed repeal does not have a fiscal impact to non-small businesses because the rule text is not changing between the repeal and the new rule.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
This proposed repeal does not have a fiscal impact to other persons because the rule text is not changing between the repeal and the new rule.			
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):			
Compliance costs are not impacted because the substance of the rule is not changing with this filing.			
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>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 4-2-103(1)(i)		
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/15/2024
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<b>9. This rule change MAY become effective on:</b>	05/22/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig W. Buttars, Commissioner	<b>Date:</b>	03/11/2024
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF FILING:</b>	Repeal and Reenact		
<b>Rule or Section Number:</b>	<b>R426-10</b>	<b>Filing ID:</b>	<b>56397</b>

**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Population Health, Emergency Medical Services		
<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 142004		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2004		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Dean Penovich	801-913-2621	dpenovich@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 or section catchline:</b>
R426-10. Air Ambulance Licensure and Operations

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

The Department of Health and Human Services (Department) is amending this rule to clarify requirements for accreditation for licensed air ambulance providers.

These rule amendments are being made at the request of the Air Ambulance Committee and affected stakeholders.

Additionally, upon review of this rule, the Department determined that the rule's original language should be restructured with significant updates to style and formatting to improve clarity and consistency with the Rulewriting Manual for Utah.

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

The filing clarifies the responsibilities for accreditation and licensed providers.

Additionally, this filing updates definitions and makes updates to style and formatting throughout this rule to improve clarity and consistency with the Rulewriting Manual for Utah.

**Fiscal Information**

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

**A) State budget:**

There is no anticipated fiscal impact to the state budget with this proposed rule, as these updates to provider reporting requirements clarify responsibilities already in practice for the state and any other updates to this rule make style and formatting changes to improve clarity and consistency with the Rulewriting Manual for Utah.

**B) Local governments:**

There is no anticipated fiscal impact to local governments with this proposed rule, as these updates to provider reporting requirements clarify responsibilities and any other updates make style and formatting changes to improve clarity and consistency with the Rulewriting Manual for Utah.

Additionally, local governments do not own or operate licensed air ambulance services and do not have a role in the licensing, accreditation, or associated reporting for the provision of services.

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

There is an inestimable fiscal impact to small businesses with this proposed rule, as this rule change aligns state requirements for an air ambulance accreditation service with national model standards.

The additional criteria of training requirements for personnel and the inclusion of a board of directors required by this rule change could add a cost to small businesses offering air ambulance accreditation services that have not previously implemented those practices.

This amount is inestimable because small businesses may already have staff that meet some or all of the additional training requirements and may already have access to a board of directors. Compensation to a board of directors is in no way required by this rule and is solely left to the discretion of a small business.

It is not anticipated that this change will result in any savings for small businesses. Any other updates make style and formatting changes to improve clarity and consistency with the Rulewriting Manual for Utah.

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

There is an inestimable fiscal impact to non-small businesses with this proposed rule, as this rule change aligns state requirements for an air ambulance accreditation service with national model standards.

The additional criteria of training requirements for personnel and the inclusion of a board of directors required by this rule change could add a cost to non-small businesses offering air ambulance accreditation services that have not previously implemented those practices.

This amount is inestimable because non-small businesses may already have staff that meet some or all of the additional training requirements and may already have access to a board of directors. Compensation to a board of directors is in no way required by this rule and is solely left to the discretion of a non-small business.

It is not anticipated that this change will result in any savings for non-small businesses. Any other updates make style and formatting changes to improve clarity and consistency with the Rulewriting Manual for Utah.

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

There is no anticipated fiscal impact to other persons with this proposed rule, as these updates to provider reporting requirements clarify responsibilities and any other updates make style and formatting changes to improve clarity and consistency with the Rulewriting Manual for Utah.

Additionally, other persons do not own or operate licensed air ambulance services and do not have a role in the licensing, accreditation, or associated reporting for the provision of services.

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

As there are no affected persons, there are no anticipated compliance costs.

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

**Regulatory Impact Table**

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

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>
Section 26B-4-102

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)</b>
<b>A) Comments will be accepted until:</b> 05/15/2024
<b>9. This rule change MAY become effective on:</b> 05/22/2024
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>	Tracy S. Gruber, Executive Director	<b>Date:</b>	03/25/2024
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF FILING:</b> Repeal		
<b>Rule or Section Number:</b>	<b>R436-16</b>	<b>Filing ID:</b> 56393

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Data, Systems and Evaluation, Vital Records and Statistics	
<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 141012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Wininger	801-538-6262	lindaw@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 or section catchline:</b>
R436-16. Violation of Rules
<b>3. Purpose of the new rule or reason for the change:</b>
Following a five-year review of this rule, the Department of Health and Human Services (Department) has determined that this rule is no longer necessary and that the provisions established in Sections 26B-1-221 through 26B-1-226 setting forth the penalties for violations of public health laws and rules would be included into subsequent amendments to the applicable Title R436 rules.
Subsection 63G-3-201(5)(a) requires rules to enumerate any penalty authorized by statute that may result from their violation.
The process of adding language regarding penalties to applicable Title R436 rules has been completed, and therefore, this repeal is now appropriate.

**4. Summary of the new rule or change:**  
 The substance of this rule has been incorporated into each rule that requires a penalty if violated, so this rule is repealed entirely.

**Fiscal Information**

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

**A) State budget:**  
 There is no anticipated cost or savings to the state budget, as this rule change is clerical in nature.

The provisions of this rule are incorporated into the applicable Title R436 rules.

**B) Local governments:**  
 The change in this rule is not expected to impact local governments, as this rule change is clerical in nature.

The provisions of this rule are incorporated into the applicable Title R436 rules.

**C) Small businesses** ("small business" means a business employing 1-49 persons):  
 The change in this rule is not expected to impact small businesses, as this rule change is clerical in nature.

The provisions of this rule are incorporated into the applicable Title R436 rules.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):  
 The change in this rule is not expected to impact non-small businesses, as this rule change is clerical in nature.

The provisions of this rule are incorporated into the applicable Title R436 rules.

**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 change in this rule is not expected to impact persons other than small businesses, non-small businesses, state, or local government entities, as this rule change is clerical in nature.

The provisions of this rule are incorporated into the applicable Title R436 rules.

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

Compliance costs for affected persons will not change because the Department is incorporating the provisions of this rule into the applicable Title R436 rules.

This rule change is clerical in nature.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>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 Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Section 26B-1-202

**Public Notice Information**

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

**A) Comments will be accepted until:** 05/15/2024

**9. This rule change MAY become effective on:** 05/22/2024

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>	Tracy S. Gruber, Executive Director	<b>Date:</b>	03/20/2024
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**NOTICE OF PROPOSED RULE**

**TYPE OF FILING:** New

<b>Rule or Section Number:</b>	<b>R597-7</b>	<b>Filing ID:</b>	<b>56394</b>
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**Agency Information**

<b>1. Department:</b>	Judicial Performance Evaluation Commission
<b>Agency:</b>	Administration
<b>Room number:</b>	Suite 330
<b>Building:</b>	Senate Building
<b>Street address:</b>	350 State Street
<b>City, state and zip:</b>	Salt Lake City, UT 84114
<b>Contact persons:</b>	
<b>Name:</b>	<b>Phone:</b> <b>Email:</b>
Mary-Margaret Pingree	385-910-2097 mmpingree@utah.gov
Madison Klein	801-538-1146 mklein@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>	

**General Information**

**2. Rule or section catchline:**  
R597-7. General Provisions

**3. Purpose of the new rule or reason for the change:**  
Rule R597-1 expired on 02/06/2024. This new rule replaces the expired rule.

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

This rule outlined the authorization and purpose of the Judicial Performance Evaluation Commission and provides definitions.

It replaces an expired rule and does not introduce any new information.

**Fiscal Information**

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

**A) State budget:**

This new rule requires no additional state funds.

This new rule replaces a rule that recently expired. As the substance of the rule remains the same, there is no fiscal impact to this new rule filing.

**B) Local governments:**

This new rule will have no fiscal impact on local governments.

Judicial performance evaluations are performed at the state level and do not require funding from local governments.

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

This new rule will have no fiscal impact on small businesses.

It replaces a recently expired rule, and the substance of this rule is essentially the same.

Additionally, it outlines general provisions including purpose and definitions which do not have fiscal impact.

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

This new rule will have no fiscal impact on non-small businesses.

It replaces a recently expired rule, and the substance of this rule is unchanged.

Additionally, it outlines general provisions including purpose and definitions which do not have fiscal impact.

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

This new rule does not introduce any additional costs to individuals or organizations.

This new rule will have no fiscal impact on non-small businesses.

It replaces a recently expired rule, and the substance of this rule is unchanged.

Additionally, it outlines general provisions including purpose and definitions which do not have fiscal impact.

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

There are no compliance costs for this new rule.

It replaces a rule that recently expired.

Additionally, it outlines general provisions including purpose and definitions which do not have compliance costs.

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

<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 Judicial Performance Evaluation Commission, Mary-Margaret Pingree, has reviewed and approved this analysis.

As this rule is a replacement of an expired rule, 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:**

Title 78A, Chapter-12		
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**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/15/2024
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<b>9. This rule change MAY become effective on:</b>	05/22/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Gil Miller, JPEC Chairperson	<b>Date:</b>	03/20/2024
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R616-2-3</b>	<b>Filing ID:</b> <b>56396</b>

**Agency Information**

<b>1. Department:</b>	Labor Commission
<b>Agency:</b>	Boiler, Elevator and Coal Mine Safety
<b>Room number:</b>	3rd 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 146600
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6600



<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Rick Sturm	801-530-6850	rsturm@utah.gov
Chris Hill	801-530-6113	chill@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>
R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this rule change is to adopt the 2023 edition of the national Board Inspection Code (NBIC, NB-23), Part 3-Repairs and Alterations and Part 4-Pressure Relief Devices.  This rule also adopts the 2023 editions of the American Society of Mechanical Engineers (ASME) Sections 1 (Rules for Construction of Power Boilers), Section IV (Rules for Construction of Heating Boilers) and Section VIII (Rules for Construction of Pressure Vessels).  It also removes ASME B31.1-2016 edition Power Piping.
<b>4. Summary of the new rule or change:</b>
This rule change adopts the 2023 editions of the ASME Sections 1, IV and VIII and the NBIC Parts. 3 and 4.  It also repeals the ASME B31.1-2015 edition.  The current editions make no significant changes, and what changes are being made apply to the manufacturing and repair of boilers and pressure vessels.  Repairs to existing boilers and pressure vessels can be to any appropriate NBIC Standard since original installation.

**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 should be no cost or savings to the state budget because new codes books are provided to the state.  The changes in the 2023 editions are not significant changes. The ASME standards being adopted apply to the manufacturing of boilers and pressure vessels and the NBIC Standards being adopted apply to the repair of boilers and pressure vessels.

The Division of Boiler, Elevator and Coal Mine Safety (Division) inspects to the standard that applies to the date of manufacture and subsequent repair standards; therefore, there should be no cost or savings to the state budget due to the incorporation of these standards.

**B) Local governments:**

There should be no cost or savings to local governments because local governments do not need to obtain copies of the incorporated materials.

The changes in the 2023 editions are not significant changes. The ASME standards being adopted apply to the manufacturing of boilers and pressure vessels and the NBIC Standards being adopted apply to the repair of boilers and pressure vessels.

The Division inspects to the standard that applies to the date of manufacture and subsequent repair standards; therefore, there should be no cost or savings to the local governments due to the incorporation of these standards.

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

The only cost to small businesses is for those ASME/NB Code Stamp Certification holders (for construction and/or repairs to boilers/pressure vessels) that are required to purchase these codes for the associated Stamps held regardless of adoption.

The changes in the 2023 editions are not significant changes. The ASME standards being adopted apply to the manufacturing of boilers and pressure vessels and the NBIC Standards being adopted apply to the repair of boilers and pressure vessels.

The Division inspects to the standard that applies to the date of manufacture and subsequent repair standards; therefore, there should be no cost or savings to small businesses due to the incorporation of these standards

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

The only cost to non-small businesses is for those ASME/NB Code Stamp Certification holders (for construction and/or repairs to boilers/pressure vessels) that are required to purchase these codes for the associated Stamps held regardless of adoption.

The changes in the 2023 editions are not significant changes. The ASME standards being adopted apply to the manufacturing of boilers and pressure vessels and the NBIC Standards being adopted apply to the repair of boilers and pressure vessels.

The Division inspects to the standard that applies to the date of manufacture and subsequent repair standards; therefore, there should be no cost or savings to non-small businesses due to the incorporation of these standards.

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

The only cost to persons other than small businesses, non-small businesses, state or local government entities would be to those entities that are ASME/NB Code Stamp Certification holders, who are required to purchase the codes for their stamps.

The changes in the 2023 editions are not significant changes. The ASME standards being adopted apply to the manufacturing of boilers and pressure vessels and the NBIC Standards being adopted apply to the repair of boilers and pressure vessels.

The Division inspects to the standard that applies to the date of manufacture and subsequent repair standards; therefore, there should be no cost or savings to other persons due to the incorporation of these standards.

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

The changes in the 2023 editions are not significant changes. The ASME standards being adopted apply to the manufacturing of boilers and pressure vessels and the NBIC Standards being adopted apply to the repair of boilers and pressure vessels.

The Division inspects to the standard that applies to the date of manufacture and subsequent repair standards; therefore, there should be no compliance costs for affected persons due to the incorporation of these standards.

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

<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 Utah Labor Commission, Jaceson R. Maughan, 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		
34A-7-101 et seq.		

**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>	2023 NBIC Part 3 Repairs and Alternations
<b>Publisher</b>	National Board Inspection Code
<b>Issue or Version</b>	2023

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

<b>Official Title of Materials Incorporated (from title page)</b>	2023 NBIC Part 4 Pressure Relief Devices
<b>Publisher</b>	National Board Inspection Code
<b>Issue or Version</b>	2023



<b>C) This rule adds, updates, or removes the following title of materials incorporated by references:</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	2023 ASME Boiler and Pressure Vessel Code Section 1
<b>Publisher</b>	American Society of Mechanical Engineers
<b>Issue or Version</b>	2023

<b>D) This rule adds, updates, or removes the following title of materials incorporated by references:</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	2023 ASME Boiler and Pressure Vessel Code Section IV
<b>Publisher</b>	American Society of Mechanical Engineers
<b>Issue or Version</b>	2023

<b>E) This rule adds, updates, or removes the following title of materials incorporated by references:</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	2023 ASME Boiler and Pressure Vessel Code Section VIII
<b>Publisher</b>	American Society of Mechanical Engineers
<b>Issue or Version</b>	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>	05/15/2024
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<b>9. This rule change MAY become effective on:</b>	05/22/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jacson Maughan, Commissioner	<b>Date:</b>	03/25/2024
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<b>NOTICE OF PROPOSED RULE</b>		
<b>TYPE OF FILING:</b> New		
<b>Rule or Section Number:</b>	<b>R622-3</b>	<b>Filing ID:</b> <b>56403</b>

**Agency Information**

<b>1. Department:</b>	Lieutenant Governor	
<b>Agency:</b>	Administration	
<b>Room number:</b>	Suite 220	
<b>Building:</b>	Utah State Capitol	
<b>Street address:</b>	350 N State Street	
<b>City, state and zip:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	PO Box 142325	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2325	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Mallory Underwood	801-538-1501	munderwood@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R622-3. Use of the Great Seal of the State of Utah

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

Section 67-1a-7 assigns custody of the Great Seal to the Lieutenant Governor's office.

The purpose of this rule is to set appropriate boundaries on the use of the Great Seal. Due to staff turnover, a five-year review was not filed on Rule R622-2, which resulted in its expiration. Rule R622-2 previously set the appropriate boundaries on the use of the Great Seal.

This new rule replaces the recently expired rule.

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

The rule establishes permitted uses of the Great Seal, identifies prohibited uses, describes an application process for use, and sets enforcement provisions.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
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<b>A) State budget:</b>
There is minimal cost to the state associated with processing applications and investigating alleged misuse of the Great Seal.
There is some small revenue to the state from an administrative filing fee associated with an application for use. The agency is unable to estimate an aggregate cost or savings as there is no way of knowing how many applications will be received or how many investigations will be undertaken.
<b>B) Local governments:</b>
Most local governments use of the Great Seal falls under the list of generally permitted uses under Section R622-3-4, which are exempted from application fee by Section R622-3-6. Any other use would require paying a \$5 application fee.
The agency has no way of knowing how many applications it would receive and so cannot estimate an aggregate cost.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There is no cost to small businesses. Small businesses may not use the seal.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There is no cost to non-small businesses. Non-small businesses may not use the seal.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
Other persons who wish to use the seal may apply for use. The application fee is \$5.
The agency has no way of knowing how many applications it would receive and so cannot estimate an aggregate cost.
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):
Compliance costs for affected persons are limited to the \$5 application fee for use of the seal.
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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>
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<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 Lieutenant Governor, Deidre M. Henderson, 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 67-1a-2	Section 67-1a-7	Section 76-6-501

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	05/15/2024

<b>9. This rule change MAY become effective on:</b>	05/22/2024
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>	Mallory Underwood, Office Administrator	<b>Date:</b>	03/29/2024
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**End of the Notices of Proposed Rules Section**



# NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R414-60-7	Filing ID: 56395
Effective Date:	03/22/2024	

### Agency Information

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Integrated Healthcare	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 143102	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
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 or section catchline:</b>
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R414-60-7. Reimbursement
<b>3. Purpose of the new rule or reason for the change:</b>
This emergency amendment addresses a significant disruption to the pharmacy point of sale system affecting Medicaid users in the state.
The purpose of this change is to allow the Medicaid division director flexibility to waive the 24-day limit on pharmacy dispensing fees if there is a significant disruption to the pharmacy point of sale system.
<b>4. Summary of the new rule or change:</b>
This emergency filing allows the Medicaid division director flexibility to waive the 24-day limit on pharmacy dispensing fees due to the system interruption to the pharmacy point of sale system that resulted in extensive downtime and increased administrative workload for pharmacy providers.
It also updates the agency name within the rule title.
<b>5A) The agency finds that regular rulemaking would:</b>
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.
<b>B) Specific reasons and justifications for this finding:</b>
The Department of Health and Human Services (Department) needs the ability to waive the 24-day limit to pharmacy dispensing fees due to the Medicaid point of

sale system currently experiencing a system interruption that results in extensive downtime and increased administrative workload for pharmacy providers.

The additional administrative burden for pharmacies that fill prescriptions for Medicaid members results in the disruption of a Medicaid member's access to medical care.

As a result, remaining without this emergency rule would cause imminent peril to public health, safety, and welfare.

An exception to the 24-day limit to pharmacy dispensing fees provides a pathway for pharmacies to fill medications for Medicaid members and be compensated for the additional workload during the system interruption that results in extended downtime until the Medicaid pharmacy claims can be submitted and processed for payment using usual pathways.

This emergency rule is intended to allow the Department to bolster pharmacies' ability to handle the increased administrative workload to fill prescriptions in a timely manner and avert the imminent peril threatening the public.

The Department must facilitate the pharmacy's ability to remain a viable business entity and remain in the network for member access to medically necessary services to avoid imminent peril to public health, as fewer in-network pharmacies would result in an additional burden on Medicaid members who need access to prescriptions.

**Fiscal Information**

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

**A) State budget:**

Due to the time constraints of the current emergency, the Department cannot accurately estimate potential fiscal impacts, as an estimation would require the agency to slow the process of filing this emergency rule and cause an imminent peril to the public health, safety, or welfare.

The Department cannot wait until data on claims and payment information, which is normally available in quarterly reports, is released.

As such, there is insufficient information to estimate the fiscal impact to the state budget.

**B) Local governments:**

Due to the time constraints of the current emergency, the Department cannot accurately estimate potential fiscal impacts, as an estimation would require the agency to slow the process of filing this emergency rule and cause an imminent peril to the public health, safety, or welfare.

The Department cannot wait until data on claims and payment information, which is normally available in quarterly reports, is released.

As such, there is insufficient information to estimate the fiscal impact to local governments.

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

Due to the time constraints of the current emergency, the Department cannot accurately estimate potential fiscal impacts, as an estimation would require the agency to slow the process of filing this emergency rule and cause an imminent peril to the public health, safety, or welfare.

The Department cannot wait until data on claims and payment information, which is normally available in quarterly reports, is released.

As such, there is insufficient information to estimate the fiscal impact to small businesses.

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

Due to the time constraints of the current emergency, the Department cannot accurately estimate potential fiscal impacts, as an estimation would require the agency to slow the process of filing this emergency rule and cause an imminent peril to the public health, safety, or welfare.

The Department cannot wait until data on claims and payment information, which is normally available in quarterly reports, is released.

As such, there is insufficient information to estimate the fiscal impact to other persons or entities.

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

Due to the time constraints of the current emergency, the Department cannot accurately estimate potential fiscal impacts, as an estimation would require the agency to slow the process of filing this emergency rule and cause an imminent peril to the public health, safety, or welfare.

The Department cannot wait until data on claims and payment information, which is normally available in quarterly reports, is released.

As such, there is insufficient information to estimate compliance costs to a single person or entity.

**F) Comments by the department head on the fiscal impact this rule may have on businesses** (Include the name and title of the department head):

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

Due to the time constraints of the current emergency, the Department cannot accurately estimate potential fiscal impacts, as an estimation would require the agency to slow the process of filing this emergency rule and cause an imminent peril to the public health, safety, or welfare.

The Department cannot wait until data on claims and payment information, which is normally available in quarterly reports, is released.

As such, there is insufficient information to estimate the fiscal impact to businesses. -Tracy S. Gruber, Executive Director

**Citation Information**

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

Section 26B-1-213	Section 26B-3-108	
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**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	03/22/2024
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**End of the Notices of 120-Day (Emergency) Rules Section**





# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R64-3</b>	<b>Filing ID: 50125</b>
<b>Effective Date:</b>	<b>03/21/2024</b>	

### Agency Information

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Conservation Commission	
<b>Building:</b>	South Bldg	
<b>Street address:</b>	4315 S 2700 W, Floor 2	
<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
Jim Bowcutt	435-232-4017	jdbowcutt@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

### General Information

<b>2. Rule catchline:</b>
R64-3. Utah Environmental Stewardship Certification Program (UESCP), a.k.a. Agriculture Certificate of Environmental Stewardship (ACES)
<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 4-18-107, Utah Agricultural Certificate of Environmental Stewardship (ACES) Program, has been effective since 07/01/2017.
The Department of Agriculture and Food (Department), in 2020, implemented the Agriculture Voluntary Incentive Program (AGVIP) due to funding appropriated to the AGVIP each year and the lack of interest in the ACES program.
Since the statute requires and defines the ACES program, the Department would like to continue this rule until the 2025 General Session when possible legislation may repeal the program.
<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>
Currently, the Department has not received any public comments about the ACES program or this rule and has not issued any statements about the program.
<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>
At this time, the Department wants to keep this rule until possible legislation can repeal the program. After legislators pass the repeal of the program, the Department

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

plans to repeal this rule. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Craig W. Buttars, Commissioner	<b>Date:</b>	03/21/2024
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R317-401</b>	<b>Filing ID:</b>	<b>52484</b>
<b>Effective Date:</b>	<b>04/01/2024</b>		

**Agency Information**

<b>1. Department:</b>	Environmental Quality		
<b>Agency:</b>	Water Quality		
<b>Room number:</b>	DEQ 3rd Floor		
<b>Building:</b>	Multi Agency 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 144870		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4870		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Robert Beers	385-501-9580	rbeers@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>	R317-401. Graywater Systems
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>	<p>The Water Quality Board is authorized by Subsection 19-5-104(1)(A)(v) to make rules in order to protect the public health for the design, construction, operation, and maintenance of underground wastewater disposal systems.</p> <p>The director is authorized by Section 19-5-105 to:</p> <ol style="list-style-type: none"> <li>1) develop programs for the prevention, control, and abatement of new or existing pollution of the waters of the state;</li> <li>2) enforce rules created by the Board;</li> <li>3) require permits for the construction of treatment facilities;</li> </ol>

4) review plans and specifications; and  
5) adopt other measures to prevent, control, or abate pollution of waters of the state.

**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:**

This rule was first promulgated on 07/02/2004. This rule was revised in March 2020.

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:**

This rule was developed in response to a number of inquiries from the public and local health departments regarding the use, under certain conditions, of graywater originating from laundries, showers, tubs, and lavatories for subsurface irrigation.

This rule sets out the requirements for use of graywater and is required for adequate protection of the state's water resources. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	John K. Mackey, Division Director	<b>Date:</b>	04/01/2024
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R414-14A</b>	<b>Filing ID:</b>	<b>55984</b>
<b>Effective Date:</b>	<b>03/25/2024</b>		

**Agency Information**

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

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
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>
R414-14A. Hospice Care
<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-3-108 requires the Department of Health and Human Services (Department) to implement Medicaid through administrative rules.
Section 26B-1-213 grants the Department the authority to adopt, amend, or rescind these rules.
Additionally, 42 CFR 418 sets forth provisions of hospice care services for Medicaid members.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department did not receive any written comments regarding this rule since its 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>
The Department has determined this rule is necessary because it is required by statute and defines the scope of hospice care services available to Medicaid members. Therefore, this rule should be continued.
As the Department received no public comments, it did not respond to any comments.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	03/25/2024
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<b>FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION</b>		
<b>Rule Number:</b>	<b>R432-13</b>	<b>Filing ID: 55415</b>
<b>Effective Date:</b>	<b>03/19/2024</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

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

**General Information**

<b>2. Rule catchline:</b>
R432-13. Freestanding Ambulatory Surgical Center 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 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.
This five-year review filing is intended to ensure this rule remains in continual effect for statutory compliance.

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

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.

Statute requires the Office of Licensing to write and enforce rules pertaining to the construction of freestanding ambulatory surgical centers. This rule is necessary to ensure there is no lapse in oversight of the construction requirements for freestanding ambulatory surgical centers. 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>	03/19/2024
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R432-14</b>	<b>Filing ID:</b>	<b>55945</b>
<b>Effective Date:</b>	<b>03/19/2024</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>
R432-14. Birthing Center 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 to write and enforce rules to govern licensure of health care facilities in Utah.

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

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

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

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

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.

Statute requires the Office of Licensing to write and enforce rules pertaining to the construction of birthing centers. This rule is necessary to ensure there is no lapse in oversight of the construction requirements for birthing centers. 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>	03/19/2024
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R432-32</b>	<b>Filing ID:</b>	<b>55940</b>
<b>Effective Date:</b>	<b>03/29/2024</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	

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

**General Information**

**2. Rule catchline:**  
R432-32. Licensing Exemption for Non-Profit Volunteer End-of-Life Care

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

Section 26B-2-205 authorizes the agency to write and enforce rules to govern exempt health care facilities in Utah.

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

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

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

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

Non-profit, volunteer end-of-life care providers are exempted from licensure in this rule.

This rule needs to remain in place to ensure the appropriate distinctions exist between these exempted providers and providers who are required to become licensed by the agency. 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>	03/29/2024
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R455-11</b>	<b>Filing ID:</b>	<b>54435</b>
<b>Effective Date:</b>	<b>03/25/2024</b>		

**Agency Information**

<b>1. Department:</b>	Cultural and Community Engagement
<b>Agency:</b>	History
<b>Building:</b>	Highland Building

<b>Street address:</b>	3760 S Highland Dr	
<b>City, state and zip:</b>	Salt Lake City, UT 84106	

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Sophia Riggs	801-874-7205	sophiariggs@utah.gov

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

**General Information**

**2. Rule catchline:**  
R455-11. Historic Preservation Tax Credit

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

To be eligible of the Historic Preservation Tax Credit, all rehabilitation work must be approved by the State Historic Preservation Office before project completion, ensuring it meets the Secretary of the Interior's Standards for Rehabilitation.

A tax credit is available for taxpayers (subject to Section 59-7-104) who incur qualified rehabilitation expenditures of more than \$10,000 on residential certified historic buildings. The credit is equal to 20% of these qualified expenditures.

This credit applies to all qualifying expenses exceeding \$10,000. This is enacted in Sections 59-7-609 and 59-10-1006.

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

There were no comments received since the last five-year review of this rule.

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

This rule provides a structured approval process with the State History Board and State Historic Preservation Office for the historic preservation tax credit. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Chris Merritt, Utah Historic Preservation Officer	<b>Date:</b>	03/25/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R455-14	Filing ID: 54436
Effective Date:	03/25/2024	

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R455-15	Filing ID: 54452
Effective Date:	03/25/2024	

**Agency Information**

<b>1. Department:</b>	Cultural and Community Engagement	
<b>Agency:</b>	History	
<b>Street address:</b>	3760 S Highland Dr	
<b>City, state and zip:</b>	Salt Lake City, UT 84106	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Sophia Riggs	801-874-7205	sophiariggs@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

**Agency Information**

<b>1. Department:</b>	Cultural and Community Engagement	
<b>Agency:</b>	History	
<b>Street address:</b>	3760 S Highland Dr	
<b>City, state and zip:</b>	Salt Lake City, UT 84106	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Sophia Riggs	801-874-7205	sophiariggs@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

**General Information**

<b>2. Rule catchline:</b>
R455-14. Procedures for Electronic Meetings
<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>
A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings. This rule is enacted under Section 52-4-207.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No written comments were received since the last five-year review of 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>
There are times when members of the Board of State History may need to meet electronically. This rule will allow electronic meetings with advanced notice, an anchor location and the ability for the public to attend. Therefore, this rule should be continued.

**General Information**

<b>2. Rule catchline:</b>
R455-15. Procedures for Emergency Meetings
<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>
Emergency meetings do not require a 24-hour notice in unforeseen circumstances with an urgent nature a rise and the public body gives the best notice practicable.
There must also be an attempt to notify all public body members, with the majority approving the meeting. This is enacted in Subsection 52-4-202(5).
<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 of this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule allows the Board of State History to hold an emergency meeting when or if urgent matters come to fruition. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jennifer Ortiz, Director	<b>Date:</b>	03/25/2024
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**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jennifer Ortiz, Director	<b>Date:</b>	03/25/2024
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R710-12	Filing ID: 51916
Effective Date:	03/28/2024	

**Agency Information**

<b>1. Department:</b>	Public Safety	
<b>Agency:</b>	Fire Marshal	
<b>Building:</b>	Conference Center at Miller Campus	
<b>Street address:</b>	410 W 9800 S, Suite 372	
<b>City, state and zip:</b>	Sandy, UT 84070	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-556-8198	kgibb@utah.gov
Ted Black	801-256-2390	tblack@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

**General Information**

<b>2. Rule catchline:</b>
R710-12. Hazardous Materials Training and Certification

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

This rule is authorized by Section 53-7-204, which requires that the Utah Fire Prevention Board make rules establishing ongoing training standards for hazardous materials emergency response agencies.

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

There have been no written comments received during or since the last five-year review of this rule.

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

This rule is required under Section 53-7-204 and is necessary to establish ongoing training standards for hazardous materials emergency response agencies. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Ted Black, State Fire Marshal	<b>Date:</b>	03/28/2024
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**End of the Five-Year Notices of Review and Statements of Continuation Section**





## NOTICES OF RULE EFFECTIVE DATES

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

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

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

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### Agriculture and Food

#### Marketing and Development

No. 56278 (Repeal and Reenact) R65-1: Utah Apple Marketing Order

Published: 02/01/2024

Effective: 03/26/2024

No. 56279 (Repeal and Reenact) R65-5: Utah Red Tart and Sour Cherry Marketing Order

Published: 02/01/2024

Effective: 03/26/2024

### Education

#### Administration

No. 56324 (Amendment) R277-308: New Educator Induction and Mentoring

Published: 03/01/2024

Effective: 04/09/2024

No. 56325 (Amendment) R277-328: Educational Equity in Schools

Published: 03/01/2024

Effective: 04/09/2024

No. 56326 (Amendment) R277-471: School Construction Oversight, Inspections, Training and Reporting

Published: 03/01/2024

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No. 56327 (Amendment) R277-910: Underage Drinking and Substance Abuse Prevention Program

Published: 03/01/2024

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No. 56328 (Amendment) R277-912: Law Enforcement Related Incident Reporting

Published: 03/01/2024

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### Financial Institutions

#### Credit Unions

No. 56311 (Amendment) R337-5: Allowance for Loan and Lease Losses - Credit Unions

Published: 03/01/2024

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### Health and Human Services

#### Integrated Healthcare

No. 56258 (Amendment) R414-90: Diabetes Self-Management Training

Published: 01/15/2024

Effective: 03/25/2024

No. 56259 (Repeal) R414-310: Medicaid Primary Care Network Demonstration Waiver

Published: 01/01/2024

Effective: 03/25/2024

No. 56260 (Amendment) R414-504: Nursing Facility Payments

Published: 01/01/2024

Effective: 03/25/2024

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

No. 56173 (Amendment) R436-9: Persons and Institutions Required to Keep Monthly Listings of Vital Statistics Events

Published: 12/01/2023

Effective: 03/25/2024

### Lieutenant Governor

#### Elections

No. 56238 (New Rule) R623-11: Signature Verification Standards

Published: 01/01/2024

Effective: 04/04/2024

NOTICES OF RULE EFFECTIVE DATES

Natural Resources

Outdoor Recreation

No. 56280 (New Rule) R650-102: Adjudicatory

Proceedings

Published: 02/01/2024

Effective: 03/19/2024

State Parks

No. 56329 (Repeal) R651-301: State Recreation Fiscal

Assistance Program

Published: 03/01/2024

Effective: 04/08/2024

Pardons (Board of)

Administration

No. 56298 (Amendment) R671-201: Original Hearing

Schedule and Notice

Published: 02/15/2024

Effective: 04/01/2024

No. 56299 (Amendment) R671-312a: Commutation

Procedures Applicable to Persons Sentenced to Death Before

April 26, 1992

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No. 56300 (Amendment) R671-312b: Commutation

Procedures Applicable to Persons Sentenced to Death After

April 26, 1992

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No. 56301 (Amendment) R671-313: Commutation

Hearings (Non-Death Penalty Cases)

Published: 02/15/2024

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No. 56302 (Amendment) R671-314: Compassionate

Release

Published: 02/15/2024

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No. 56303 (Amendment) R671-509: Progress / Violation

Reports

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No. 56304 (Amendment) R671-510: Evidence for Issuance

of Warrants

Published: 02/15/2024

Effective: 04/01/2024

No. 56305 (Amendment) R671-514: Waiver and Pleas of

Guilt

Published: 02/15/2024

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Public Service Commission

Administration

No. 56315 (Amendment) R746-312: Electrical

Interconnection

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No. 56316 (Amendment) R746-313: Electrical Service

Reliability

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Effective: 04/09/2024

Tax Commission

Auditing

No. 56307 (Amendment) R865-19S-33: Admissions and

User Fees Pursuant to Utah Code Ann. Sections 59-12-102

and 59-12-103

Published: 02/15/2024

Effective: 03/28/2024

Transportation

Program Development

No. 56314 (Amendment) R926-13: Designated Scenic

Byways

Published: 03/01/2024

Effective: 04/08/2024

Workforce Services

Employment Development

No. 56310 (Amendment) R986-700: Child Care Assistance

Published: 02/15/2024

Effective: 04/01/2024

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