

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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Utah state digest.

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EXECUTIVE DOCUMENTS

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

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

EXECUTIVE ORDER 2025-01

Expanding and Improving Permitting Efficiency at DEQ and DOGM

WHEREAS, Utah continues to streamline government, reduce unnecessary regulatory burdens, and accelerate the development of critical infrastructure;

WHEREAS, Utah has a strong track record of rightsizing environmental permitting processes and decreasing permitting timeframes while upholding public health and environmental standards;

WHEREAS, Utah has prioritized innovation and continuous improvement to streamline permitting timelines;

WHEREAS, 98% of the approximately 15,000 permits issued annually by the Department of Environmental Quality are either general permits or permits by rule, requiring little to no time for regulated entities to obtain these permits;

WHEREAS, notwithstanding significant prior improvements to Utah's permitting processes, there are additional opportunities to improve;

WHEREAS, air quality permits containing plantwide applicability limitations (PALs) provide flexibility to respond to market needs for production and encourage innovation while maintaining environmental protections; and

WHEREAS, effective and efficient permitting processes are essential for a strong and growing economy and attracting business to Utah;

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

1. Purpose.

a. The purposes of this executive order are to: 1) identify ways to expand and improve the use of permitting by rule and general permitting at the Utah Department of Environmental Quality (DEQ) and the Division of Oil, Gas and Mining (DOGM) in the Utah Department of Natural Resources; and 2) improve the PAL permitting process at DEQ.

2. Permitting by Rule and General Permitting.

a. In order to expand the use of permitting by rule and general permitting:

i. DEQ shall identify and evaluate areas where it can appropriately expand the use of permitting by rule or general permitting. This effort should specifically include, but is not limited to, evaluating permits issued by the Division of Water Quality and the Division of Air Quality.

ii. DOGM shall identify and evaluate areas where it can appropriately expand the use of permitting by rule or general permitting.

iii. In performing the analysis required by Paragraph 2 of this Order, DEQ and DOGM shall:

EXECUTIVE DOCUMENTS

- A. consult stakeholders; and
- B. consider successful permitting by rule or general permitting efforts in other states.
- b. In order to improve the processes of permitting by rule and general permitting, DEQ and DOGM shall do the following:
 - i. gather stakeholder input on how the processes related to permitting by rule and general permitting can be improved; and
 - ii. evaluate administrative rules, agency guidance, and agency practices to further streamline permitting processes, identify redundancies, enhance flexibility, and improve clarity for applications.

3. Plantwide Applicability Limitation Permits.

- a. DEQ shall evaluate, improve, and streamline the process for obtaining and maintaining a PAL permit. DEQ's efforts shall include, but not be limited to, the following:
 - i. evaluating successful PAL permit processes and guidance in other states;
 - ii. developing and publishing comprehensive written guidance related to PAL permits;
 - iii. evaluating and revising administrative rules related to PAL permits and the PAL permitting process; and
 - iv. consulting stakeholders.
- b. DEQ shall identify ways to increase regulatory certainty with regard to PAL permits, especially with regard to renewing PALs at the same emissions levels allowed by 40 C.F.R. Sec. 51.166(w)(10)(iv)(a).
- c. DEQ shall ensure that potential applicants are aware of the PAL permit process, including improvements to the process.

4. Reporting.

- a. DEQ and DOGM shall each report to the governor its implementation of the requirements of this Executive Order. DEQ and DOGM shall each provide an interim progress report by July 1, 2025, and final report by October 1, 2025.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Fairview, Utah, on this, the 7th Day of January, 2025.

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between December 16, 2023, 12:00 a.m., and January 02, 2024, 11:59 p.m. are included in this, the January 15, 2025, 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 February 14, 2025. 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 May 15, 2025, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICES OF PROPOSED RULE

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R156-37	Filing ID: 56997
Agency Information		
1. Title catchline:	Commerce, Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Larry Marx	801-530-6628	lmarx@utah.gov
Please address questions regarding information on this notice to the persons listed above.		
General Information		
2. Rule or section catchline:	R156-37. Utah Controlled Substances Act Rule	
3. Purpose of the new rule or reason for the change:	The Division of Professional Licensing (Division) in consultation with the Physicians Licensing board and other stakeholders is amending this rule to update this rule and provide a small prescriber exemption for the electronic prescription requirement in Section 58-37-609, to reduce the regulatory burden for prescribers who prescribe minimal numbers of controlled substances.	
4. Summary of the new rule or change:	Section 58-37-22 requires licensed prescribers to electronically prescribe Schedule II, III, IV, and V controlled substances, subject to certain exceptions. The exception in Subsection 58-37-22(2)(d) has expired; accordingly, Subsection R156-37-609(4) is deleted. However, to reduce the regulatory burden for prescribers who prescribe minimal numbers of controlled substances, Section R156-37-610 is amended to add an automatic small prescriber exemption for prescribers who issue 300 or fewer controlled substance prescriptions in a calendar year, or 25 or fewer controlled substance prescriptions in a calendar month. Additionally, to reduce another potential regulatory burden for prescribers and pharmacies, an additional exemption is added for prescribing practitioners or pharmacies who are located in the geographic area of an emergency or disaster that is identified by the Centers for Medicaid (CMS) as a qualifying emergency or disaster on the CMS Electronic Prescribing for Controlled Substances (EPCS) website.	
Fiscal Information		
5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:		
A) State budget:	As described in box 5E, the Division expects that the proposed amendments to Sections R156-37-609 and R156-37-610 will benefit dentists and other practitioners such as podiatrists, optometrists, physicians, and advanced practice registered nurses who do not issue a large amount of controlled substance prescriptions. In turn, the Division expects the amendments to indirectly benefit persons who employ such practitioners, which may include certain state government entities acting as businesses. As described in box 5E, the full impact cannot be estimated because the benefits that a state government entity may experience will vary widely depending on the requirements of the entity and the individual characteristics of each practitioner.	

Additionally, as described in box 5C and box 5E, the new exemption for prescribing practitioners or pharmacies who are located in the geographic area of a qualifying CMS emergency or disaster is expected to benefit the state budget, but the full impact cannot be estimated as the data regarding such potential future events is unavailable.

The remaining proposed amendments are not expected to impact the state budget as they simply update and clarify this rule.

B) Local governments:

As described in box 5E, the Division expects that the proposed small prescriber exemption amendments to Sections R156-37-609 and R156-37-610 will benefit dentists and other practitioners such as podiatrists, optometrists, physicians, and advanced practice registered nurses who do not issue a large amount of controlled substance prescriptions.

In turn, the Division expects the amendments to indirectly benefit persons who employ such practitioners, which may include certain local government entities acting as businesses. As described in box 5E, the full impact cannot be estimated because the benefits that a local government entity may experience will vary widely depending on the requirements of the entity and the individual characteristics of each practitioner.

Additionally, as described in box 5C and box 5E, the new exemption for prescribing practitioners or pharmacies who are located in the geographic area of a qualifying CMS emergency or disaster is expected to benefit local governments, but the full impact cannot be estimated as data regarding such potential future events is unavailable.

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

As described in box 5E, the Division expects that the proposed amendments to Section R156-37-609 will benefit dentists and other practitioners such as podiatrists, optometrists, physicians, and advanced practice registered nurses who do not issue a large amount of controlled substance prescriptions, and in turn the Division expects the amendments to benefit the small businesses owned or operated by these practitioners. However, the full fiscal impact cannot be estimated as it will depend on each practitioner's unique practice and circumstances.

Additionally, the new exemption for prescribing practitioners or pharmacies who are located in the geographic area of a qualifying CMS emergency or disaster is expected to benefit small businesses owned or operated by those practitioners and small business pharmacies who are located in such a geographic area, but the full impact cannot be estimated as data regarding such potential future events is unavailable.

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

As described in box 5E, the Division expects that the proposed amendments to Section R156-37-609 will benefit dentists and other practitioners such as podiatrists, optometrists, physicians, and advanced practice registered nurses who do not issue a large amount of controlled substance prescriptions, and in turn the Division expects the amendments to benefit the non-small businesses owned or operated by these practitioners. However, the full fiscal impact cannot be estimated as it will depend on each practitioner's unique practice and circumstances.

Additionally, the new exemption for prescribing practitioners or pharmacies who are located in the geographic area of a qualifying CMS emergency or disaster is expected to benefit non-small businesses owned or operated by those practitioners and non-small business pharmacies who are located in such a geographic area, but the full impact cannot be estimated as data regarding such potential future events is unavailable.

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 amendments to Section R156-37-609 are expected to benefit dentists and other practitioners such as podiatrists, optometrists, physicians, and advanced practice registered nurses who do not issue a large amount of controlled substance prescriptions. Those who meet the exemption requirements will be those who do not perform major surgeries, who are very reticent to prescribe for more than seven days of treatment, or who cannot afford the extra cost of electronic prescribing software.

The software costs for a practitioner to electronically prescribe controlled substances are substantial and likely overly burdensome at this time for practitioners who write few prescriptions; these costs disproportionately impact practitioners who have decided to prescribe a minimal number of controlled substances. A practitioner's cost for a DOPL controlled substance license is \$100 initially and then \$78 every two years for renewal, and their federal DEA registration costs \$888 every three years.

NOTICES OF PROPOSED RULES

But to comply with electronic prescribing, a practitioner must have a software program that either interfaces with the electronic health record or is a standalone system, which costs from \$200 to \$500 per month. The full fiscal impact of these expected benefits cannot be estimated as it will depend on each practitioner's unique practice and circumstances.

Additionally, the new exemption for prescribing practitioners or pharmacies who are located in the geographic area of a qualifying CMS emergency or disaster is expected to benefit those persons, but the full impact cannot be estimated as it is unknown what persons will be located in such a geographic area.

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

As described in box 5E for other persons, no compliance costs are expected for affected persons.

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

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this 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 58-1-106(1)(a)	Subsection 58-37-6(1)(a)	Subsection 58-37f-301(1)
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	21 CFR pt. 1311 - Requirements for Electronic Orders and Prescriptions
Publisher	Code of Federal Regulations
Issue Date	04/01/2024

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: 02/14/2025

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

Date:	Time:	Place (physical address or URL):
01/23/2025	9:30 a.m.	Heber M. Wells Building 160 E 300 S, 4th floor, Room 475, Salt Lake City UT, and also via Google Meet. Google Meet joining info: meet.google.com/xhd-ennn-cnr Join by phone (US) +1 551-236-3838 PIN: 804 397 327#

9. This rule change MAY become effective on: 02/21/2025

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

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	12/18/2024
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NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	R162-2g	Filing ID: 56995
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Agency Information

1. Title catchline:	Commerce, Real Estate	
Building:	Heber M. Wells	
Street address:	160 E 300 S, 2nd Floor	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146711	
City, state and zip:	Salt Lake City, UT 84114-6711	
Contact persons:		
Name:	Phone:	Email:
Justin Barney	801-530-6603	justinbarney@utah.gov
Matthew Hastings	801-530-6578	mhastings@utah.gov

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

General Information

2. Rule or section catchline:
R162-2g. Real Estate Appraiser Licensing and Certification Administrative Rules
3. Purpose of the new rule or reason for the change:
The purpose of the rule amendment is to update this rule to be consistent with recent federal regulation amendments and to make other relatively minor changes and clarifications.

4. Summary of the new rule or change:

The rule amendments:

- 1) update and incorporate by reference the 2024 USPAP Guidance and Reference Manual;
- 2) update the pre-licensing education for appraiser trainees, and licensed and certified appraisers;
- 3) add requirements for completing the Valuation Bias and Fair Housing Laws and Regulations Course consistent with recent federal regulation amendments;
- 4) replace the required Utah specific course for trainees and supervisors with a national AQB-approved course; and
- 5) make other incidental amendments.

Fiscal Information

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

A) State budget:

The Division of Real Estate (Division) has the staff and budget in place to administer the proposed rule amendment.

None of the proposed changes are expected to impact the state's budget by either increasing costs or generating savings.

After conducting a thorough analysis, the Division determined that the proposed rule amendment will not result in any cost or savings to the state budget.

B) Local governments:

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

Local governments are not required to comply with the Real Estate Appraiser Licensing and Certification Administrative Rules.

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

The proposed rule change would require appraisers to take a new course mandated by federal regulation. Course providers will offer the new course to appraisers for a fee.

The Division estimates that the cost for a seven-hour pre-licensing course will be approximately \$140 and the cost for a four-hour course will be approximately \$80.

Small businesses offering this course will benefit from the receipt of the fees charged to appraisers. However, the fees received by these small businesses will be offset by costs to develop the course, plus ongoing costs to offer the course. Ongoing costs include technology and operational costs to offer the course to students.

These costs will be significant during the first two years of offering the course. The costs and benefits to small business course providers are estimated as follows:

Fiscal year 2025	Development Costs \$90,000, Offering Costs \$6,000; Fees Received \$98,000; net \$2,000
Fiscal year 2026	Development Costs \$30,000, Offering Costs \$6,000; Fees Received \$126,000; net \$90,000
Fiscal year 2027	Development Costs \$20,000, Offering Costs \$6,000; Fees Received \$98,000; net \$72,000

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

Non-small businesses are not required to comply with the Real Estate Appraiser Licensing and Certification Administrative Rules.

This rule change is not expected to have a fiscal impact on non-small businesses. The Division projects that the new courses required by federal regulation and the proposed rule amendment will be developed and offered by small businesses.

After conducting a thorough analysis, the Division determined that the proposed amendment will not result in a fiscal impact to non-small businesses.

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

Except for affected persons described in box 5F below, the proposed rule change does not create new obligations for persons other than small businesses, non-small businesses, state, or local government entities nor does it increase the cost associated with any existing obligation.

After conducting a thorough analysis, the Division determined that the proposed rule amendment will not result in a fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities.

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

Affected persons that will incur compliance costs include appraiser trainees and licensed and certified appraisers. The proposed rule requires that appraiser trainees and licensed and certified appraisers take a new seven-hour pre-licensing course and, every two years, a new continuing education course.

Currently licensed and registered trainees and appraisers will need to take the seven-hour course at least once, and repeat the four-hour course every two years thereafter. Although the new continuing education course is required, trainees and appraisers may include the continuing education four-hour course as part of the already required number of hours of continuing education. The total number of required continuing education hours after the proposed rule amendment remain the same as are currently required.

It is estimated that the compliance costs for continuing education will also remain the same with no new continuing education costs for affected persons. As a result, the compliance costs are only estimated for the pre-licensing course. The timing for completion of the pre-licensing course is tied to the renewal of existing trainees and appraisers and the date of application for new trainees and appraisers. The Division estimates the cost of each course to be \$140 and that 700 appraisers and trainees will take and pay for the course in fiscal year 2025, 900 in fiscal year 2026, and 700 in fiscal year 2027.

Fiscal year 2025 Compliance costs \$98,000 (700 appraisers and trainees at \$140 per course)
 Fiscal year 2026 Compliance costs \$126,000 (900 appraisers and trainees at \$140 per course)
 Fiscal year 2027 Compliance costs \$98,000 (700 trainees and appraisers at \$140 per course)

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

Regulatory Impact Table

Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons (Compliance Costs)	\$98,000	\$126,000	\$98,000
Total Fiscal Cost	\$98,000	\$126,000	\$98,000
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$2,000	\$36,000	\$26,000
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$2,000	\$36,000	\$26,000
Net Fiscal Benefits	(\$96,000)	(\$90,000)	(\$26,000)

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

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

Citation Information

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

Section 61-2g-201	Section 61-2g-205	Section 61-2g-302
Section 61-2g-306	Section 61-2g-307	Section 61-2g-308
Section 61-2g-311	Section 61-2g-313	Section 61-2g-314

Incorporations by Reference Information

7. Incorporations by Reference:

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

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

Public Notice Information

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

A) Comments will be accepted until: 02/14/2025

9. This rule change MAY become effective on: 02/21/2025

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

Agency Authorization Information

Agency head or designee and title:	Leigh Veillette, Director, Division of Real Estate	Date:	07/25/2024
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NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or Section Number: R434-40 **Filing ID:** 56998

Agency Information

1. Title catchline:	Health and Human Services, Population Health, Primary Care and Rural Health		
Building:	Multi-Agency State Office Building		
Street address:	195 N 1950 W		
City, state	Salt Lake City, UT		
Mailing address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Contact persons:			
Name:	Phone:	Email:	
Marc Watterson	801-647-1490	marcwatterson@utah.gov	
Anna West	801-231-3044	awest@utah.gov	
Rachel Devine	801-230-6570	rdevine@utah.gov	

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

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

R434-40. Utah Health Care Workforce Financial Assistance Program

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

In the 2024 General Session, H.B. 532 repealed the Health Care Workforce Financial Assistance Program Advisory Committee. This change is necessary to update this rule to remove references to that committee and reflect current statute.

Additionally, an internal reorganization moved the agency responsible for this rule to a different area within the Department of Health and Human Services (Department), so this filing updates the rule's title catchline as appropriate.

4. Summary of the new rule or change:

This filing removes outdated references to a committee that was repealed by the Legislature in the 2024 General Session through H.B. 532 and ensures this rule is in compliance with statute.

Additionally, it updates the rule's title catchline and makes style and formatting changes to comply 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, as the proposed changes does not add, remove, or modify requirements or restrictions for the Department.

B) Local governments:

There is no anticipated fiscal impact to local governments. Local governments are not eligible to participate in the program, and therefore, this rule does not apply to them.

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

There is no anticipated fiscal impact to small businesses. Participation in the program is voluntary, and the proposed changes do not add, remove, or modify requirements or restrictions for any small business that chooses to participate.

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

There is no anticipated fiscal impact to non-small businesses. Participation in the program is voluntary, and the proposed changes do not add, remove, or modify requirements or restrictions for any non-small business that chooses to participate.

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. Participation in the program is voluntary, and the proposed changes do not add, remove, or modify requirements or restrictions for other persons who choose to participate.

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 anticipated compliance costs for affected persons. Participation in the program is voluntary, and the proposed changes do not add, remove, or modify requirements or restrictions for affected persons who choose to participate.

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.)

NOTICES OF PROPOSED RULES

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Section 26B-1-202

Section 26B-4-702

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:

02/14/2025

9. This rule change MAY become effective on:

02/21/2025

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

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/26/2024
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NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R436-5

Filing ID: 56999

Agency Information

1. Title catchline:	Health and Human Services, Data, Systems and Evaluation, Vital Records and Statistics
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT

Mailing address:	PO Box 84114-1012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Nicole Bissonette	801-538-6262	nbissonette@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 or section catchline:

R436-5. New Birth Certificates After Legitimation, Court Determination of Paternity, or Adoption

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

H.B. 212 from the 2024 General Session changed process terminology relating to the birth registration process.

Upon agency review of statute, it was determined that this rule should be amended to reflect updated terminology seen in statute.

4. Summary of the new rule or change:

This rule updates the process of birth registration to reflect a change in terminology seen in statute.

Furthermore, references to the process throughout this rule have been updated for clarity.

Additionally, style and formatting changes are made to comply with the Rulewriting Manual for Utah and for consistency with other rules under the Department of Health and Human Services.

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 because this filing does not add, modify, or remove any requirements or restrictions for the state. Any fiscal impact regarding a change in the process of birth registration and information on applicable groups has been captured in the fiscal note of H.B. 212 (2024), available at <https://le.utah.gov/lfa/fnotes/2024/HB0212.fn.pdf>. This rule does not make any changes to the process but updates process terminology to reflect statute.

B) Local governments:

There is no anticipated fiscal impact to local governments because this filing does not add, modify, or remove any requirements or restrictions for local governments. Any fiscal impact regarding a change in the process of birth registration and information on applicable groups has been captured in the fiscal note of H.B. 212 (2024), available at <https://le.utah.gov/lfa/fnotes/2024/HB0212.fn.pdf>. This rule does not make any changes to the process but updates process terminology to reflect statute.

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

There is no anticipated fiscal impact to small businesses because this filing does not add, modify, or remove any requirements or restrictions for small businesses. Any fiscal impact regarding a change in the process of birth registration and information on applicable groups has been captured in the fiscal note of H.B. 212 (2024), available at <https://le.utah.gov/lfa/fnotes/2024/HB0212.fn.pdf>. This rule does not make any changes to the process but updates process terminology to reflect statute.

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

There is no anticipated fiscal impact to non-small businesses because this filing does not add, modify, or remove any requirements or restrictions for non-small businesses. Any fiscal impact regarding a change in the process of birth registration and information on applicable groups has been captured in the fiscal note of H.B. 212 (2024), available at <https://le.utah.gov/lfa/fnotes/2024/HB0212.fn.pdf>.

NOTICES OF PROPOSED RULES

<https://le.utah.gov/lfa/fnotes/2024/HB0212.fn.pdf>. This rule does not make any changes to the process but updates process terminology to reflect statute.

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 because this filing does not add, modify, or remove any requirements or restrictions for other persons. Any fiscal impact regarding a change in the process of birth registration and information on applicable groups has been captured in the fiscal note of H.B. 212 (2024), available at <https://le.utah.gov/lfa/fnotes/2024/HB0212.fn.pdf>. This rule does not make any changes to the process but updates process terminology to reflect statute.

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 anticipated compliance costs for affected persons. Any costs regarding a change in the process of birth registration and information on applicable groups has been captured in the fiscal note of H.B. 212 (2024), available at <https://le.utah.gov/lfa/fnotes/2024/HB0212.fn.pdf>.

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	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Section 26B-8-110

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: 02/14/2025

9. This rule change MAY become effective on:	02/21/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/26/2024
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NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact		
Rule or Section Number:	R539-1	Filing ID: 57000

Agency Information

1. Title catchline:	Health and Human Services, Services for People with Disabilities	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 145145	
City, state and zip:	Salt Lake City, UT 84114-5145	
Contact persons:		
Name:	Phone:	Email:
Bruce Quaglia	435-669-4855	bquaglia@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 or section catchline:
R539-1. Eligibility
3. Purpose of the new rule or reason for the change:
Due to changes in other rules under Title R539, the Division of Services for People with Disabilities (Division) conducted an internal review and determined it is necessary to standardize the location of definitions that appear across multiple rules under Title R539 into this rule and to update program requirements.
4. Summary of the new rule or change:
This filing is being done simultaneously with regular filings of Rules R539-5 and R539-16. Common definitions in those filings will reference Rule R539-1. This filing creates a section with generic division eligibility requirements common for all disability types with disability-specific requirements appearing in their own section.
Additionally, this filing eliminates language about the graduated fee assessment.
Finally, style and formatting changes were made according to the Rulewriting Manual for Utah.
(EDITOR'S NOTE: The proposed repeal and reenact of Rule R539-5 is under ID 57001 and the proposed new Rule R539-16 is under 57002 in this issue, January 15, 2025, of the Bulletin.)

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

There is an anticipated potential fiscal impact to the state budget as a result of this filing. By repealing the graduated fee assessment, there may be a loss of revenue to the Division. Any loss of revenue is anticipated to be minimal.

In FY2024, less than \$1,000 was collected from this fee. This represents three individuals and their families who, at the time of this filing, write monthly checks to the Division ranging from \$8.30 to \$70.18 per individual each month.

B) Local governments:

There is no anticipated fiscal impact to local governments, as this rule does not apply to local governments.

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

There is no anticipated fiscal impact to small businesses, as this rule does not apply to small businesses.

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

There is no anticipated fiscal impact to non-small businesses, as this rule does not apply to non-small businesses.

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

There is an anticipated potential fiscal impact to three individuals and their families who were paying the graduated fee. This impact is anticipated to be less than \$1,000 per year.

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

There are no anticipated compliance costs for affected persons, and no affected persons have been identified outside of the persons discussed in Box 5A and Box 5E.

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	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Section 26B-6-402	Section 26B-6-403	
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	International Statistical Classification of Diseases and Related Health Problems (ICD)
Publisher	World Health Organization (WHO)
Issue Date	October 1, 2024
Issue or Version	10th Revision

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:	02/14/2025
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9. This rule change MAY become effective on:	02/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/31/2024
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NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or Section Number:	R539-5	Filing ID: 57001
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Agency Information

1. Title catchline:	Health and Human Services, Services for People with Disabilities	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 145145	
City, state and zip:	Salt Lake City, UT 84114-5145	
Contact persons:		

Name:	Phone:	Email:
Bruce Quaglia	435-669-4855	bquaglia@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 or section catchline:
R539-5. Self-Administered Services

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

Based on direction and appropriation from the Utah Legislature, caregiver compensation is now a permanent method of delivering supported living or attendant care services through the Division of Services for People with Disabilities (DSPD). This rule establishes the requirements and limitations for using the caregiver compensation delivery method through self-administered services (SAS).

4. Summary of the new rule or change:

This rule updates oversight and requirements for self-administered services. During the 2023 General Session, S.B. 106 amended Section 26-18-426, which was later renumbered to Section 26B-3-222. This change introduced language that conflicts with the existing effective version of this rule. The conflicting language within this rule covers DSPD paying parents or guardians and is being moved from Rule R539-5 to Rule R539-16, which is also receiving an update to conform to statute.

Other changes to this rule include a reduction to the overall length and complexity of the rule language by removing most of the role-specific requirements for employers and employees and placing these requirements into the SAS Employer Agreement and SAS Employee Agreement. Language related to the SAS budget limit has been removed from rule and published on the DSPD website to better reflect the budget limit's active changes and provider rate increases.

(EDITOR'S NOTE: The proposed new Rule R539-16 is under 57002 in this issue, January 15, 2025, of the Bulletin.)

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

There is no anticipated impact to the state budget as a result of this rule. Funding to deliver self-administered services through the caregiver compensation service delivery method has been previously appropriated in S.B. 106 in the 2023 General Session, with the fiscal note available at <https://le.utah.gov/lfa/fnotes/2023/SB0106S01.fn.pdf>.

B) Local governments:

There is no anticipated fiscal impact to local governments, as this rule does not apply to local governments.

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

There is no anticipated fiscal impact to small businesses, as this rule does not apply to small businesses.

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

There is no anticipated fiscal impact to non-small businesses, as this rule does not apply to non-small businesses.

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

There may be a fiscal benefit through reimbursement to individuals who provide self-administered services through the caregiver compensation service delivery method.

The amount of this fiscal benefit is inestimable because each reimbursement paid to the individual will depend on the amount approved for each individual in DSPD services and which service is provided. There is no anticipated cost or savings to other persons.

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 anticipated compliance costs for affected persons. Any cost was captured in funding previously appropriated for the administration of providing self-administered services through the caregiver compensation service delivery method in S.B. 106 of the 2023 General Session, with the fiscal note available at <https://le.utah.gov/lfa/fnotes/2023/SB0106S01.fn.pdf>

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	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 26B-6-402

Section 26B-6-403

Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	DHHS Critical Incident Reporting Guide
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Publisher	Department of Health and Human Services
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Issue Date	2024
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Public Notice Information

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

A) Comments will be accepted until:	02/14/2025
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9. This rule change MAY become effective on:	02/21/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/31/2024
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NOTICES OF PROPOSED RULES

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or Section Number:	R539-16	Filing ID: 57002
Agency Information		
1. Title catchline:	Health and Human Services, Services for People with Disabilities	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 145145	
City, state and zip:	Salt Lake City, UT 84114-5145	
Contact persons:		
Name:	Phone:	Email:
Bruce Quaglia	435-669-4855	bquaglia@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 or section catchline:	R539-16. Caregiver Compensation	
3. Purpose of the new rule or reason for the change:	Based on amendments made to Section 26-18-426, which was later renumbered to Section 26B-3-222, in S.B. 106 of the 2023 General Session, caregiver compensation is a permanent method of delivering supported living or attendant care services through the Division of Services for People with Disabilities (DSPD). This rule establishes the requirements and limitations for delivering these services through the caregiver compensation delivery method.	
4. Summary of the new rule or change:	This rule provides definitions relating to the caregiver compensation service delivery method. It also establishes eligibility requirements, as well as limitations and penalties for delivering supported living or attendant care services through the caregiver compensation service delivery method.	
Finally, this rule outlines the applicability of the caregiver compensation service delivery method to HCBS waivers.		

Fiscal Information		
5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:		
A) State budget:	There is no anticipated impact to the state budget as a result of this proposed new rule. Funding to deliver supported living or attendant care services through the caregiver compensation service delivery method has previously been appropriated in S.B. 106 in the 2023 General Session, with the fiscal note available at https://le.utah.gov/lfa/fnotes/2023/SB0106S01.fn.pdf .	
B) Local governments:	There is no anticipated fiscal impact to local governments, as this rule does not apply to local governments.	
C) Small businesses ("small business" means a business employing 1-49 persons):	There is no anticipated fiscal impact to small businesses, as this rule does not apply to small businesses.	
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):	There is no anticipated fiscal impact to non-small businesses, as this rule does not apply to non-small businesses.	

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

There is an anticipated fiscal benefit through reimbursement to families who provide supported living or attendant care services through the caregiver compensation service delivery method. The amount of this fiscal benefit is inestimable because each reimbursement paid to the family will depend on the amount approved for each individual in DSPD services and which service is provided. There is no anticipated cost to families or other persons.

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 anticipated compliance cost for affected persons. Any cost was captured in funding previously appropriated for the administration of providing supported living or attendant care through the caregiver compensation service delivery method in S.B. 106 of the 2023 General Session, with the fiscal note available at <https://le.utah.gov/lfa/fnotes/2023/SB0106S01.fn.pdf>.

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	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Section 26B-6-402

Section 26B-6-403

Public Notice Information

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

A) Comments will be accepted until:

02/14/2025

9. This rule change MAY become effective on:

02/21/2025

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

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/31/2024
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NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	R614-6-7	Filing ID: 56996
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Agency Information

1. Title catchline:	Labor Commission, Occupational Safety and Health	
Building:	Heber M Wells Building	
Street address:	160 E 300 S, 3rd Floor	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Floyd Johnson	801-530-6898	fjohnson@utah.gov
Chris Hill	801-362-3113	chill@utah.com

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

General Information

2. Rule or section catchline:
R614-6-7. Hot Metallurgical Operations
3. Purpose of the new rule or reason for the change:
This section is being removed because it has not been cited in the Utah Occupational Safety and Health (UOSH) cases in over 10 years and there are currently federal standards, which have been adopted that cover the hazards this rule was designed to address.
4. Summary of the new rule or change:
This section is being removed.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There should be no cost or savings to the state budget as this section has not been cited for 10 years and there are federal standards, which have been adopted that cover the hazards this rule was designed to address.
B) Local governments:
There should be no cost or savings to local governments as this section has not been cited for 10 years and there are federal standards, which have been adopted that cover the hazards this rule was designed to address.
C) Small businesses ("small business" means a business employing 1-49 persons):
There should be no cost or savings to small businesses as this section has not been cited for 10 years and there are federal standards, which have been adopted that cover the hazards this rule was designed to address.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There should be no cost or saving to non-small businesses as this section has not been cited for 10 years and there are federal standards, which have been adopted that cover the hazards this rule was designed to address.

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

There should be no cost or savings to persons other than small businesses, non-small businesses, state of local government entities as this section has not been cited for 10 years and there are federal standards, which have been adopted that cover the hazards this rule was designed to address.

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

There should be no compliance costs for affected persons as this section has not been cited for 10 years and there are federal standards, which have been adopted that cover the hazards this rule was designed to address.

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	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Commission of the 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	Section 34A-7-102	Section 34A-7-103
Section 34A-7-104	Section 34A-7-105	Section 34A-6-201

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:	02/15/2025
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9. This rule change MAY become effective on:	02/22/2025
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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.

NOTICES OF PROPOSED RULES

Agency Authorization Information

Agency head or designee and title:	Jaceson R. Maughan, Commissioner	Date:	12/18/2024
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End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

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

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends February 14, 2025.

From the end of the 30-day waiting period through May 15, 2025, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

The Changes in Proposed Rules Begin on the Following Page

NOTICES OF CHANGES IN PROPOSED RULES

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: CPR (Change in Proposed Rule)		
Rule or Section Number:	R66-10	Filing ID: 56965
Date of Previous Publication (Only for CPRs):	12/15/2024	

Agency Information

1. Title catchline:	Agriculture and Food, Medical Cannabis and Industrial Hemp	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
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

2. Rule or section catchline:
R66-10. Closed-Door Medical Cannabis Pharmacy
3. Purpose of the new rule or reason for the change:
The rule submitted by the Department of Agriculture and Food was not the most recent version reviewed by the Medical Cannabis Policy Advisory Board.
4. Summary of the new rule or change:
Typos are corrected in Sections R66-10-4 and R66-10-8. Additionally, inventory requirements are clarified in Section R66-10-9 where a requirement for daily inventory is replaced by a requirement for an inventory audit.
(EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the December 15, 2024, issue of the Utah State Bulletin, on page 8. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
These are clarifying changes. There is no fiscal impact compared to the originally filed version.
B) Local governments:
Local governments do not participate in the medical cannabis program and would not be impacted.

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

These are clarifying changes. There is no fiscal impact compared to the originally filed version.

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

These are clarifying changes. There is no fiscal impact compared to the originally filed version.

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**):

These are clarifying changes. There is no fiscal impact compared to the originally filed version.

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

These are clarifying changes. There is no fiscal impact compared to the originally filed version.

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	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Subsection 4-41a-1206(10)

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:**

02/14/2025

NOTICES OF CHANGES IN PROPOSED RULES

9. This rule change MAY become effective on:	02/21/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Craig W Buttars, Commissioner	Date:	12/19/2024
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NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: CPR (Change in Proposed Rule)	
Rule or Section Number:	R392-701
Date of Previous Publication (Only for CPRs):	11/15/2024

Agency Information

1. Title catchline:	Health and Human Services, Population Health, Environmental Health	
Building:	Cannon Health Building	
Street address:	288 N 1450 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142104	
City, state and zip:	Salt Lake City, UT 84114-2102	
Contact persons:		
Name:	Phone:	Email:
Karl Hartman	801-538-6191	khartman@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 or section catchline:
R392-701. Body Art Facility Sanitation
3. Purpose of the new rule or reason for the change:
The purpose of this change in proposed rule is to remove a regulatory provision that may be in conflict with statute, based on counsel from the Department of Health and Human Services' (Department) legal team.
4. Summary of the new rule or change:
Section R392-701-3 has been amended to remove the definition for "mobile body art facility."
Section R392-701-16 has been amended to remove language that would have prohibited a mobile body art facility.
(EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the November 15, 2024, issue of the Utah State Bulletin, on page 264. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

This CPR is not anticipated to result in a cost or benefit to the state budget because it does not require a change to state operations or programs, and it does not include requirements for the payment of fines or fees to the state.

B) Local governments:

This CPR rule is not anticipated to result in a cost or benefit to local governments because this rule allows a local health department to impose a fee for a body art facility permit or temporary body art facility permit. The fee amount is not established in rule, and each of the local health departments have been permitting and inspecting body art facilities for decades according to their own established health regulations, so local governments will not be undertaking the regulation of a new, previously unregulated industry.

The proposed rule does not require alteration or discontinuation of any currently existing body art facility permit issued by a local health department or the associated permit fee.

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

There are approximately 459 small businesses operating in Utah in the industry in question (NAICS code 812199). This CPR is not anticipated to result in a cost or benefit to small businesses because this rule does not require construction, equipment, or operational changes to small businesses that operate as a permitted body art facility. This rule does not require a construction change in any portion of the body art facility if the facility was operating in compliance with applicable laws in effect prior to enactment of this rule.

The sanitation, operation, maintenance, and infection control standards established by this rule are consistent with industry standard practices, processes, and procedures as currently regulated and enforced by local health departments throughout Utah, so there is no anticipated change to these practices.

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

There are no non-small businesses operating in Utah in the industry in question (NAICS code 812199), and therefore, there is no anticipated fiscal impact to non-small businesses as a result of this CPR.

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 in proposed rule is not anticipated to result in a cost or benefit to any other persons. The Department has not identified any other persons who would be impacted as a result of this CPR.

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 anticipated compliance costs as a result of this CPR, as this CPR is not anticipated to result in any cost to the Department at the state level, any of the 13 local health departments, or any of the 459 applicable small businesses already operating.

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	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

NOTICES OF CHANGES IN PROPOSED RULES

Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Subsection 26B-1-202(1)	Subsection 26B-1-202(26)	Subsection 26B-7-402(19)
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Public Notice Information

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

A) Comments will be accepted until:	02/14/2025
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9. This rule change MAY become effective on: 02/21/2025

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

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/26/2024
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End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R539-5	Filing ID: 56993
Effective Date:	12/18/2024	

Agency Information		
1. Title catchline:	Health and Human Services, Services for People with Disabilities	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 145145	
City, state and zip:	Salt Lake City, UT 84114-5145	
Contact persons:		
Name:	Phone:	Email:
Bruce Quaglia	435-669-4855	bquaglia@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 or section catchline:		
R539-5. Self-Administered Services		

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

Based on direction and appropriation from the Utah Legislature, caregiver compensation is now a permanent method of delivering supported living or attendant care services through the Division of Services for People with Disabilities (DSPD).

This rule establishes the requirements and limitations for using the caregiver compensation delivery method through self-administered services (SAS).

4. Summary of the new rule or change:

This rule updates oversight and requirements for self-administered services. During the 2023 General Session, S.B. 106 amended Section 26-18-426, which was later renumbered to Section 26B-3-222. This change introduced language that conflicts with the existing effective version of this rule.

The conflicting language within this rule covers DSPD paying parents or guardians and is being moved from Rule R539-5 to Rule R539-16, which is also receiving an update to conform to statute.

Other changes to this rule include a reduction to the overall length and complexity of the rule language by removing most of the role-specific requirements for employers and employees and placing these requirements into the SAS Employer Agreement and SAS Employee Agreement. Language related to the SAS budget limit has been removed from rule and published on the DSPD website to better reflect the budget limit's active changes and provider rate increases.

(EDITOR'S NOTE: The proposed emergency Rule R539-16 that is effective as of 12/18/2024 is under ID 56992 in this issue, January 15, 2025, of the Bulletin.)

5A) The agency finds that regular rulemaking would:

- cause an imminent peril to the public health, safety, or welfare;
- cause an imminent budget reduction because of budget restraints or federal requirements; or
- place the agency in violation of federal or state law.

B) Specific reasons and justifications for this finding:

During the 2023 General Session, S.B. 106 amended Section 26-18-426, which was later renumbered to Section 26B-3-222. This amendment defined guardian and parent, required rulemaking to define extraordinary care, and provided appropriation schedules.

Additionally, as Section 26B-3-108 establishes that Medicaid programs are administered through rule, the caregiver compensation service delivery method had not seen any administrative rule oversight but was being used. Without oversight through rulemaking, the Department of Health and Human Services (Department) would be out of compliance with statute and in violation of state law. This emergency rule is being filed and the Department anticipates filing the new, permanent rule to be made effective prior to the expiration of this emergency rule.

Fiscal Information

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

A) State budget:

There is no anticipated impact to the state budget as a result of this emergency rule. Funding to deliver self-administered services through the caregiver compensation service delivery method has been previously appropriated in S.B. 106 (2023) with the fiscal note available at <https://le.utah.gov/lfa/fnotes/2023/SB0106S01.fn.pdf>.

B) Local governments:

There is no anticipated fiscal impact to local governments, as this rule does not apply to local governments.

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

There is no anticipated fiscal impact to small businesses, as this rule does not apply 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):**

There may be a fiscal benefit through reimbursement to individuals who provide self-administered services through the caregiver compensation service delivery method. The amount of this fiscal benefit is inestimable because each reimbursement paid to the individual will depend on the amount approved for each individual in DSPD services and which service is provided. There is no anticipated cost or savings to other persons.

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

There are no anticipated compliance cost for affected persons. Any cost was captured in funding previously appropriated for the administration of providing self-administered services through the caregiver compensation service delivery method in S.B. 106 (2023) with the fiscal note available at <https://le.utah.gov/lfa/fnotes/2023/SB0106S01.fn.pdf>

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):

I, Tracy S. Gruber, Executive Director of the Department of Health and Human Services, have reviewed the fiscal impact of this emergency rule and agree with the determination that there is no anticipated cost or savings to any identified business.

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-6-402

Section 26B-6-403

Incorporations by Reference Information

8. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	DHHS Critical Incident Reporting Guide
Publisher	Department of Health and Human Services
Issue Date	2024

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/18/2024
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NOTICE OF EMERGENCY (120-DAY) RULE

Rule or Section Number:	R539-16	Filing ID: 56992
Effective Date:	12/18/2024	

Agency Information

1. Title catchline:	Health and Human Services, Services for People with Disabilities	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 145145	
City, state and zip:	Salt Lake City, UT 84114-5145	
Contact persons:		
Name:	Phone:	Email:
Bruce Quaglia	435-669-4855	bquaglia@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 or section catchline:	R539-16. Caregiver Compensation
3. Purpose of the new rule or reason for the change:	<p>Based on direction and appropriation from the Utah Legislature, caregiver compensation is now a permanent method of delivering supported living or attendant care services through the Division of Services for People with Disabilities (DSPD).</p> <p>This rule establishes the requirements and limitations for delivering these services through the caregiver compensation delivery method.</p>
4. Summary of the new rule or change:	<p>This rule establishes the policy for delivering supported living or attendant care services through the caregiver compensation service delivery method. Caregiver compensation allows a parent, step-parent, legal guardian, or spouse to be reimbursed to deliver extraordinary care to a person in services with DSPD.</p>
5A) The agency finds that regular rulemaking would:	<input 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 checked="" type="checkbox"/> place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:	<p>During the 2023 General Session, S.B. 106 amended Section 26-18-426, which was later renumbered to Section 26B-3-222. This amendment defined guardian and parent, required rulemaking to define extraordinary care, and provided appropriation schedules.</p> <p>Additionally, as Section 26B-3-108 establishes that Medicaid programs are administered through rule, the caregiver compensation service delivery method had not seen any administrative rule oversight but was being used. Without oversight through rulemaking, the department would be out of compliance with statute and in violation of state law. This emergency rule is being filed and the Department of Health and Human Services (Department) anticipates filing the new, permanent rule to be made effective prior to the expiration of this emergency rule.</p>

Fiscal Information	
6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A) State budget:	<p>There is no anticipated impact to the state budget as a result of this emergency rule. Funding to deliver supported living or attendant care services through the caregiver compensation service delivery method has been previously appropriated in S.B. 106 (2023) with the fiscal note available at https://le.utah.gov/lfa/fnotes/2023/SB0106S01.fn.pdf.</p>
B) Local governments:	<p>There is no anticipated fiscal impact to local governments, as this rule does not apply to local governments.</p>
C) Small businesses ("small business" means a business employing 1-49 persons):	<p>There is no anticipated fiscal impact to small businesses, as this rule does not apply to small businesses.</p>
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):	<p>There is an anticipated fiscal benefit through reimbursement to families who provide supported living or attendant care services through the caregiver compensation service delivery method. The amount of this fiscal benefit is inestimable because each reimbursement paid to the family will depend on the amount approved for each individual in DSPD services and which service is provided. There is no anticipated cost to families or other persons.</p>

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

There are no anticipated compliance cost for affected persons. Any cost was captured in funding previously appropriated for the administration of providing supported living or attendant care through the caregiver compensation service delivery method in S.B. 106 (2023) with the fiscal note available at <https://le.utah.gov/lfa/fnotes/2023/SB0106S01.fn.pdf>

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):

I, Tracy S. Gruber, Executive Director of the Department of Health and Human Services, have reviewed the fiscal impact of this emergency rule and agree with the determination that there is no anticipated cost or savings to any identified business.

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-6-402

Section 26B-6-403

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/18/2024
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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. 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.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R152-32a	Filing ID: 54691
Effective Date:	12/18/2024	

Agency Information

1. Title catchline:	Commerce, Consumer Protection	
Building:	Heber Wells	
Street address:	160 E 300 S	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 146704	
City, state and zip:	Salt Lake City, UT 84114-6704	
Contact persons:		
Name:	Phone:	Email:
Daniel Larsen	801-530-6001	dcprules@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R152-32a. Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is enacted in accordance with Subsections 13-2-5(1), 13-32a-104(8), 13-32a-104.5(6), 13-32a-104.6(3), 13-32a-106(1)(b), and 13-32a-104.7(5). Each of these subsections require or permit the Division of Consumer Protection (Division) to make this rule.

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

The Division is unaware of any written comments received during and since the last five-year review of this rule.

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

Subsections 13-32a-104(8), 13-32a-104.5(6), 13-32a-104.6(3), and 13-32a-104.7(5) each require the Division to establish rules related to fingerprint legibility. These standards ensure that fingerprints captured by regulated entities are of sufficient quality to be used by law enforcement. Subsection 13-32a-106(1)(b) allows the Division to make rules to identify what information can be transmitted electronically to the central database, as opposed to what records should be kept physically. This allows the Division to ensure that statutory recordkeeping requirements are properly aligned with the technological capabilities of the central database and of regulated entities. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Managing Analyst	Date:	12/18/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R162-2c	Filing ID: 55495
Effective Date:	12/19/2024	

Agency Information

1. Title catchline:	Commerce, Real Estate	
Building:	Heber M Wells	
Street address:	160 E 300 S, 2nd Floor	
City, state	Salt Lake City, UT 84114	
Mailing address:	PO Box 146711	
City, state and zip:	Salt Lake City, UT 84114-6711	

Contact persons:

Name:	Phone:	Email:
Justin Barney	801-530-6603	Justinbarney@utah.gov
Matthew Hastings	801-530-6578	mhastings@utah.gov

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

General Information**2. Rule catchline:** Utah Residential Mortgage Practices and Licensing Rules

R162-2c. Utah Residential Mortgage Practices and Licensing Rules

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

This rule was adopted under the statutory provisions of Title 61, Chapter 2c, Utah Residential Mortgage Practices and Licensing Act (Act).

Section 61-2c-103 of the Act authorizes the Division of Real Estate (Division) to make rules for the administration of the Act.

Other sections of the Act also authorize the Division to make rules, including Sections 61-2c-201.2, 61-2c-204.1, and 61-2c-209.

Changes and updates to this rule have been made effective in response to questions from the industry.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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 last continued 01/15/2020 and was last amended on 08/08/2023.

Another amendment to this rule was made 10/26/2021. The Division received no written public comments on the rule or either of the amendments.

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

The statutory authorizations found in Title 61, Chapter 2c, Utah Residential Mortgage Practices and Licensing Act, to make administrative rules remain in effect at the time of this five-year notice of review and statement of continuation. The rulemaking authority from Section 61-2c-103 and other sections of the Act continue to authorize this rule. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Leigh Veillette, Director, Division of Real Estate	Date:	12/18/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R162-2e	Filing ID: 56336
Effective Date:	12/24/2024	

Agency Information

1. Title catchline:	Commerce, Real Estate	
Building:	Heber Wells Building	
Street address:	160 E 300 S	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 146711	
City, state and zip:	Salt Lake City, UT 84114-6711	

Contact persons:

Name:	Phone:	Email:
Justin Barney	801-530-6603	justinbarney@utah.gov
Matt Hastings	801-530-6758	mhastings@utah.gov

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

General Information

2. Rule catchline: Appraisal Management Company Rules
R162-2e. Appraisal Management Company Rules

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was adopted under the statutory provisions of Title 61, Chapter 2e. Section 61-2e-203, the Appraisal Management Company Registration and Regulation Act (Act). The Act provides that the Real Estate Appraiser Licensing and Certification Board, with the concurrence of the Division of Real Estate (Division), may make rules that are consistent with Title 61, Chapter 2e, and necessary to implement Title 61, Chapter 2e.

Other sections also authorize the rulemaking process including Sections 61-2e-102, 61-2e-203, 61-2e-304, 61-2e-305, 61-2e-401, and 61-2e-402. Changes and updates to this rule have been made effective in response to requests and recommendations from the appraiser and appraisal management companies (AMC) industries.

This rule helps to guide AMCs to satisfy the statutory requirements of registration, record keeping, disclosures, bonds, and other statutory requirements.

In addition, this rule ensures that AMCs use licensed or certified appraisers and outlines specific information required to be provided by the AMC to an appraiser at the time an appraisal assignment is offered.

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 last continued 01/15/2020 and was last amended on 03/14/2024.

During the recent amendment process, the Division received several written comments from licensees, industry members, and associations. The written comments include comments both in favor of, and opposed to, the amendment. However, all of the comments were in favor of continuing the rule. The Division received no comments suggesting terminating the rule or allowing it to expire. A summary of the written comments includes the following:

On 11/20/2023, a commenter noted that at a September meeting of the Real Estate Appraiser Licensing and Certification Board (Board), concerns were raised about third-party property data collectors (PDCs) due to lack of oversight and safety measures, such as background checks and inconsistent quality of data. The commenter noted that the Division has not been involved in regulating PDCs, which has led to unreliable property data being submitted to appraisers. The comment suggested adding provisions to the rule but did not suggest terminating the rule.

On 04/09/2024, an industry association commented in favor of the rule and the proposed rule amendment.

On 04/12/2024, an industry association commented that it supports continuing the rule and recommends adding to the rule to include additional measures to ensure consumer protection and increased professional standards. The commenter suggests that the Division establish a new PDC license with mandatory training, experience, background checks, and anti-bias education. The commenter urges the Division to work with the Legislature to create this authority to add to the existing rule. The commenter emphasizes that consumers deserve the assurance that PDCs are qualified, trustworthy, and subject to regulatory oversight to address potential harms.

On 04/14/2024, another industry association noted that it supports the proposed rule change, praising the Division and the Board for their collaborative approach. This association commented on the importance of transparency in the appraisal process, particularly regarding who conducts property inspections and their qualifications. They express concern that third-party data collectors may be mistaken for appraisers by the public, and stress that these individuals should be properly trained to ensure public trust and confidence in the data provided.

On 04/16/2024, a commenter notes the proposed rule amendments are perceived as a step back from the Division's mission to protect the public and promote ethical practices. The commenter expresses concern over a perceived decline in enforcement and oversight, citing examples like diluted training requirements for AMC staff and rule revisions that blur professional standards. The commenter believes that although previously recognized as a leader in thoughtful and enforceable regulations, the Division now seems to prioritize accommodating AMCs over maintaining rigorous oversight. The commenter's specific concerns include loosening USPAP course standards, combining distinct job roles under a single category, conflicting definitions of key terms like "client", and vague requirements for third-party property data collectors.

While acknowledging the professionalism of the Division staff, the commenter attributes these shortcomings to leadership fatigue and urges a return to the Division's core responsibilities. This comment favors continuing the rule and increasing the rule's authority and reach.

The Board and Division also received public comment at meetings of the Board that support continuing the 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:

The statutory requirements found in Title 61, Chapter 2e, Appraisal Management Company Registration and Regulation Act, remain in effect or have been updated at the time of this five-year notice of review and statement of continuation. The rulemaking authority from Section 61-2e-103 of the Act continues to authorize this rule. Therefore, this rule should be continued.

The Division considered the public comment received in support to the rule. For other comments offered in opposition to the prior rule amendment, the Division believes that these comments also favor of continuing the rule.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

All of the comments recommending that the rule be strengthened were made by appraisers or appraiser organizations and highlight the competing interests between appraisers and AMCs.

The Division feels that the present form of the rule is both consistent with the Act and necessary to its implementation.

Agency Authorization Information

Agency head or designee and title:	Leigh Veillette, Director, Division of Real Estate	Date:	12/18/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R162-57a	Filing ID: 50329
Effective Date:	12/19/2024	

Agency Information

1. Title catchline:	Commerce, Real Estate	
Building:	Heber Wells Building	
Street address:	160 E 300 S	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 146711	
City, state and zip:	Salt Lake City, UT 84114-6711	

Contact persons:

Name:	Phone:	Email:
Justin Barney	801-530-6603	justinbarney@utah.gov
Matt Hastings	901-530-6758	Mhastings@utah.gov

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

General Information

2. Rule catchline:
R162-57a. Timeshare and Camp Resort rules
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was adopted under the statutory provisions of Title 57, Chapter 19, the Timeshare and Camp Resort Act. Section 57-19-3 provides that the director of the Division of Real Estate (Division) may make, amend, and repeal rules when necessary to carry out the provisions of Title 57, Chapter 19. Other sections in Title 57, Chapter 19, which authorize the rulemaking process are Sections 57-19-5, 57-19-13, 57-19-15, 57-19-16, 57-19-18, 57-19-20, and 57-19-26.
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 last reviewed and continued 01/15/2020. There have been no amendments to this rule since it was last reviewed and continued. No public comments have been received either in favor or in opposition to the rule since 01/15/2020.

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

Title 57, Chapter 19, the Timeshare and Camp Resort Act (Act) remains in effect. Section 57-19-3 grants authority to the director of the division of real estate to make rules when necessary to carry out the provisions of the Act. The director has determined that this rule previously made pursuant to this authority should continue. Therefore, this rule should be continued.

The Division has not received any public comment in opposition to this rule.

Agency Authorization Information

Agency head or designee and title:	Leigh Veillette, Director, Division of Real Estate	Date:	12/18/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R164-2	Filing ID: 54312
Effective Date:	12/18/2024	

Agency Information

1. Title catchline:	Commerce, Securities	
Building:	Heber Wells Building	
Street address:	160 E 300 S	
City, state	Salt Lake City, UT	
Mailing address:	160 E 300 S, 2nd Floor	
City, state and zip:	Salt Lake City, UT 84111-6760	
Contact persons:		
Name:	Phone:	Email:
Charles Lyons	801-530-6940	clyons@utah.gov
Jason Sterzer	801-530-6403	jsterzer@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R164-2. Investment Adviser – Unlawful Acts
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 61-1-2 describes acts of investment advisers which are deemed to be unlawful and provides that the Division of Securities (Division) may, by rule, adopt exemptions from the section's requirements for investment advisory contracts.
Section 61-1-24 allows the Division to make rules when necessary to carry out the provisions of the chapter.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule defines the circumstances under which an exception to the prohibition against performance-based fees contained in Section 61-1-2 is permissible. This rule protects the public by ensuring that specific requirements are met before an investment adviser may receive performance-based compensation for investment advisory services. Therefore, this rule should be continued.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agency Authorization Information

Agency head or designee and title:	Jason Sterzer, Division Director	Date:	12/18/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-282	Filing ID: 56658
Effective Date:	12/20/2024	

Agency Information

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

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

General Information

2. Rule catchline:
R590-282. Pharmacy Benefit Managers
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 31A-46-202 authorizes the insurance commissioner to establish application requirements for obtaining and renewing a pharmacy benefit manager license.
Section 31A-46-301 authorizes the insurance commissioner to establish a method for a pharmacy benefit manager to submit corrections to errors in the Insurance Department's (Department) annual pharmacy benefit manager report, and a method to submit information demonstrating that publication of certain data will identify a contracting insurer or pharmacy benefit manager, or will disclose a trade secret.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule sets the licensing and reporting requirements for a pharmacy benefit manager. Without this rule, there would be no method by which a pharmacy benefit manager could obtain an initial or renewal license in Utah. State statute requires pharmacy benefit managers to report certain information to the department annually; this rule sets forth the method for pharmacy benefit managers to submit that information. Without the rule, there would be no established method for submittal. Therefore, this rule must be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	12/20/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R765-800	Filing ID:	54120
Effective Date:	12/23/2024		

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration		
Building:	Utah Board of Higher Education Building, The Gateway		
Street address:	60 S 400 W		
City, state	Salt Lake City, UT 84101		
Contact persons:			
Name:	Phone:	Email:	
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu	
Alison A. Adams	801-646-4784	Alison.adams@ushe.edu	
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu	

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

General Information

2. Rule catchline:
R765-800. Free Expression on Campus
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 53B-27-302.
In accordance with Title 53B, Chapter 27, Part 3, Student Civil Liberties Protection Act, the rule establishes general rights to expression on campus as established by law and recognizes narrow limits on speech, including time, place, and manner restrictions.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
While this rule will be continued in its current form, amendments to update this rule will be made shortly.

Agency Authorization Information

Agency head or designee and title:	Alison Adams, General Counsel and Designee	Date:	12/20/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R850-21	Filing ID:	52028
Effective Date:	01/02/2025		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agency Information		
1. Title catchline:	School and Institutional Trust Lands, Administration	
Building:	Tower 102	
Street address:	102 S 200 E, Suite 600	
City, state	Salt Lake City, UT	
Contact persons:		
Name:	Phone:	Email:
Mike Johnson	801-538-5180	mjohnson@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information		
2. Rule catchline:	R850-21. Oil, Gas and Hydrocarbon Resources	
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 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq. authorize the Director of the School and Institutional Trust Lands Administration to establish rules for the issuance of mineral leases and management of trust-owned lands and mineral resources.	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	No written comments have been received by the agency for this rule 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:	The School and Institutional Trust Lands Administration manages over 4,000,000 acres of subsurface mineral rights located throughout the state of Utah for the benefit of the public schools and other beneficiaries. Much of this acreage is currently under lease to third parties for mineral development which consistently provides revenues for the beneficiaries of the land. Rules governing the management and use of these mineral resources are critical to the continued success in managing the resources. This rule also provides a consistent set of procedures as to how business is conducted by the agency for customers to follow. Therefore, this rule should be continued.	

Agency Authorization Information			
Agency head or designee and title:	Michelle McConkie, Director	Date:	01/02/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R995-100	Filing ID: 56685
Effective Date:	12/23/2024	

Agency Information	
1. Title catchline:	Workforce Services, School Readiness Program
Building:	Olene Walker Building
Street address:	140 E 300 S
City, state	Salt Lake City, UT
Mailing address:	PO Box 45244
City, state and zip:	Salt Lake City, UT 84145-0244

Contact persons:		
Name:	Phone:	Email:
Robert Andreasen	801-517-4722	r Andreasen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline: R995-100. School Readiness Board
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: Title 35A, Chapter 15, Part 3, Grants for High Quality School Readiness Programs, creates programs to provide grants to certain providers to assist a program in becoming a high-quality readiness program and to expand access to high quality school readiness programs. It also requires the Department of Workforce Services (Department) and the school readiness team to administer the grant programs, monitor grant recipients, and develop tools for evaluating grant recipients. Sections 35A-15-301, 35A-15-302, and 35A-15-303 authorize the Department, in consultation with the school readiness team, to make rules to administer and monitor the grant programs, require grant recipients to use certain assessments, establish reporting requirements for grant recipients, develop and implement tools for observation and evaluation, and establish eligibility criteria and grant funding priority.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: No written comments have been received during the last five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any: This rule is essential to describe the processes and procedures for administering the school readiness grant programs and to establish the priority for certain funding. This rule also establishes and informs grant recipients of monitoring that may be performed, and the procedure and tools for evaluating grant recipients. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	12/23/2024
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

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

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

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

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Rule Number:	R13-11	Filing ID: 52268
New Deadline Date:	04/22/2025	

Agency Information

1. Title catchline:	Government Operations, Administration	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 141002	
City, state and zip:	Salt Lake City, UT 84114-1002	
Contact persons:		
Name:	Phone:	Email:
Michael Broschinsky	801-602-8937	mbroschi@utah.gov

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

General Information

2. Rule catchline:
R13-11. Use of Electronic Meetings for the Utah Transparency Advisory Board
3. Reason for requesting the extension:
The Utah Transparency Advisory Board was discontinued by S.B. 123 (2023 General Session). This five-year review extension is filed to provide sufficient time to repeal this rule.

Agency Authorization Information

Agency head or designee and title:	Michael Broschinsky, Director	Date:	12/19/2024
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NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Rule Number:	R765-570	Filing ID: 53760
New Deadline Date:	05/15/2025	

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	hilary.renshaw@ushe.edu
Alison A. Adams	801-646-4784	alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R765-570. Higher Education Disclosures			
3. Reason for requesting the extension:				
This rule will be amended in the near future, but the amended rule will not be effective before expiration. The extension will allow time for the rule to go through the standard amendment process.				

Agency Authorization Information

Agency head or designee and title:	Alison Adams, General Counsel and Designee	Date:	12/20/2024
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF FIVE-YEAR EXPIRATIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provided by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

NOTICE OF EXPIRED RULE		
Rule Number:	R907-62	
Effective Date:	12/24/2024	
Agency Information		
1. Department, Agency:	Transportation, Administration	
Street address:	4501 S 2700 W	
City and state:	Taylorsville, UT	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster		801-657-1644 rulesonline@utah.gov
General Information		
2. Title of rule (catchline):	R907-62. Americans with Disabilities Act	
3. Summary:	The five-year review and notice of continuation deadline was missed. This rule has expired and was removed from the Utah Administrative Code.	

End of the Notices of Notices of Five-Year Expirations Section

NOTICES OF RULE EFFECTIVE DATES

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

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

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

Commerce

Consumer Protection

No. 56849 (Amendment) R152-22: Charitable Solicitations Act Rule
Published: 11/01/2024
Effective: 01/01/2025

Professional Licensing

No. 56914 (Amendment) R156-1: General Rule of the Division of Professional Licensing
Published: 11/15/2024
Effective: 12/24/2024

No. 56873 (Amendment) R156-11a: Cosmetology and Associated Professions Licensing Act Rule
Published: 11/15/2024
Effective: 01/13/2025

No. 56878 (Amendment) R156-17b: Pharmacy Practice Act Rule
Published: 11/15/2024
Effective: 12/24/2024

No. 56872 (Amendment) R156-44a: Nurse Midwife Practice Act Rule
Published: 11/15/2024
Effective: 12/24/2024

No. 56871 (Amendment) R156-67: Utah Medical Practice Act Rule amendment
Published: 11/15/2024
Effective: 12/24/2024

No. 56902 (Amendment) R156-72: Acupuncture Licensing Act Rule
Published: 11/15/2024
Effective: 12/24/2024

Education

Administration

No. 56948 (Amendment) R277-316: Professional Standards and Training for Non-licensed Employees and Volunteers
Published: 12/01/2024
Effective: 01/10/2025

NOTICES OF RULE EFFECTIVE DATES

No. 56949 (Amendment) R277-752: Special Education Intensive Services Fund

Published: 12/01/2024

Effective: 01/10/2025

Environmental Quality

Air Quality

No. 56653 (Amendment) R307-110: Section IX, Control Measures for Area and Point Sources, Part D, Ozone

Published: 08/01/2024

Effective: 01/08/2025

No. 56653 (Change in Proposed Rule) R307-110: Section IX, Control Measures for Area and Point Sources, Part D, Ozone

Published: 12/01/2024

Effective: 01/08/2025

Waste Management and Radiation Control, Radiation

No. 56939 (Amendment) R313-28: Qualifications of Mammography Imaging Medical Physicist

Published: 12/01/2024

Effective: 01/13/2025

Waste Management and Radiation Control, Waste Management

No. 56940 (Amendment) R315-260: Hazardous Waste Management System

Published: 12/01/2024

Effective: 01/13/2025

No. 56941 (Amendment) R315-261: General Requirements -- Identification and Listing of Hazardous Waste

Published: 12/01/2024

Effective: 01/13/2025

No. 56942 (Amendment) R315-262: Hazardous Waste Generator Requirements

Published: 12/01/2024

Effective: 01/13/2025

No. 56943 (Amendment) R315-264: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

Published: 12/01/2024

Effective: 01/13/2025

No. 56944 (Amendment) R315-265: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

Published: 12/01/2024

Effective: 01/13/2025

No. 56945 (Amendment) R315-266: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

Published: 12/01/2024

Effective: 01/13/2025

No. 56946 (Amendment) R315-268: Land Disposal Restrictions – Variance From a Treatment Standard

Published: 12/01/2024

Effective: 01/13/2025

No. 56947 (Amendment) R315-270: Hazardous Waste Permit Program -- Purpose and Scope of These Rules

Published: 12/01/2024

Effective: 01/13/2025

Government Operations

Human Resource Management

No. 56932 (Amendment) R477-7-10: Military Leave

Published: 12/01/2024

Effective: 01/09/2025

No. 56930 (Amendment) R477-7-21: Safe Leave

Published: 12/01/2024

Effective: 01/09/2025

Governor

Economic Opportunity

No. 56861 (Repeal) R357-12: Fiscal Emergency Contingent Management of Federal Lands

Published: 11/15/2024

Effective: 12/23/2024

Health and Human Services

Center for Medical Cannabis

No. 56896 (New Rule) R383-16: Targeted Marketing Requirements

Published: 11/15/2024

Effective: 12/26/2024

Health Care Facility Licensing

No. 56710 (Amendment) R432-100: General Hospital Standards

Published: 09/01/2024

Effective: 12/27/2024

Labor Commission

Industrial Accidents

No. 56907 (Amendment) R612-300: General Method For Computing Medical Fees

Published: 11/15/2024

Effective: 01/01/2025

No. 56904 (Amendment) R612-400: Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund

Published: 11/15/2024

Effective: 01/01/2025

Natural Resources

Outdoor Recreation

No. 56790 (New Rule) R650-103: Fiscal Emergency Contingent Management of Federal Lands

Published: 10/01/2024

Effective: 12/23/2024

Forestry, Fire and State Lands

No. 56917 (New Rule) R652-22: Great Salt Lake Watershed Enhancement Oversight

Published: 11/15/2024

Effective: 12/23/2024

Public Safety

Administration

No. 56894 (New Rule) R698-13: School Safety

Published: 11/15/2024

Effective: 12/23/2024

Highway Patrol

No. 56880 (New Rule) R714-501: Preliminary Oral Fluid and Portable Breath Testing Standards

Published: 11/15/2024

Effective: 12/23/2024

Criminal Investigations and Technical Services, Criminal Identification

No. 56875 (Amendment) R722-350: Certificate of Eligibility

Published: 11/15/2024

Effective: 12/30/2024

NOTICES OF RULE EFFECTIVE DATES

Workforce Services

Homeless Services

No. 56898 (New Rule) R988-100: Homeless Services General Provisions

Published: 11/15/2024

Effective: 12/26/2024

No. 56899 (Amendment) R988-400: Homeless Shelter Cities Mitigation Restricted Account

Published: 11/15/2024

Effective: 12/26/2024

End of the Notices of Rule Effective Dates Section