

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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EDITOR'S NOTES

Notice of Draft Proposed Rules and Hearing Information for the Division of Professional Licensing

The public, interest groups, and governmental agencies are invited to review and comment on the following DRAFT proposed rules for the Division of Professional Licensing (DOPL).

These DRAFT proposed rules are published only for review and comment purposes; they will not be made effective without subsequent filing and publication:

New Section R156-69-302#. Qualifications for Licensure by Endorsement for a Dentist.

(Dentist from another jurisdiction may apply to meet time-based endorsement requirements through certain methods demonstrating competency.)

New Section R156-69-302#. Qualifications for Dentist Licensure by Endorsement for a Dental Hygienist.

(Dentist from another jurisdiction may apply to meet time-based dental hygienist endorsement requirements through certain methods demonstrating competency.)

Written comments on these proposed DRAFT rules will be accepted by the DOPL from the publication date through Friday, 11/03/2023. Comments may be directed to the contact person, Deborah Blackburn, Assistant Division Director, at deborahblackburn@utah.gov.

DOPL will also hold a public hearing to receive verbal comments on these proposed DRAFT rules:

Tuesday, 10/24/2023, 9 a.m. in the North Conference Room, 1st Floor, Heber M. Wells Building, 160 E 300 S, Salt Lake City, Utah.

Virtual option: Google Meet joining information:

Video call link: <https://meet.google.com/kwf-rzjo-ojr>

Or dial: (US) +1 336-790-8803 PIN: 204 105 408#

More phone numbers: <https://tel.meet/kwf-rzjo-ojr?pin=7727666888398>

Proposed text of the draft rules follows.

R156-69-302#. Qualifications for Licensure by Endorsement for a Dentist.

(1) Under Subsection 58-1-301(5), an applicant for licensure as a dentist qualifying under the endorsement provision of Subsection 58-1-302(3) may satisfy the specific time-based licensure by endorsement requirements in Subsections 58-69-302(2)(a) and (c) by providing satisfactory documentation of each of the competency-based licensing requirements in this section.

(2) The applicant shall provide satisfactory documentation of successful completion of a program of professional education preparing an individual to practice as a dentist in the endorsement jurisdiction, that the Division determines is substantially similar to the current education required for licensure as a dentist under Subsection 58-69-302(1)(c), as evidenced by an evaluation from one of the following:

(a) Education Credential Evaluators (ECE);

(b) Western Education Services (WES);

(c) Josef Silny and Associates, Inc.; or

(d) a credential evaluator approved by the Division;

(3) The applicant shall provide a written attestation in a form prescribed by the Division stating that the applicant has the necessary education and experience to practice dentistry as defined in Subsection 58-69-102(8), from an individual who is familiar with the applicant and who holds credentials or experience in the dental industry satisfactory to the Division, such as for example:

(a) a dentist who is licensed as defined in Subsection 58-1-302(1);

(b) an instructor in a program of professional education preparing an individual to practice as a dentist;

(c) the applicant's current dental employer; or

(d) the applicant's former dental employer.

(4) If the applicant has not been engaged in clinical practice as a licensed dentist for at least 6,000 hours in the five years immediately preceding the date of application for licensure, the applicant shall submit satisfactory documentation that the applicant has entered into a written collaborative practice arrangement with a licensed dentist that meets the following requirements:

(a) the term of the collaborative practice arrangement shall begin upon the date of the applicant dentist's licensure, and end on the date the applicant dentist has completed 6,000 hours of clinical practice as a dentist in accordance with the terms of the collaborative practice arrangement;

EDITOR'S NOTES

(b) if the collaborative practice arrangement is terminated for any reason before the applicant dentist has completed 6,000 hours of clinical practice as a dentist:

(i) the collaborating dentist and the applicant dentist shall each notify the Division of the termination of the collaborative practice arrangement; and

(ii) the applicant dentist shall refrain from practice and shall refrain from renewing the applicant dentist's license until the applicant dentist has entered into another collaborative practice arrangement that meets the requirements of this Subsection (4);

(c) the collaborative practice arrangement shall:

(i) specify the collaborating dentist's anesthesia permit class and specialty or board certifications, and the applicant dentist's anesthesia permit class and certifications;

(ii) be consistent with the skill, training, and competence of the applicant dentist;

(iii) specify jointly agreed-upon protocols for the delivery of health care services by the applicant dentist;

(iv) specify the manner of collaboration between the collaborating dentist and the applicant dentist, including how they shall:

(A) engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(B) maintain proximity; and

(C) provide oversight of the applicant dentist during the absence, incapacity, infirmity, or emergency of the collaborating dentist;

(v) specify the applicant's controlled substance prescriptive authority in collaboration with the collaborating dentist, if any, including:

(A) a list of the controlled substances the applicant dentist may prescribe; and

(B) documentation that the authorization to prescribe the controlled substances is consistent with the education, knowledge, skill, and competence of the applicant dentist and the collaborating dentist;

(vi) list other written practice arrangements of the collaborating dentist and the applicant dentist; and

(vii) require each party to notify the Division of the following events within ten days of the event:

(A) the applicant dentist has an arrest, investigation, charge, or complaint, including a regulatory agency complaint;

(B) the applicant dentist receives a disciplinary notice from a regulatory agency, hospital, employer, or other third party;

(C) the applicant dentist has any adverse event affecting patient care, including a malpractice claim;

(D) violation by a party of the collaborative practice arrangement; or

(E) termination of the collaborative practice arrangement for any reason before the applicant dentist has completed 6,000 hours of clinical practice as a dentist;

(d) A collaborating dentist overseeing an applicant dentist in a collaborative practice arrangement shall:

(i) be licensed in good standing under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act;

(ii) ensure that the collaborating dentist and applicant dentist both maintain current licensure in good standing and comply with DEA registrations and requirements;

(iii) be available to the applicant dentist for advice, consultation, and direction consistent with the standards and ethics of the profession, including consideration of the applicant dentist's level of skill, training, and competence; and

(iv) monitor the applicant dentist's performance for compliance with the laws, rules, standards, and ethics of the profession, and promptly report violations to the Division in writing.

(e) A collaborating dentist may not enter a collaborative practice arrangement with more than two full-time equivalent applicant dentists.

(f) An applicant dentist shall:

(i) comply with the collaborative practice arrangement;

(ii) maintain required licensure and any required DEA registration;

(iii) be professionally responsible for the acts and practices of the applicant dentist; and

(iv) comply with the laws, rules, standards, and ethics of the profession.

(g)(i) A collaborating dentist shall submit to the Division a written explanation outlining the collaborating dentist's concerns if the collaborating dentist:

(A) terminates a collaborative practice arrangement for cause;

(B) does not support continuance of a license for an applicant dentist to practice; or

(C) has other concerns regarding the applicant dentist that the collaborating dentist believes requires input from the Division and Board.

(ii) Upon receipt of written concerns from a collaborating dentist about an applicant dentist, the Division shall:

(A) provide the applicant dentist an opportunity to respond in writing to the Division regarding the collaborating dentist's concerns;

(B) review with the Board the written statements from the collaborating dentist and applicant dentist; and

(C) in consultation with the Board, take any appropriate licensure action.

(h)(i) Before an applicant dentist may provide health care services under a collaborative practice arrangement, the parties shall obtain the Division's written approval of the collaborative practice arrangement.

(ii) An applicant dentist and collaborating dentist may amend their collaborative practice arrangement, but an amendment to the collaborative practice arrangement is not effective or binding until:

(A) the applicant dentist notifies the division in writing of the amendment;

(B) the Division approves the amendment.

(iii) In evaluating a collaborative practice arrangement, or an amendment to a collaborative practice arrangement, the Division shall determine if the collaborative practice arrangement sufficiently complies with this section to adequately protect the public health, safety, and welfare.

R156-69-502. Unprofessional Conduct.

"Unprofessional Conduct" includes the following:

.....

- (16) for a collaborative practice arrangement under Subsection R156-69-302#(4):
 - (a) failure of the applicant dentist or collaborating dentist to comply with the collaborative practice arrangement;
 - (b) failure of the applicant dentist or collaborating dentist to comply with Subsection R156-69-302#(4), including failure to notify the Division of an event in accordance with Subsection R156-69-302#(4)(#);
 - (c) if the collaborative practice arrangement is terminated before the applicant dentist completes 6,000 hours of clinical practice as a dentist, and the applicant dentist has not entered into another collaborative practice arrangement:
 - (i) failure of the applicant dentist to refrain from practice; or
 - (ii) failure of the applicant dentist to refrain from renewing their license.

R156-69-302#. Qualifications for Dentist Licensure by Endorsement as a Dental Hygienist.

Under Subsection 58-1-301(5), an applicant for licensure as a dental hygienist qualifying under the endorsement provision of Subsection 58-1-302(3) may satisfy the time-based licensure by endorsement requirements in Subsections 58-69-302(4)(a) and (c) by completing the following competency-based licensing requirements:

- (1)(a) pass the periodontics section of any of the regional dental clinical licensure examinations required for licensure as a dentist under Subsection 58-69-302(1)(e) and Section R156-69-302b; or
 - (b) pass the following examinations required for licensure as a dental hygienist:
 - (i) the National Board Dental Hygiene Examination under Subsection 58-69-302(3)(d); and
 - (ii) the practical examinations under Subsection 58-69-302(3)(e) and Section R156-69-302c; and
 - (2) provide one of the following:
 - (a) satisfactory documentation of the applicant's current licensure in good standing as a dental hygienist in another state, district, or territory of the United States, which the applicant obtained through the applicant's education and experience as a dentist;
 - (b) satisfactory documentation of the applicant's current licensure in good standing as a dentist in the endorsement jurisdiction;
 - (c) if the applicant was formerly licensed as a dentist in the endorsement jurisdiction, satisfactory documentation of:
 - (i) having obtained licensure as a dentist by meeting requirements that the Division determines were substantially similar to or exceeded current Utah licensure requirements for a dental hygienist; and
 - (ii) successful completion of not less than 2,000 hours of practice as a dentist, which may include clinical hours of practice as a dental student; or
 - (d) if the endorsement jurisdiction does not license dentists or the applicant cannot obtain proof of licensure, provide the following:
 - (i) satisfactory documentation of successful completion of a program of professional education preparing an individual to practice as a dentist in the endorsement jurisdiction, that the Division determines is substantially similar to or exceeds the education required for licensure as a dental hygienist under Subsection 58-69-302(3)(c), as evidenced by an evaluation from one of the following:
 - (A) Education Credential Evaluators (ECE);
 - (B) Western Education Services (WES);
 - (C) Josef Silny & Associates, Inc.; or
 - (D) a credential evaluator approved by the Division;
 - (ii) satisfactory documentation of successful completion of not less than 2,000 hours of practice as a dentist, which may include clinical hours of practice as a dental student; and
 - (iii) a written attestation in a form prescribed by the Division stating that the applicant has the necessary education and experience to practice dental hygiene as defined in Subsection 58-69-102(7), from an individual who is familiar with the applicant and who holds credentials or experience in the dental industry satisfactory to the Division, such as:
 - (A) a dentist who is licensed as defined in Subsection 58-1-302(1);
 - (B) an instructor in a program of professional education preparing an individual to practice as a dentist or dental hygienist;
 - (C) the applicant's current dental employer; or
 - (D) the applicant's former dental employer.

End of the Editor's Notes Section

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.

PROCLAMATION

WHEREAS, since the close of the 2023 General Session of the 65th Legislature of the state of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the governor may, by proclamation, convene the Senate into Extraordinary Session; and

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the state of Utah, do by this Proclamation call the Senate only of the 65th Legislature of the state of Utah into the Fourth Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 11th day of October 2023, at 4:00 P.M., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the state of Utah since the close of the 2023 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 10th day of October 2023.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2023-04E

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 September 16, 2023, 12:00 a.m., and October 02, 2023, 11:59 p.m. are included in this, the October 15, 2023, issue of the *Utah State Digest*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least November 14, 2023. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through February 12, 2024, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R25-5	Filing ID: 55718

Agency Information

1. Department:	Government Operations	
Agency:	Finance	
Building:	TSOB	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141031	
City, state and zip:	Salt Lake City, UT 84114-1031	
Contact persons:		
Name:	Phone:	Email:
Van Christensen	801-808-0698	vhchristensen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R25-5. Payment of Meeting Compensation (Per Diem) to Boards
3. Purpose of the new rule or reason for the change:
The purpose of this filing is to increase per diem rates payable to board members.
4. Summary of the new rule or change:
This amendment changes per diem rates in this rule from \$60 to \$135 for up to 4 hours and from \$90 to \$200 for greater than 4 hours.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The only fiscal impact this change will have is at the discretion of the agencies.
Subsection R25-5-4(1)(a) states, "Each board member within state government shall receive per diem not to exceed..." so because this rule establishes a maximum per diem and not a minimum, an agency may elect to pay any amount less than the maximum established by this rule.

Those agencies who have boards and choose to implement the increased rates will have an increase in the per diem costs paid to board members.

Using charge type 1133 (Meeting Pay) and class type 10875 (Board/Commission Member) tables (labor distribution and employee data) were linked and the total charges for FY 2023 were \$436,286.07.

All charges that were not a combination of \$60 and \$90 were removed as those likely contained non per diem charges.

Agency 400 (Utah State Board of Education (USBE)) charges that were \$285 or a combination thereof were removed since the USBE board has established \$285 as the daily amount to be paid for meetings, the total amount was \$150,870.

Since the proposed increase is about 125%, \$436,286.07 and \$150,870 were multiplied by 125%, which results in a potential cost increase between \$545,357.59 and \$188,587.50.

B) Local governments:

This will result in a minimal increase in per diem amounts local governments pay board members. The Division of Finance (Division) is unable to determine exactly the cost that this will be due to limited access to local government financial data.

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

There are no costs or savings to small businesses because this change only affects government entities and boards related to those entities.

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

There are no costs or savings to non-small businesses because this change only affects government entities and boards related to those entities.

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 will result in a minimal increase in per diem amounts local governments pay board members.

The Division is unable to determine exactly the cost that this will be due to limited access to local government financial data.

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

Board members may decline to receive per diem, so if it is not paid for this reason there will not be non-compliance.

Board members were entitled to receive a lesser compensation in the past; so if an entity did not make it available to board members they would be out of compliance regardless of the lower or higher rate.

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

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

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

The Executive Director of the Department of Government Operations, Marvin Dodge, 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 63A-3-106(2)		
----------------------------	--	--

Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
--	------------

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

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

Agency Authorization Information

Agency head or designee and title:	Van Christensen, Director	Date:	09/08/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal and Reenact		
Rule or Section Number:	R64-4	Filing ID: 55840

Agency Information

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

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

General Information

2. Rule or section catchline:
R64-4 Agricultural Water Optimization Program
3. Purpose of the new rule or reason for the change:
A repeal and reenact of this rule is necessary to implement legislative changes passed under S.B. 277, "Water Conservation and Augmentation Amendments" passed during the 2023 General Session. This legislation made significant changes to the water optimization program under new sections of Title 73, Chapter 10g, Part 2, and established new guidelines under which the program will be managed by a newly created Agricultural Water Optimization Committee.
4. Summary of the new rule or change:
The reenacted rule includes definitions consistent with current statute under Section R64-4-2. In Section R64-4-3, this rule sets forth the purposes of the program, consistent with the definition of agricultural water optimization now in Subsection 73-10g-205(2). Sections R64-4-4 and R64-4-5 set application requirements under the new program, as well as requirements that each applicant attend a pre-filing consultation with the state engineer prior to their application being ranked by the ranking committee that is established in Section R64-4-6. In Section R64-4-7, requirements are established for ranking criteria to be adopted and utilized by the committee in ranking applications. Sections R64-4-8 and R64-4-9 set contracting and reporting requirements for grantees under the program.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Under S.B. 277 (2023), \$200,000,000 was appropriated to the agricultural water optimization account for grants under this program. The Department of Agriculture and Food (Department) plans to award approximately \$40,000,000 in grants each year. Under line 205 of S.B. 277 (2023), the Department, along with the Department of Natural Resources is able to use 1.5% of account funds for program administration. The Department has interpreted this language to allow account funds to be used equally. Accordingly, the Department intends to use approximately \$300,000 of account funds each year (0.75% of \$40,000,000) to pay for the cost of program administration.

B) Local governments:																								
This rule change does not impact local governments because the program targets agricultural water usage and local governments do not use agricultural water.																								
C) Small businesses ("small business" means a business employing 1-49 persons):																								
This rule change does not affect or impact small businesses. Small businesses may apply for an agricultural water optimization grant but there is no cost to do so.																								
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																								
This rule change does not affect or impact non-small businesses. Non-small businesses may apply for an agricultural water optimization grant but there is no cost to do so.																								
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):																								
Other persons do not participate in the agricultural water optimization program and will not be impacted by the rule changes.																								
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):																								
There are no compliance costs for this program because it is a grant program that agricultural water users may apply for at no cost to them.																								
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)																								
Regulatory Impact Table																								
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2024</th> <th>FY2025</th> <th>FY2026</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$300,000</td> <td>\$300,000</td> <td>\$300,000</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Non-Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Other Persons</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2024	FY2025	FY2026	State Government	\$300,000	\$300,000	\$300,000	Local Governments	\$0	\$0	\$0	Small Businesses	\$0	\$0	\$0	Non-Small Businesses	\$0	\$0	\$0	Other Persons	\$0	\$0	\$0
Fiscal Cost	FY2024	FY2025	FY2026																					
State Government	\$300,000	\$300,000	\$300,000																					
Local Governments	\$0	\$0	\$0																					
Small Businesses	\$0	\$0	\$0																					
Non-Small Businesses	\$0	\$0	\$0																					
Other Persons	\$0	\$0	\$0																					

Total Fiscal Cost	\$300,000	\$300,000	\$300,000
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$(300,000)	\$(300,000)	\$(300,000)
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Agriculture and Food, Craig W Buttars, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 73-10g-205(6)	Section 73-10g-206	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023

9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Craig W Buttars, Commissioner	Date:	10/02/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R152-63	Filing ID: 55795

Agency Information

1. Department:	Commerce	
Agency:	Consumer Protection	
Building:	Heber Wells Bldg	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146704	
City, state and zip:	Salt Lake City, UT 84114-6704	
Contact persons:		
Name:	Phone:	Email:
Daniel Larsen	801-530-6601	https://utconciierge.qualtrics.com/jfe/form/SV_0PduJX8UWiH2zbM?Source=RulesDoc
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R152-63. Utah Social Media Regulation Act Rule
3. Purpose of the new rule or reason for the change:
This rule is being enacted as required by S.B. 152, passed in the 2023 General Session, codified as Title 13, Chapter 63, Utah Social Media Regulation Act.
4. Summary of the new rule or change:
This rule: 1) establishes the process or means by which a social media company may verify a person's age in accordance with Section 13-63-102; 2) establishes the acceptable forms and methods of identification used to verify a person's age and a parent's or guardian's identity; establishes requirements for providing confirmation that information provided by a person seeking age verification has been received; 3) establishes processes and means by which a social media company may confirm a parent or guardian has provided consent for a minor to open or use an account; establishes requirements for retaining, protecting, and securely disposing any information obtained by a social media company or its agent as a result of compliance with Title 13, Chapter 63, Utah Social Media Regulation Act; 4) establishes requirements detailing acceptable use, retention, protection, and secure disposition of any information obtained by a social media company or its agent as a result of compliance with Title 13, Chapter 63, Utah Social Media Regulation Act; and

5) establishes geographical requirements applicable to an agent that processes information related to a verification requirement in accordance with Section 13-63-102.

Fiscal Information

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

A) State budget:

The proposed rule is not anticipated to have a fiscal impact on the state budget beyond those already described in the Fiscal Notes to S.B. 152 and H.B. 311, 2023 General Session.

B) Local governments:

The proposed rule is not anticipated to have a fiscal impact on local governments beyond those already described in the Fiscal Notes to S.B. 152 and H.B. 311, 2023 General Session.

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

The proposed rule is not anticipated to have a fiscal impact on small businesses beyond those already described in the Fiscal Notes to S.B. 152 and H.B. 311, 2023 General Session.

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

This rule will have a fiscal impact on non-small businesses that is inestimable because the number of non-small businesses to which this rule will apply is not readily available and is fluid.

Additionally, the costs will vary widely depending on the age of and parental consent verification methods chosen by a social media platform.

However, the Division of Consumer Protection (Division) anticipates that age verification costs for social media platforms that have more than 5,000,000 users will be approximately: \$0.30 per completed age verification per Utah user; \$0.30 per completed parental consent verification per prospective Utah minor account holder; and \$2,000, at minimum, per year per social media platform for geo location services.

Depending on the services used, there may be up-front and ongoing costs or fees but these costs or fees are inestimable, particularly if a social media platform already employs age verification or parental consent methods.

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

The proposed rule is not anticipated to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities beyond those already described in the Fiscal Notes to S.B. 152 and H.B. 311, 2023 General Session.

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

Compliance costs for affected persons are inestimable because the number of affected persons to which this rule will apply is not readily available and is fluid.

Additionally, the costs will vary widely depending on the age and parental consent verification methods chosen by an affected person.

However, the Division anticipates that age verification costs for social media platforms that have more than 5,000,000 users will be approximately: \$0.30 per completed age verification per Utah user; \$0.30 per completed parental consent verification per prospective Utah minor account holder; \$2,000 per year per social media platform for geolocation services.

Depending on the services used, there may be up-front and ongoing costs or fees but these costs or fees are inestimable, particularly if a social media platform already employs age verification or parental consent methods.

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

Regulatory Impact Table

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

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Commerce, Margaret Busse, has reviewed and approved this regulatory impact analysis.			

Citation Information

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

Subsection 13-2-5(1)	Section 13-63-102	
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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: 02/05/2024

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

Date:	Time:	Place (physical address or URL):
11/01/2023	09:00 AM to 11:00 AM	Utah State Capitol Building, 350 N. State Street, Senate Room 220, Salt Lake City, UT

To the agency: If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows.

9. This rule change MAY become effective on: 02/12/2024

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

Agency Authorization Information

Agency head or designee and title:	Katherine S. Hass, Division Director	Date:	09/22/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R357-29	Filing ID: 55838

Agency Information

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

General Information

2. Rule or section catchline:
R357-29. Rural County Grant Program Rule
3. Purpose of the new rule or reason for the change:
The purpose of this rule filing is to amend the provisions under which a county may receive a rural county grant and to make technical changes.
4. Summary of the new rule or change:
This rule filing: 1) amends definitions; 2) amends application and documentation requirements; 3) clarifies reporting and administration requirements; 4) outlines funding distribution; and 5) makes technical changes.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no new aggregate anticipated cost or savings to the state budget.
This rule filing is merely updating the office's procedures for the second year of funding from the program.
B) Local governments:
There is no new aggregate anticipated cost or savings to local governments because local governments are not

required to comply with or enforce this rule. Participation in the program is optional.

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

There is no new aggregate anticipated cost or savings to small businesses because this proposed amendment does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation.

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

The proposed rule changes do not have a fiscal impact on non-small businesses, nor will a service be required of them to implement the amendments.

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 new aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed amendment does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

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

There are no new compliance costs for affected persons because participation in the program is optional.

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

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

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

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

The Executive Director of the Governor's Office of Economic Opportunity, Ryan Starks, 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 63N-4-802	Section 63N-4-104	
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

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

TYPE OF FILING: New		
Rule or Section Number:	R357-46	Filing ID: 55839

Agency Information

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

General Information

2. Rule or section catchline:
R357-46. Rural Communities Opportunity Grant Rule
3. Purpose of the new rule or reason for the change:
The purpose of this rule filing is to codify the provisions under which a rural community or association of government may receive a rural opportunity grant.
4. Summary of the new rule or change:
This rule filing codifies: 1) definitions; 2) application and documentation requirements; 3) reporting and administration requirements; and 4) the funding distribution.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no new aggregate anticipated cost or savings to the state budget.
The changes simply add clarification to requirements under which a rural community or association of government may receive a rural opportunity grant.
B) Local governments:
There is no new aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.
Participation in the program is optional.

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

There is no new aggregate anticipated cost or savings to small businesses because this proposed rule does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation.

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

The proposed rule does not have a fiscal impact on non-small businesses, nor will a service be required of them to implement this rule.

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 new aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed rule does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

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

There are no new compliance costs for affected persons because participation in the program is optional.

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

Regulatory Impact Table

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

NOTICES OF PROPOSED RULES

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

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

The Executive Director of the Governor's Office of Economic Opportunity, Ryan Starks, 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 63N-4-802		
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

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

TYPE OF FILING: New		
Rule or Section Number:	R380-600	Filing ID: 55818

Agency Information

1. Department:	Health and Human Services	
Agency:	Administration	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Simon Bolivar	801-803-4618	sbolivar@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov

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

General Information

2. Rule or section catchline:
R380-600. Licensing General Provisions - Enforcement

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

The purpose of this rule is to streamline the enforcement used by the different programs in the Administration Division (Division), and to have one single, more efficient process to address general provisions for Child Care, Health Facilities, and Human Services licensing.

4. Summary of the new rule or change:

This is a new rule that combines the general provisions from Human Services contained in the administrative Rule R501-1, from Health Facilities contained in Rules R432-2 and R432-3, and the general enforcement language from the different Child Care Licensing rules.

Both the Health Facility Committee and the Child Care Provider Licensing Committee unanimously supported implementation of this new rule.

(EDITOR'S NOTE: The proposed repeal of Rule R432-2 (ID 55816) and the repeal of Rule R432-3 (ID 55817) and the repeal and reenact of Rule R501-1 (ID 55820) are in this issue, October 15, 2023, of the Bulletin.)

Fiscal Information

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

A) State budget:

Although this new rule is created for efficiency purposes, the Division does not anticipate any cost or savings to the state budget as this rule only clarifies pre-existing requirements and combines them into one single rule.

B) Local governments:

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

This new rule only clarifies pre-existing requirements and combines them into one single rule.

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

This new rule will not have a fiscal impact on small businesses because it only clarifies pre-existing requirements and combines them into one single rule.

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

This new rule does not have a fiscal impact on non-small businesses, nor will a service be required of them to implement it.

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 will be no fiscal impact on any other persons as a result of this new rule.

This new rule does not introduce any new processes that will incur a cost or savings for affected persons because it is taken from already existing rules.

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

This new rule does not introduce any new processes that will incur a cost or savings for affected persons.

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

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

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

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

The Executive Director of the Department of 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		
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/28/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R398-3	Filing ID: 55801

Agency Information

1. Department:	Health and Human Services	
Agency:	Family Health, Children with Special Health Care Needs	
Room number:	3032	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144610	
City, state and zip:	Salt Lake City, UT 84114-4610	
Contact persons:		
Name:	Phone:	Email:
Alexis Weight	8014-273-2956	abweight@utah.gov
Stephanie McVicar	801-273-6600	smcvicar@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R398-3. Children's Hearing Aid Program
3. Purpose of the new rule or reason for the change:
Following the passing of S.B. 272 in the 2023 General Session, the Children's Hearing Aid Program no longer has rulemaking authority. Section 26-10-11 was repealed 07/01/2023.
4. Summary of the new rule or change:
This filing repeals the Children's Hearing Aid Program rule in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There are no anticipated costs or savings associated with this repeal. The state budget will not see a fiscal impact.

This program is now funded through the general fund and the Department of Health and Human Services (Department) will govern the program through policy.

B) Local governments:

There are no anticipated costs or savings associated with this repeal. Local governments will not see a fiscal impact.

The Department will govern the program through policy.

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

There are no anticipated costs or savings associated with this repeal. Small businesses will not see a fiscal impact.

The Department will govern the program through policy.

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

There are no anticipated costs or savings associated with this repeal. Non-small businesses will not see a fiscal impact.

The Department will govern the program through policy.

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

There are no anticipated costs or savings associated with this repeal. Persons other than small businesses, non-small businesses, or state or local government entities will not see a fiscal impact.

The Department will govern the program through policy.

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

There are no compliance costs associated with this repeal.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 26-10-11		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023

9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/14/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R432-1	Filing ID: 55819

Agency Information

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

General Information

2. Rule or section catchline:
R432-1. General Health Care Facility Rules
3. Purpose of the new rule or reason for the change:
This rule consolidates and centralizes content and serves in conjunction with the new division-wide rule (R380-600) that authorizes actions of the Department of Health and Human Services (Department) under the Department rule title and addresses only provider requirements in the Title R432 rules.
It also introduces language to comply with H.B. 72, passed in the 2023 General Session, with definitions and a new section (R432-1-12) permitting certain health care facilities to act as designated medical cannabis caregivers for clients in their care.
It additionally adds Section R432-1-11, Visitation Policies, in compliance with H.B. 133, passed in the 2023 General Session.
The health care facility licensing committee unanimously approved making these revisions in the 09/13/2023 meeting.
4. Summary of the new rule or change:
This amendment changes the title of the rule from "General Health Care Facility Rules" to "General Licensing Provisions" to align with other general rule titles under the

Division of Licensing and Background Checks (DLBC) purview.

It additionally adds content from the two repealed General Health Care Facility Rules (R432-2 and R432-3) to create a singular rule that applies to all health care facility licensees.

(EDITOR'S NOTE: The proposed repeal of Rule R432-2 (ID 55816) and the repeal of Rule R432-3 (ID 55817) and the proposed new Rule R380-600 (ID 55818) are in this issue, October 15, 2023, of the Bulletin.)

Fiscal Information

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

A) State budget:

This change will not impact the current process for licensure and re-licensure surveys.

No change to the state budget is expected because this amendment consolidates existing content. Substantive changes will not have an impact on state budget, as both medical cannabis and visitation amendments will be new rule checklist items added to the existing checklists that licensors check on inspections.

The DLBC website is already under construction due to Department consolidation and will not incur an additional cost to add the visitation amendment content to it.

B) Local governments:

This proposed rule amendment should not impact local governments' revenues or expenditures because these facilities are regulated by the Department and not local governments.

There will be no change in local business licensing or any other item(s) with which local government is involved.

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

The consolidated content will not result in any impact because it simply moves existing rules to one central location.

The medical cannabis content is a voluntary permission that small businesses can elect to participate in. Any costs incurred are not mandatory.

The visitation policy requires updating existing policies and procedures (already a requirement for annual or biennial renewals) and the only cost to small businesses would be updating their websites to comply with this legislation.

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

The consolidated content will not result in any impact because it simply moves existing rules to one central location.

The medical cannabis content is a voluntary permission that non-small businesses can elect to participate in. Any costs incurred are not mandatory.

The visitation policy requires updating existing policies and procedures (already a requirement for annual or biannual renewals) and the only cost to non-small businesses would be updating their websites to comply with this legislation.

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 consolidated content will not result in any impact because it simply moves existing rules to one central location.

The medical cannabis content is a voluntary permission that other persons can elect to participate in. Any costs incurred are not mandatory.

The visitation policy requires updating existing policies and procedures (already a requirement for annual or biannual renewals) and the only cost to other persons would be updating their websites to comply with this legislation.

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

Compliance with visitation policies, Section R432-1-11, requires an update to each provider's website.

The actual cost is inestimable because of the differences in size, governance, and how each health care facility manages their public websites.

The Division of Technology Services calculated the average amount it would take to update an Operational Unit or overall Department website as \$115 per hour, with an estimate that it could take only one or two hours.

The number of health care facilities that need to comply and apply this cost for compliance is 587 that range in size from a small residential care agency to a full hospital.

The Department estimated a cost of \$172.50 for 1.5 hours to update a website. This estimate is only listed in FY 2024, as it is a one-time compliance requirement.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 26B-2-202		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023

9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/28/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal		
Rule or Section Number:	R432-2	Filing ID: 55816

Agency Information

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

General Information

2. Rule or section catchline:
R432-2. General Licensing Provisions
3. Purpose of the new rule or reason for the change:
This repeal is being filed because the general provisions content that applies to rules under Title R432 is being added to Rules R380-600 and R432-1.
Rule R380-600 will govern all the Division of Licensing and Background Checks (DLBC) processes and licensees and Rule R432-1 will be the new Health Care Facility General Provisions.
4. Summary of the new rule or change:
This rule is repealed in its entirety and will eliminate a duplicative rule and redistribute into centralized rules reflective of DLBC's processes. (EDITOR'S NOTE: The proposed amendment to Rule R432-1 (ID 55819) and the proposed new Rule R380-600 (ID 55818) are in this issue, October 15, 2023, of the Bulletin.)

Fiscal Information

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

A) State budget:

This repeal will have no impact on state budget, as it is redistributed into other rules more reflective of DLBC's processes.

B) Local governments:

This repeal will have no impact on local governments, as it is redistributed into other rules more reflective of DLBC's processes.

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

This repeal will have no impact on small businesses, as it is redistributed into other rules more reflective of DLBC's processes.

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

This repeal will have no impact on non-small businesses, as it is redistributed into other rules more reflective of DLBC's processes.

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 repeal will have no impact on any other persons, as it is redistributed into other rules more reflective of DLBC's processes.

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

This repeal will have no impact on affected persons, as it is redistributed into other rules more reflective of DLBC's processes.

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

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

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

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

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

Citation Information

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

Section 26B-2-202		
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/27/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R432-3	Filing ID: 55817

Agency Information

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

General Information

2. Rule or section catchline:
R432-3. General Health Care Facility Rules Inspection and Enforcement
3. Purpose of the new rule or reason for the change:
This repeal is being filed because the general provisions content that applies to rules under Title R432 is being added to Rules R380-600 and R432-1. Rule R380-600 will govern all the Division of Licensing and Background Checks (DLBC) processes and licensees and Rule R432-1 will be the new Health Care Facility General Provisions. Additional content governing nursing facilities is being moved to Rule R432-150.
4. Summary of the new rule or change:
This rule is repealed in its entirety and will eliminate a duplicative rule and redistribute into centralized rules reflective of DLBC's processes. (EDITOR'S NOTE: The proposed amendment to Rule R432-1 (ID 55819) and the proposed new Rule R380-600 (ID 55818) are in this issue, October 15, 2023, of the Bulletin.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:																				
This repeal will have no impact on state budget, as it is redistributed into other rules more reflective of DLBC's processes.																				
B) Local governments:																				
This repeal will have no impact on local governments, as it is redistributed into other rules more reflective of DLBC's processes.																				
C) Small businesses ("small business" means a business employing 1-49 persons):																				
This repeal will have no impact on small businesses, as it is redistributed into other rules more reflective of DLBC's processes.																				
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																				
This repeal will have no impact on non-small businesses, as it is redistributed into other rules more reflective of DLBC's processes.																				
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 repeal will have no impact on any other persons, as it is redistributed into other rules more reflective of DLBC's processes.																				
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):																				
This repeal will have no impact on affected persons, as it is redistributed into other rules more reflective of DLBC's processes.																				
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)																				
Regulatory Impact Table																				
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2024</th> <th>FY2025</th> <th>FY2026</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Non-Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2024	FY2025	FY2026	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0	Small Businesses	\$0	\$0	\$0	Non-Small Businesses	\$0	\$0	\$0
Fiscal Cost	FY2024	FY2025	FY2026																	
State Government	\$0	\$0	\$0																	
Local Governments	\$0	\$0	\$0																	
Small Businesses	\$0	\$0	\$0																	
Non-Small Businesses	\$0	\$0	\$0																	

NOTICES OF PROPOSED RULES

Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 26B-2-202		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023

9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/27/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R495-885	Filing ID: 55663

Agency Information

1. Department:	Health and Human Services	
Agency:	Administration (Human Services)	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Daphne Lynch	385-239-5317	dlynch@utah.gov

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

General Information

2. Rule or section catchline:
R495-885. Employee Background Screenings
3. Purpose of the new rule or reason for the change:
Following the consolidation and recodification of the Department of Health and Human Services' (Department) statute, the Department is proceeding with a repeal of Rule R495-885, Employee Background Screenings. The Department will utilize Rule R380-300, Employee Background Screenings, to implement and carry out employee background screenings. (EDITOR'S NOTE: The proposed new Rule R380-600 (ID 55818) is in this issue, October 15, 2023, of the Bulletin.)
4. Summary of the new rule or change:
This filing repeals the rule in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There are no changes to state budget as a result of this rule repeal because the fiscal arrangements set forth in the 2022 General Session will remain unchanged with this filing.

B) Local governments:			
Local governments city business licensing requirements were considered.			
This proposed rule repeal will not impact local governments' revenues or expenditures because this amendment applies only to Department employee clearances.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
This proposed rule repeal will not impact small businesses' revenues or expenditures because this amendment applies only to Department employee clearances.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
This proposed rule repeal will not impact non-small businesses' revenues or expenditures because this amendment applies only to Department employee clearances.			
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 proposed rule repeal will not impact persons other than small businesses, non-small businesses, state, or local government entities revenues or expenditures because this amendment applies only to Department employee clearances.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
This proposed rule repeal will not impact any other entity's revenues or expenditures because this amendment applies only to Department employee clearances.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Health and Human Services, Tracy 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-1-211		

Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	08/14/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal and Reenact		
Rule or Section Number:	R501-1	Filing ID: 55820

Agency Information

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

General Information

2. Rule or section catchline:
R501-1. General Provisions for Licensing
3. Purpose of the new rule or reason for the change:
The purpose of this repeal and reenact is to remove content governing the Human Services Program Licensing office processes as it is being moved to a new division-wide rule. The remaining content is updated to reflect division-wide enforcement processes.
4. Summary of the new rule or change:
The changes: 1) reflect updated monitoring processes; 2) add and define terms to support the new processes; 3) address transportation company registrations as required in Section 26B-2-125; 4) eliminate burdensome policy requirements; and 5) create safe practices rules in their place.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This repeal and reenact is not anticipated to impact state budget, as it re-assigns content to an administrative rule governing the entire division, not just human services licensing.

The remaining substantive changes do not introduce any new processes or requirements that would have an impact on the state budget.

B) Local governments:

Local governments city business licensing requirements were considered.

This proposed repeal and reenact should not impact local governments' revenues or expenditures because Human Services Programs are regulated by the Department of Health and Human Services (Department) and not local governments.

There will be no change in local business licensing or any other items with which local government is involved.

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

This repeal and reenact is not anticipated to have any impact on small businesses because it re-assigns content to an administrative rule governing the entire division, not just human services licensing.

The remaining substantive changes do not introduce any new processes or requirements that would have an impact on small businesses.

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

This repeal and reenact is not anticipated to have any impact on non-small businesses because it re-assigns content to an administrative rule governing the entire division, not just human services licensing.

The remaining substantive changes do not introduce any new processes or requirements that would have an impact on non-small businesses.

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

This repeal and reenact is not anticipated to have any impact other persons because it re-assigns content to an administrative rule governing the entire division, not just human services licensing.

The remaining substantive changes do not introduce any new processes or requirements that would have an impact on other persons.

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

This repeal and reenact is not anticipated to have any impact on affected persons because it re-assigns content to an administrative rule governing the entire division, not just human services licensing.

The remaining substantive changes do not introduce any new processes or requirements that would have an impact on affected persons.

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

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

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

The Executive Director of the Department of 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-2-104	Section 26B-2-125	Section 26B-2-124
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Public Notice Information

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

A) Comments will be accepted until: 11/14/2023

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

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

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/28/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal and Reenact

Rule or Section Number:	R590-206	Filing ID:	55805
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Agency Information

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

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

General Information

2. Rule or section catchline:
R590-206. Privacy of Consumer Financial and Health Information Rule
3. Purpose of the new rule or reason for the change:
This rule is being changed in compliance with Executive Order No. 2021-12.
During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change:
The most significant change is the incorporation of language from Rule R590-210 into this rule. The language is being incorporated to create a single rule that regulates privacy information related to insurance.
The majority of the changes are being done to fix style issues to bring this rule text more in line with the Rulewriting Manual for Utah standards.
Other changes make the language of this rule more clear, remove the Violations (the old R590-206-25) section, and update the Severability (the new R590-206-25) section to use the Department's current language. (EDITOR'S NOTE: The proposed repeal of Rule R590-210 is under ID 55806 in this issue, October 15, 2023, of the Bulletin.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.

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

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

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

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

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

Regulatory Impact Table

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

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

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 31A-2-201	Section 31A-23a-417	15 U.S.C. Sec. 6801 through 6820
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/28/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal		
Rule or Section Number:	R590-210	Filing ID: 55806

Agency Information

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

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

General Information

2. Rule or section catchline:
R590-210. Privacy of Consumer Information Exemption for Manufacturer Warranties and Service Contracts

3. Purpose of the new rule or reason for the change:
This rule is being repealed to create a single rule that regulates privacy information related to insurance.

The relevant language from this rule is being incorporated into a repeal and reenact of Rule R590-206, which has been filed alongside this repeal.
(EDITOR'S NOTE: The proposed repeal and reenact of Rule R590-206 is under ID 55805 in this issue, October 15, 2023, of the Bulletin.)

4. Summary of the new rule or change:
This filing repeals this rule in its entirety.

Fiscal Information

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

A) State budget:
There is no anticipated cost or savings to the state budget.

The relevant language from this rule is being incorporated into Rule R590-206 and will remain in force.

B) Local governments:
There is no anticipated cost or savings to local governments.

The relevant language from this rule is being incorporated into Rule R590-206 and will remain in force.

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

There is no anticipated cost or savings to small businesses.

The relevant language from this rule is being incorporated into Rule R590-206 and will remain in force.

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

There is no anticipated cost or savings to non-small businesses.

The relevant language from this rule is being incorporated into Rule R590-206 and will remain in force.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation,

association, governmental entity, or public or private organization of any character other than an **agency**):

There is no anticipated cost or savings to any other persons.

The relevant language from this rule is being incorporated into Rule R590-206 and will remain in force.

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

There are no compliance costs for any affected persons.

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

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

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

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 31A-2-201	Section 31A-2-202	Section 31A-23a-417
15 U.S.C. 6801 through 6807		

Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/28/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R590-223	Filing ID:	55807
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Agency Information

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

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

General Information

2. Rule or section catchline:
R590-223. Rule to Recognize the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits
3. Purpose of the new rule or reason for the change:
The rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change:
The majority of the changes are being done to fix style issues to bring this rule text more in line with the Rulewriting Manual for Utah standards. Other changes make the language of this rule more clear, and update the Separability (R590-223-8) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation,

association, governmental entity, or public or private organization of any character other than an **agency**):

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

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

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

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

Regulatory Impact Table

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

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

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 31A-2-201	Section 31A-17-402	Section 31A-22-408
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/28/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R590-240	Filing ID:	55808
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Agency Information

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

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

General Information

2. Rule or section catchline:
R590-240. Procedure to Obtain Exemption of Student Health Programs From Title 31A, Insurance Code

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

This rule is being changed in compliance with Executive Order No. 2021-12.

During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.

4. Summary of the new rule or change:

The majority of the changes are being done to fix style issues to bring this rule text more in line with the Rulewriting Manual for Utah standards.

Other changes make the language of this rule more clear, remove the Effective Date (old R590-240-8) section, redistribute provisions from the Review and Findings (old R590-240-7, new R590-240-4) section to more relevant locations in this rule, and update the Severability (new R590-240-9) section to use the Department's current language.

The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

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

A) State budget:

There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.

B) Local governments:

There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.

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

There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.

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

There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.

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

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

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

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

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

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

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

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 31A-1-103	Section 31A-2-201	
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/28/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R590-242	Filing ID:	55809
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Agency Information

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

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

General Information

2. Rule or section catchline:
R590-242. Military Sales Practices
3. Purpose of the new rule or reason for the change:
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change:
The majority of the changes are being done to fix style issues to bring this rule text more in line with the Rulewriting Manual for Utah standards. Other changes make the language of this rule more clear, combine sections, remove the Penalties and Enforcement Date (old R590-242-9 and old R590-242-10) sections, and update the Severability (new R590-242-6) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation,

association, governmental entity, or public or private organization of any character other than an **agency**):

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

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

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

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

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

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

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 31A-2-201	Section 31A-23a-402	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023

9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/28/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R590-259	Filing ID: 55810

Agency Information

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

General Information

2. Rule or section catchline:
R590-259. Dependent Coverage to Age 26
3. Purpose of the new rule or reason for the change:
This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.
4. Summary of the new rule or change:
The majority of the changes are being done to fix style issues to bring this rule text more in line with the Rulewriting Manual for Utah standards. Other changes make the language of this rule more clear, remove certain definitions that are defined elsewhere, remove a provision about special enrollments that are already provided for in federal law, remove the Penalties (old R590-259-6) section, and update the Severability (new R590-259-5) section to use the Department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.

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

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

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

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

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

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

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

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 31A-2-201	Section 31A-2-212	Section 31A-22-605
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/28/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R657-13	Filing ID:	55821
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Agency Information

1. Department:	Natural Resources		
Agency:	Wildlife Resources		
Room number:	Suite 2110		
Building:	Department of Natural Resources		
Street address:	1594 W North Temple		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 146301		
City, state and zip:	Salt Lake City, UT 84114-6301		
Contact persons:			
Name:	Phone:	Email:	
Staci Coons	801-450-3093	stacicoons@utah.gov	

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

General Information

2. Rule or section catchline:
R657-13. Taking Fish and Crayfish
3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) fishing management program.
4. Summary of the new rule or change:
During the 2023 General Session, H.B. 30 recodified Title 23 and created Title 23A – rules governed by Title 23 now need to be updated to reflect the current code references. Amendments to this rule update the state code references to reflect the recent recodification of Title 23.
This rule is also being amended to modify the definition of "spearfishing" to include SCUBA and to add five waterbodies to the list of areas where underwater spearfishing is allowed.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This amendment adds additional opportunities for fishermen to harvest fish using underwater spearfishing techniques, therefore the DWR has determined that these amendments do not create a cost or savings impact to the state budget or the DWR's budget, since the changes will not increase workload and can be carried out with existing budget.
B) Local governments:
Since this amendment only adds opportunities for fishermen, this should have little to no effect on the local governments.
This filing does not create any direct cost or savings impact on local governments because they are not directly affected by this rule. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule does not impose any additional financial requirements on small businesses, nor generate a cost or saving impact to small businesses because this rule does not create a situation requiring services from them.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule does not impose any additional financial requirements on non-small businesses, nor generate a cost or saving impact to non-small businesses because this rule does not create a situation requiring services from them.

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

This rule does not impose any additional financial requirements on other persons, nor generate a cost or saving impact to other persons because this rule does not create a situation requiring services from them.

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

DWR has determined that this amendment will not create additional costs for those individuals wishing to participate in fishing in Utah because there is no cost associated with adding underwater spearfishing opportunities.

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

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

NOTICES OF PROPOSED RULES

Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 23A-2-305	Section 23A-2-304	Section 23A-1-101

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023

9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	09/28/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R657-59	Filing ID: 55822

Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources
Room number:	Suite 2110
Building:	Department of Natural Resources
Street address:	1594 W North Temple
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 146301

City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-59. Private Fish Ponds, Short Term Fishing Events, Private Fish Stocking, and Institutional Aquaculture
3. Purpose of the new rule or reason for the change:
The Division of Wildlife Resources (DWR) is recommending changes to Rule R657-59 Private Fish Ponds, Short-term Fishing Events, Private Fish Stocking, and Institutional Aquaculture (Private Pond Rule). The Private Pond Rule as it currently stands is difficult to read, navigate, and understand. The goal of these proposed changes is to simplify this rule by making it easier for the public and DWR staff to navigate and use. A major proposed change is to the structure of this rule by repealing it and making five new rules. Instead of one long Rule R657-59, DWR is proposing breaking it up into Rule R657-59a (Private Fish Ponds), Rule R657-59b (Short Term Fishing Events), Rule R657-59c (Aquaponics), Rule R657-59d (Institutional Aquaculture), and Rule R657-59e (Stocking into Natural Lakes, Natural Flowing Streams, or Reservoirs on Natural Stream Channels). The proposed changes will help those wishing to participate in the regulated activities easily find and understand the regulations governing the activity.
4. Summary of the new rule or change:
This current rule will be repealed in its entirety and then replaced by Rules R657-59a, R657-59b, R657-59c, R657-59d, and R657-59e.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The repeal of Rule R657-59 will have no impact on DWR since the rule language is being moved to Rules R657-59a, R657-59b, R657-59c, R657-59d, and R657-59e, the program will continue as it currently is. The program has been managed within the current workload and resources of DWR; therefore, DWR does not

believe that the repeal of this rule would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

The repeal of Rule R657-59 and placement of Rules R657-59a, R657-59b, R657-59c, R657-59d, and R657-59e is an administrative adjustment and does not require the services directly or indirectly from the local governments, therefore it will not cause a cost impact to the local governments.

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

The proposed repeal will not directly impact small businesses because a service is not required of them.

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

The proposed repeal will not directly impact non-small businesses because a service is not required of them.

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

This rule does not have the potential to create a cost impact to those individuals wishing to participate in private pond activities because it is not establishing any new requirements. The repeal of Rule R657-59 and the placement of Rules R657-59a, R657-59b, R657-59c, R657-59d, and R657-59e is an administrative adjustment and does not require additional costs or savings to those wishing to participate in the program.

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

DWR has determined that this repeal will not create additional costs for those participating in private pond and fish stocking activities because it is not establishing any new requirements. The repeal of Rule R657-59 and the placement of Rules R657-59a, R657-59b, R657-59c, R657-59d, and R657-59e is an administrative adjustment and does not require additional costs or savings to those wishing to participate in the program.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.			

Citation Information

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

Section 23-15-9	Section 23-15-10	
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Justin Shirley, DWR Director	Date:	06/14/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R657-59a	Filing ID: 55823

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-59a. Private Fish Ponds
3. Purpose of the new rule or reason for the change:
The new Rule R657-59a largely contains the same content as the repealed Rule R657-59. However, some differences include the separation of Short Term Fishing into new Rule R657-59b, Aquaponics into new Rule R657-59c, Institutional Aquatics into new Rule R657-59d, and Stocking into Natural Lakes into new Rule R657-59e. The new rules clarify the regulations and requirements specific to each activity. (EDITOR'S NOTE: The proposed repeal of Rule R657-59, ID 55822; and the proposed new rules of R657-59b, ID 55824; R657-59c, ID 55825; R657-59d, ID 55826; and

R657-59e, ID 55827; are in this issue, October 15, 2023, of the Bulletin.)

4. Summary of the new rule or change:

This rule sets the process and procedures for operating a private fish pond.

Fiscal Information

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

A) State budget:

The implementation of the new Rule R657-59a are administrative in nature, the Division of Wildlife Resources (Division) has determined that implementing this new rule can be initiated within the current workload and resources of the Division, therefore, the Division does not believe that these amendments would create a cost or savings impact to the state budget or the Division's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since this proposed new rule simplifies an existing program this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

This proposed new rule will not directly impact small businesses because a service is not required of them.

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

This proposed new rule will not directly impact non-small businesses because a service is not required of them.

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 Division determines that the repeal of Rule R657-59 and the implementation of Rule R657-59a will not create additional costs for those participating in the Private Fish pond program because it is not establishing any new requirements.

The repeal of Rule R657-59 and the placement of Rules R657-59a through R657-59e is an administrative adjustment and does not require additional costs or savings to those wishing to participate in the program.

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

The Division has determined that the repeal of Rule R657-59 and the implementation of Rule R657-59a will not create additional costs for those participating in the Private Fish pond program because it is not establishing any new requirements.

The repeal of Rule R657-59 and the placement of Rules R657-59a through R657-59e is an administrative adjustment and does not require additional costs or savings to those wishing to participate in the program.

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

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 23A-9-305	Section 23A-9-202	
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	Table 59-1, dated August 14, 2023
Publisher	Utah Division of Wildlife Resources
Issue Date	08-14-2023
Issue or Version	59-1

Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:

11/21/2023

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

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	10/02/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: New

Rule or Section Number:	R657-59b	Filing ID:	55824
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Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources
Room number:	Suite 2110
Building:	Department of Natural Resources
Street address:	1594 W North Temple
City, state and zip:	Salt Lake City, UT 84116

Mailing address: PO Box 146301		
City, state and zip: Salt Lake City, UT 84114-6301		
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-59b. Short-Term Fishing Events
3. Purpose of the new rule or reason for the change:
This new rule, R657-59b, largely contains the same content as repealed Rule R657-59. However, some differences include the separation of Private Fish Ponds into new Rule R657-59a, Aquaponics into new Rule R657-59c, Institutional Aquatics into new Rule R657-59d, and Stocking into Natural Lakes into new Rule R657-59e. The new rules clarify the regulations and requirements specific to each activity. (EDITOR'S NOTE: The proposed repeal of Rule R657-59, ID 55822; and the proposed new rules of R657-59a, ID 55823; R657-59c, ID 55825; R657-59d, ID 55826; and R657-59e, ID 55827; are in this issue, October 15, 2023, of the Bulletin.)
4. Summary of the new rule or change:
This rule sets the process and procedures for conducting a short term fishing event.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The implementation of this new rule, R657-59b, are administrative in nature, the Division of Wildlife Resources (Division) has determined that implementing this new rule can be initiated within the current workload and resources of the Division, therefore, the Division does not believe that these amendments would create a cost or savings impact to the state budget or the Division's budget since the changes will not increase workload and can be carried out with existing budget.
B) Local governments:
Since this proposed new rule simplifies an existing program, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does

not create a situation requiring services from local governments.

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

This proposed new rule will not directly impact small businesses because a service is not required of them.

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

This proposed new rule will not directly impact non-small businesses because a service is not required of them.

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 Division has determined that the repeal of Rule R657-59 and the implementation of Rule R657-59b will not create additional costs for those participating in short-term fishing events because it is not establishing any new requirements.

The repeal of Rule R657-59 and the placement of Rules R657-59a through R657-59e is an administrative adjustment and does not require additional costs or savings to those wishing to participate in the program.

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

The Division has determined that the repeal of Rule R657-59 and the implementation of Rule R657-59b will not create additional costs for those participating in short-term fishing events because it is not establishing any new requirements.

The repeal of Rule R657-59 and the placement of Rules R657-59a through R657-59e is an administrative adjustment and does not require additional costs or savings to those wishing to participate in the program.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 23A-9-305	Section 23A-9-203	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023
9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	10/02/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: New			
Rule or Section Number:	R657-59c	Filing ID:	55825

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-59c. Aquaponics
3. Purpose of the new rule or reason for the change:
This new rule, R657-59c, largely contains the same content as the repealed rule R657-59. However, some differences include the separation of Private Fish Ponds into new Rule R657-59a, Short Term Fishing Events into new Rule R657-59b, Institutional Aquaculture into new Rule R657-59d, and Stocking into Natural Lakes into new Rule R657-59e. The new rules clarify the regulations and requirements specific to each activity. (EDITOR'S NOTE: The proposed repeal of Rule R657-59, ID 55822; and the proposed new rules of R657-59a, ID 55823; R657-59b, ID 55824; R657-59d, ID 55826; and R657-59e, ID 55827; are in this issue, October 15, 2023, of the Bulletin.)

4. Summary of the new rule or change:
 This rule sets the standards and procedures for operating a private aquaponics system.

Fiscal Information

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

A) State budget:
 The implementation of the new Rule R657-59c are administrative in nature, the Division of Wildlife Resources (Division) determines that implementing this new rule can be initiated within the current workload and resources of the Division, therefore, the Division does not believe that these amendments would create a cost or savings impact to the state budget or the Division's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:
 Since the proposed new rule simplifies an existing program this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):
 The proposed new rule will not directly impact small businesses because a service is not required of them.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 The proposed new rule will not directly impact non-small businesses because a service is not required of them.

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 Division has determined that the repeal of Rule R657-59 and the implementation of Rule R657-59c will not create additional costs for those participating in a private aquaponics system because it is not establishing any new requirements.

The repeal of Rule R657-59 and the placement of Rules R657-59a through R657-59e is an administrative adjustment and does not require additional costs or savings to those wishing to participate in the program.

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

The Division has determined that the repeal of Rule R657-59 and the implementation of Rule R657-59c will not create additional costs for those participating in a private aquaponics systems because it is not establishing any new requirements.

The repeal of Rule R657-59 and the placement of Rules R657-59a through R657-59e is an administrative adjustment and does not require additional costs or savings to those wishing to participate in the program.

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

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 23A-9-305	Section 23A-9-203	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023

9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	10/02/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R657-59d	Filing ID: 55826

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-59d. Institutional Aquaculture
3. Purpose of the new rule or reason for the change:
The new Rule R657-59d largely contains the same content as the repealed Rule R657-59. However, some differences include the separation of Private Fish Ponds into new Rule R657-59a, Short term fishing events into new Rule R657-59b, Aquaponics into new Rule R657-59c, and Stocking into Natural Lakes into new Rule R657-59e. The new rules clarify the regulations and requirements specific to each activity. (EDITOR'S NOTE: The proposed repeal of Rule R657-59, ID 55822; and the proposed new rules of R657-59a, ID 55823; R657-59b, ID 55824; R657-59c, ID 55825; and R657-59e, ID 55827; are in this issue, October 15, 2023, of the Bulletin.)
4. Summary of the new rule or change:
This rule sets the standards and procedures for institutional aquaculture.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The implementation of the new Rule R657-59d are administrative in nature, the Division of Wildlife Resources (Division) determines that implementing this new rule can be initiated within the current workload and resources of the Division, therefore, the Division does not believe that these amendments would create a cost or savings impact to the state budget or the Division's budget since the changes will not increase workload and can be carried out with existing budget.
B) Local governments:
Since the proposed new rule simplifies an existing program this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed new rule will not directly impact small businesses because a service is not required of them.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed new rule will not directly impact non-small businesses because a service is not required of them.

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 Division has determined that the repeal of Rule R657-59 and the implementation of Rule R657-59d will not create additional costs for those participating in institutional aquaculture because it is not establishing any new requirements.

The repeal of Rule R657-59 and the placement of Rules R657-59a through R657-59e is an administrative adjustment and does not require additional costs or savings to those wishing to participate in the program.

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

The Division has determined that the repeal of Rule R657-59 and the implementation of Rule R657-59d will not create additional costs for those participating in institutional aquaculture because it is not establishing any new requirements.

The repeal of Rule R657-59 and the placement of Rules R657-59a through R657-59e is an administrative adjustment and does not require additional costs or savings to those wishing to participate in the program.

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

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

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 23A-9-305	Section 23A-9-203	
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:

11/21/2023
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	10/02/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: New		
Rule or Section Number:	R657-59e	Filing ID: 55827

Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources
Room number:	Suite 2110

Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-59e. Stocking into Natural Lakes, Natural Flowing Streams, or Reservoirs on Natural Stream Channels
3. Purpose of the new rule or reason for the change:
This new rule, R657-59e, largely contains the same content as the repealed rule R657-59. However, some differences include the separation of Private Fish Ponds into new rule R657-59a, Short term fishing events into new rule R657-59b, Aquaponics into new rule R657-59c, and Institutional Aquaculture into new rule R657-59d. The new rules clarify the regulations and requirements specific to each activity. (EDITOR'S NOTE: The proposed repeal of Rule R657-59, ID 55822; and the proposed new rules of R657-59a, ID 55823; R657-59b, ID 55824; R657-59c, ID 55825; and R657-59d, ID 55826; are in this issue, October 15, 2023, of the Bulletin.)
4. Summary of the new rule or change:
This rule sets the standards and procedures for stocking fish into natural lakes, natural flowing streams, and reservoirs built on natural stream channels.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The implementation of this new rule, R657-59e, are administrative in nature, the Division of Wildlife Resources (Division) has determined that implementing this new rule can be initiated within the current workload and resources of the Division, therefore, the Division does not believe that these amendments would create a cost or savings impact to the state budget or the Division's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:								
Since the proposed new rule simplifies an existing program, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.								
C) Small businesses ("small business" means a business employing 1-49 persons):								
The proposed new rule will not directly impact small businesses because a service is not required of them.								
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):								
The proposed new rule will not directly impact non-small businesses because a service is not required of them.								
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):								
The Division has determined that the repeal of R657-59 and the implementation of R657-59e will not create additional costs for those participating in stocking fish into natural lakes because it is not establishing any new requirements. The repeal of Rule R657-59 and the placement of Rules R657-59a through R657-59e is an administrative adjustment and does not require additional costs or savings to those wishing to participate in the program.								
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):								
The Division has determined that the repeal of R657-59 and the implementation of R657-59e will not create additional costs for those participating in stocking fish into natural lakes because it is not establishing any new requirements. The repeal of Rule R657-59 and the placement of Rules R657-59a through R657-59e is an administrative adjustment and does not require additional costs or savings to those wishing to participate in the program.								
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)								
Regulatory Impact Table								
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2024</th> <th>FY2025</th> <th>FY2026</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2024	FY2025	FY2026	State Government	\$0	\$0	\$0
Fiscal Cost	FY2024	FY2025	FY2026					
State Government	\$0	\$0	\$0					

NOTICES OF PROPOSED RULES

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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
 Section 23A-9-305 | Section 23A-9-203

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 11/14/2023

9. This rule change MAY become effective on: 11/21/2023
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	10/02/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: New		
Rule or Section Number:	R698-12	Filing ID: 55811

Agency Information

1. Department:	Public Safety	
Agency:	Administration	
Building:	Calvin Rampton Building	
Street address:	4501 S 2700 W	
City, state and zip:	Salt Lake City, UT 84119	
Mailing address:	PO Box 141775	
City, state and zip:	Salt Lake City, UT 84114-1775	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov

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

General Information

2. Rule or section catchline:
R698-12. Fallen Officer Memorial Scholarship Program
3. Purpose of the new rule or reason for the change:
This rule is being enacted as a result of the passage of H.B. 332 during the 2023 General Session and is authorized under Section 53-17a-101.
4. Summary of the new rule or change:
This rule outlines the application process and eligibility criteria for a child of a fallen officer that wishes to apply for funding from the Fallen Officer Memorial Scholarship Program.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The Utah Legislature appropriated \$46,000 ongoing to provide grant funding for children of fallen officers to apply for scholarship funding as outlined in Section 53-17a-101.

The Department of Public Safety (Department) does not anticipate a cost or savings to the state as a result of this rule because it is strictly explaining how the appropriated funds will be distributed.

B) Local governments:

The Utah Legislature appropriated \$46,000 ongoing to provide grant funding for children of fallen officers to apply for scholarship funding as outlined in Section 53-17a-101.

The Department does not anticipate a cost or savings to local governments as a result of this rule because it is strictly explaining how the appropriated funds will be distributed.

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

The Utah Legislature appropriated \$46,000 ongoing to provide grant funding for children of fallen officers to apply for scholarship funding as outlined in Section 53-17a-101.

The Department does not anticipate a cost or savings to small businesses as a result of this rule because it is strictly explaining how the appropriated funds will be distributed.

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

The Utah Legislature appropriated \$46,000 ongoing to provide grant funding for children of fallen officers to apply for scholarship funding as outlined in Section 53-17a-101.

The Department does not anticipate a cost or savings to non-small businesses as a result of this rule because it is strictly explaining how the appropriated funds will be distributed.

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 Utah Legislature appropriated \$46,000 ongoing to provide grant funding for children of fallen officers to apply for scholarship funding as outlined in Section 53-17a-101.

The passage of the bill allows for children of fallen officers to apply for scholarship funding from the Fallen Officer Memorial Scholarship Program in the amount of \$5,000 per year for four years, for a total amount of \$20,000 per applicant.

This statutory change will allow for a cost savings of up to \$20,000 per year for each child of a fallen officer that applies for scholarship funding.

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

There are no compliance costs for affected persons because this rule only identifies the process for a child of a fallen officer to apply for scholarship funding appropriated by the legislature from the Fallen Officer Memorial Scholarship.

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

Regulatory Impact Table

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

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

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 17-22-34		
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jess L. Anderson, Commissioner	Date:	09/28/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal and Reenact		
Rule or Section Number:	R708-7	Filing ID: 55800

Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Room number:	Suite 2600	
Street address:	4315 S 2700 W, 2nd Floor	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 144501	
City, state and zip:	Salt Lake City, UT 84114-4501	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov

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

General Information

2. Rule or section catchline:
R708-7. Functional Ability in Driving: Guidelines for Physicians

3. Purpose of the new rule or reason for the change:
This rule filing is needed to implement H.B. 62 passed during the 2023 General Session.

In addition, this filing updates the authorizing statute to Section 53-3-104 and adds Section 53-3-1007.

Unnecessary and repetitive information has been removed to clarify the responsibilities of healthcare professionals, drivers, and the Medical Advisory Board.

4. Summary of the new rule or change:
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This filing establishes the process for an individual to apply for a medical exemption to the requirement of an ignition interlock device to reinstate a driving privilege in compliance with H.B. 62 (2023).

In addition, this rule filing removes unnecessary citation of code throughout the existing rule.

The rule catchline is being updated to reflect the rule's purpose and contents more accurately.

The authorizing statute was incorrectly cited in the existing rule and has been updated to Section 53-3-104 and has added Section 53-3-1007.

Definitions have been updated to reflect current information and to lessen confusion throughout.

The sections of this rule have been clarified to identify responsibilities of health care professionals, drivers, and the Medical Advisory Board more accurately.

A section regarding the denial of driving privileges for medical reasons has been added to be more prominent within this rule and lessen confusion.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:
The proposed rule is not expected to have any fiscal impact on state budgets.

This rule filing is clarifying a process that is already in place.

In addition, the changes to this rule for the implementation of H.B. 62 (2023) do not require changes to any state agencies processes that would incur any costs.

B) Local governments:

The proposed rule is not expected to have any fiscal impact on any local governments.

This rule filing is clarifying a process that is already in place.

In addition, the changes to this rule for the implementation of H.B. 62 (2023) do not require the involvement of any local governments.

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

The proposed rule is not expected to have any fiscal impact on small businesses.

This rule filing is clarifying a process that is already in place.

In addition, the changes to this rule for the implementation of H.B. 62 (2023) does not require changes to any small businesses that would incur any costs.

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

The proposed rule is not expected to have any fiscal impact on non-small businesses.

This rule filing is clarifying a process that is already in place.

In addition, the changes to this rule for the implementation of H.B. 62 (2023) does not require changes to any non-small businesses that would incur any costs.

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

The proposed rule may have a direct fiscal cost to members of the public.

If an individual chooses to apply for a medical exemption from the ignition interlock requirement that is needed to reinstate a driving privilege after an arrest or conviction of driving under the influence, they would be required to submit medical tests and forms filled out by a physician.

The cost to obtain the tests and forms would be the responsibility of the individual.

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

The compliance costs for affected persons are inestimable.

The Division of Driver License is not able to determine how many individuals would apply for this medical exemption or how much it would cost an individual to have a physician complete the tests and forms needed.

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

Regulatory Impact Table

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

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

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 53-3-104		
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	Functional Ability In Driving: Guidelines and Standards for Health Care Professionals.
Publisher	Driver License Division
Issue Date	June 2023

Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	09/26/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R708-14	Filing ID: 55813

Agency Information

1. Department:	Public Safety
Agency:	Driver License
Room number:	Suite 2600
Street address:	4315 S 2700 W, 2nd Floor
City, state and zip:	Taylorsville, UT 84129
Mailing address:	PO Box 144501

City, state and zip:	Salt Lake City, UT 84114-4501	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R708-14. Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs

3. Purpose of the new rule or reason for the change:
This rule filing is required for implementation of S.B. 244 which passed during the 2023 General Session.

In addition, general updates were made to this rule for clarity and in accordance with the Rulewriting Manual for Utah guidelines.

4. Summary of the new rule or change:
This rule adds the ability for the Division of Driver License (Division) to choose the county in which an administrative hearing for alcohol or drug proceedings may be held providing all parties involved have requested to appear via live audiovisual means.

In addition, the statute granting rulemaking authority has been updated, and language not in line with the Rulewriting Manual for Utah guidelines has been reformatted.

A section has been added that contains information on what is needed for and the process of requesting an administrative hearing with the Division, this also includes the requirement to designate whether the individual is requesting to appear via live audiovisual or telephonic means.

Statutes have been added to the list of authorizing, implemented, or interpreted law.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:
There is no anticipated cost or savings to the state budget because of this rule filing. The Division currently has the resources to provide hearings via live audiovisual and telephonic means. In addition, the county in which the hearing is held does not influence the state budget.
B) Local governments:
There is no anticipated cost or savings to local governments because of this rule filing. This rule only has the potential to affect the location where an officer might have to appear for an administrative alcohol or drug hearing which is not expected to have a fiscal impact.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses because of this rule filing. This rule only affects the processes of the Division.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses because of this rule filing. This rule only affects the processes of the Division.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There is no anticipated cost or savings to persons other than small businesses, non-small businesses, state or local governments because of this rule filing. This rule only affects the processes of the Division.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for affected persons. The Division already has the resources necessary for the implementation of this rule.
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 63G-4-203(1)	Subsection 53-3-221(6)(v)	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023

9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	09/29/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal and Reenact		
Rule or Section Number:	R708-31	Filing ID: 55755

Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Room number:	Suite 2600	
Street address:	4315 S 2700 W, 2nd Floor	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 144501	
City, state and zip:	Salt Lake City, UT 84114-4501	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R708-31. Ignition Interlock Systems
3. Purpose of the new rule or reason for the change:
This rule filing has been edited to ensure compliance with industry standards necessary to set standards for the certification of ignition interlock systems.

4. Summary of the new rule or change:
This rule filing adds a definition section to explain terms used within this rule.
Sections have been added to clarify the certification process and to state clear expectations of ignition interlock system manufacturers to obtain and keep a certification.
Sections have also been added to include grounds for refusing or revoking certification and information on adjudicative proceedings.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule filing is not expected to have any impact on the state government budget because the proposed changes are setting new and expanding existing requirements for manufacturers of ignition interlock systems.
There are no ignition interlock systems manufactured by the state.
B) Local governments:
This rule filing is not expected to have any impact on local governments because the proposed changes are setting new and expanding existing requirements for manufacturers of ignition interlock systems.
There are no ignition interlock systems manufactured by any local government.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule filing may have an inestimable indirect fiscal cost to 40 certified ignition interlock system providers.
This rule is requiring manufacturers of ignition interlock systems to obtain certifications for their systems from an ISO-17025 Laboratory Management System to be on the Division of Driver License's (Division) list of certified systems.
This rule is also requiring manufacturers to have their manufacturing facilities brought up to the industry standard according to the ISO-9001 Quality Management Standard.
In addition, the systems are being required to be equipped with cameras.
The changes this rule imposes on the manufacturers of ignition interlock systems have a potential to raise the cost an ignition interlock system provider may have to pay a manufacturer to provide an ignition interlock system to the public.

The costs are inestimable because the Division is not able to determine what, if any, cost may be passed down to the system providers from the manufacturers.

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

This rule filing may have an inestimable direct fiscal cost to eight certified ignition interlock system manufacturers.

This rule is requiring the manufacturers of ignition interlock systems to obtain certifications of any system submitted to the Division to be certified in an independent lab that is accredited to the ISO-17025 Laboratory Management Standard to be on the Division's list of certified systems, and to have any facility that manufactures ignition interlock systems to be certified to the ISO-9001 Quality Management Standard.

Additionally, this rule filing requires all ignition interlock systems to be equipped with a camera no later than 12/31/2023, and will require a new certification of any system that has undergone updates or software changes to the degree that it changes the system from the condition it was originally certified under.

The rule filing also requires manufacturers to submit a new certification of the system from an independent lab that is accredited to the ISO-17025 Laboratory Management Standards every three years.

The costs are inestimable because the Division is not able to determine how much an interlock manufacturer would have to pay to become certified to the industry standard to the ISO-9001 Quality Management Standard.

A search of companies who offer the certification shows a range of fees from as low as \$497 to as high as \$1,000,000 depending on several different factors. Due to the wide range of fees and the options available to each manufacturer to choose for their certifications, the Division is not able to list an accurate or specific cost for certification.

The Division would also not be able to determine the cost of facility upgrades a manufacturer may need to make it be in compliance with ISO-9001 Quality Management Standards to obtain the certification.

In addition, the Division is not able to determine how much it might cost a manufacturer to produce ignition interlock systems that are equipped with cameras. Each manufacturer may have several options for choosing a camera that are not stipulated in this rule.

The Division is only asking for the camera to capture certain information, not the type of camera. This may make the cost vary depending on which type of camera the manufacturer chooses to install on the systems.

Furthermore, several of the manufacturers are already manufacturing systems with qualifying cameras meaning

that this potential cost would not apply to those. A survey of existing certified manufacturers yielded a fee of \$100,000 to \$150,000 to have a single ignition interlock system certified by a lab that is accredited to the ISO-17025 Laboratory Management Standard.

There are currently 10 certified systems in production. Because each system will have a different renewal date, the Division is not able to determine how much it might cost a manufacturer to submit the systems they have in production to show compliance with NHTSA standards for renewal or for recertification after any changes have been made.

Although this rule is requiring the manufacturers of ignition interlock systems to obtain certifications of any system submitted to the Division to be certified in an independent lab that is accredited to the ISO-17025 Laboratory Management Standard in order to be on the list of certified systems, this requirement is not new to the process and all current ignition interlock system manufacturers currently have this certification, as a result, this addition to this rule will not have any compliance costs.

This rule filing may have an inestimable indirect fiscal cost to one certified ignition interlock provider. This provider is not included with the other non-small businesses because the possible fiscal impact is different since it is an ignition interlock system provider and not an ignition interlock system manufacturer.

This rule is requiring manufacturers of ignition interlock systems to obtain certifications for their systems from an ISO-17025 Laboratory Management System. This rule is also requiring manufacturers to have their manufacturing facilities brought up to the industry standard according to the ISO-9001 Quality Management Standard.

In addition, the systems are being required to be equipped with cameras. The changes this rule imposes on the manufacturers of ignition interlock systems have a potential to raise the cost an ignition interlock system provider may have to pay a manufacturer to provide an ignition interlock system to the public.

The costs are inestimable because the Division is not able to determine what, if any, cost may be passed down to the system providers from the manufacturers.

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

This rule filing may have an inestimable indirect fiscal cost to approximately 15,263 persons other than small businesses, non-small businesses, state, or local government entities. This number is an approximation of current drivers with an ignition interlock restriction in the Division's database, and is likely to change as individuals

have the ignition interlock requirement removed or as new individuals have the requirement added.

Members of the public who are required to have an ignition interlock system installed in their vehicle may see an increase in fees from ignition interlock system providers that may have incurred a cost increase to obtain the ignition interlock systems this rule filing requires.

The costs are inestimable because the Division is not able to determine what, if any, cost may be passed down to the system providers from the manufacturers which, in turn, could mean an increase in the form of fees for members of the public.

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

The compliance costs for affected persons are inestimable due to ranging costs and variables that would be specific to each manufacturer.

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

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

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

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

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 41-6a-518		
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDS)
Publisher	Office of the Federal Register, National Archives and Records Administration
Issue Date	May 8, 2013
Issue or Version	Volume 78, Number 89

Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	09/19/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R708-35	Filing ID: 55815

Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Room number:	Suite 2600	
Street address:	4315 S 2700 W, 2nd Floor	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 144501	
City, state and zip:	Salt Lake City, UT 84114-4501	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R708-35. Adjudicative Proceedings For Driver License Offenses Not Involving Alcohol or Drug Actions
3. Purpose of the new rule or reason for the change:
This rule filing adds two new violations to the list of offenses the Division of Driver License (Division) will hold an adjudicative proceeding for as a result of the passage of H.B. 62 from the 2023 General Session. In addition, formatting and verbiage of this rule has been updated.
4. Summary of the new rule or change:
This rule adds two new violations to the list of offenses the Division will hold an adjudicative proceeding for because of the passage of H.B. 62 (2023). In addition, the statute granting authority has been updated, and a new statute has been added. The definition section has been edited to include two statutes that contain definitions used throughout this rule.

Information has been added to a request for an administrative hearing.

The rule has been renumbered to be consistent with other division rules. Sections R708-35-8 and R708-35-9 have been edited to be consistent with the verbiage contained in Rule R708-14.
(EDITOR'S NOTE: The proposed amendment to Rule R708-14 is under ID 55813 in this issue, October 15, 2023, of the Bulletin.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have an impact on the state budget because this rule does not change any of the Division's current processes.
B) Local governments:
This rule change is not expected to have an impact on local governments because this rule does not affect any local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have an impact on small businesses because this rule does not affect any small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule change is not expected to have an impact on non-small businesses because this rule does not affect any non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have an impact on persons other than small businesses, non-small businesses, state or local government budget because this rule only affects the Division.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliances costs for affected persons. This rule is not changing any of the processes of the Division. It is updating for formatting and verbiage clarification and to add two more violations to the list of

offenses for which the Division may hold an administrative hearing.

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

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

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

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 63G-4-203(1)	Subsection 53-3-221(6)(v)	
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:

11/21/2023
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	09/29/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R708-41	Filing ID:	55802
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Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Room number:	Suite 2600	
Street address:	4315 S 2700 W, 2nd Floor	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 144501	
City, state and zip:	Salt Lake City, UT 84114-4501	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov

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

General Information

2. Rule or section catchline:
R708-41. Requirements for Acceptable Documentation, Storage and Maintenance
3. Purpose of the new rule or reason for the change:
The purpose of this rule is to implement legislative changes for S.B. 70 from the 2023 General Session, and to add a term to describe the condition which the Division of Driver License (Division) may decline to accept a document.
4. Summary of the new rule or change:
This rule filing allows for a participant in the Safe at Home Program to use an assigned address issued under the program to satisfy proof of residency requirements to apply for a driving privilege or identification card.
A new term has been added to Subsection R708-41-10(1) which will allow the Division to decline to accept a document that has been damaged for the purposes of obtaining a driving privilege or identification card.
Formatting has been updated throughout this rule for consistency with the Rulewriting Manual for Utah standards.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have any impact on the state budget because this rule is utilizing resources already in place and is simply adding a new form to provide proof of residency required to apply for a driving privilege or identification card.
B) Local governments:
This rule change is not expected to have any impact on local governments because this rule is utilizing resources already in place and is simply adding a new form to provide proof of residency required to apply for a driving privilege or identification card.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have any impact on small businesses because this rule is utilizing resources already in place and is simply adding a new form to provide proof of residency required to apply for a driving privilege or identification card.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule change is not expected to have any impact on non-small businesses because this rule is utilizing resources already in place and is simply adding a new form to provide proof of residency required to apply for a driving privilege or identification card.

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

This rule change is not expected to have any impact on persons other than small businesses, non-small businesses, state, or local entities because this rule is utilizing resources already in place and is simply adding a new form to provide proof of residency required to apply for a driving privilege or identification card.

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

There are no compliance costs for affected persons associated with this rule.

This rule change is not adding or changing any processes already in place.

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

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

NOTICES OF PROPOSED RULES

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 53-3-104		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023

9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	09/27/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment			
Rule or Section Number:	R708-46	Filing ID:	55804

Agency Information

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

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

General Information

2. Rule or section catchline:
R708-46. Refugee, Asylee, or Covered Humanitarian Parolee Knowledge Test in Applicant's Native Language
3. Purpose of the new rule or reason for the change:
This rule filing is necessary to implement H.B. 141 which passed in the 2023 General Session.
4. Summary of the new rule or change:
This rule updates the rule catchline to reflect current statutory language.
This rule filing allows an individual to apply for a Utah class D driving privilege for the first time and upon the first renewal in a language of the individual's choice. If the individual's preferred language is not available, they may choose to take the knowledge test with a qualified translator at the individual's cost.
Updates in formatting and wording have been made in compliance with the Rulewriting Manual for Utah standards.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule filing is expected to have a direct fiscal cost to the Driver License Division (Division).
The Division will need to enact programming changes to add new languages and will need to pay an annual fee to maintain and make updates to the languages that have been added. A one-time cost for programming updates of

\$10,380 and \$60,000 of ongoing maintenance costs is expected.

B) Local governments:

This rule filing is not expected to have any fiscal impact on any local governments because there are no local governments involved in the implementation of this rule or process.

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

This rule filing is not expected to have any fiscal impact on any small businesses because there are no small businesses involved in the implementation of this rule or process.

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

This rule filing is not expected to have any fiscal impact on any non-small businesses because there are no non-small businesses involved in the implementation of this rule or process.

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

There is expected to be an indirect non-fiscal benefit to persons other than small businesses, non-small businesses, state, or local government entities. Individuals may experience an indirect fiscal benefit by being able to apply for a class D driving privilege for the first time and the first renewal in their chosen language.

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

This rule filing is expected to cost the Division a one time programming cost of \$10,380 and an ongoing maintenance cost of \$60,000.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$70,380	\$60,000	\$60,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$70,380	\$60,000	\$60,000
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	(\$70,380)	(\$60,000)	(\$60,000)

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

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 53-3-206		
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	09/27/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal and Reenact		
Rule or Section Number:	R708-48	Filing ID: 55756

Agency Information

1. Department:	Public Safety	
Agency:	Driver License	
Room number:	Suite 2600	
Street address:	4315 S 2700 W, 2nd Floor	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 144501	
City, state and zip:	Salt Lake City, UT 84114-4501	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R708-48. Ignition Interlock System Program
3. Purpose of the new rule or reason for the change:
This rule filing is necessary to implement H.B. 62 from the 2023 General Session. In addition, this rule has been edited to allow conformity with current industry standards and allows the Division of Driver License (Division) to better regulate the Ignition Interlock Systems Program.
4. Summary of the new rule or change:
This rule filing is necessary to implement provisions of H.B. 62 (2023) that requires individuals to appear for monitoring of their ignition interlock systems every 60 days or more often if required by the courts. H.B. 62 (2023) also requires the ignition interlock system providers to collect and report information on all start attempts where the individual had a measurable amount of alcohol in their system or failed to appear for scheduled monitoring of the ignition interlock system.

This rule has been edited from the current version to reorganize the order of existing sections for better flow.

New sections have been added so that information existing in other sections may be better organized.

Information has been added to clarify requirements for providers, as well as the procedure to obtain and renew a provider license.

A section has been added to list the requirements for a service center location and the procedures for obtaining and renewing a service center license.

The inspection and audit section has been clarified with new information the Division may look for during an audit or inspection.

Information has been added to the requirements for an installer and the procedures for obtaining and renewing an installer license.

Information has been added to the contracts and documentation section to clarify the contracts between the providers and clients and to require certain serial numbers of the devices to be included.

Information has been added to the records section to include certain serial numbers from the devices to be included on client records, specifies the location of client records, and adds information concerning breaches in data.

Information regarding what is to be reported to the Division has been added to the reporting section.

A section for access to the Utah State Portal has been added so information regarding this from the existing rule can be in one section as opposed to throughout the existing rule.

Information has been added to reasons the Division may deny, cancel, or revoke a license, as well as information regarding the probation process.

A section has been added to address individuals who attempt to start a vehicle with a measurable breath alcohol content or who fail to appear for scheduled monitoring of their installed ignition interlock systems.

These individuals will have their ignition interlock requirement extended for an additional 60 days for reports of violations of Subsections 53-3-1007(2)(b) and 53-3-1007(2)(c) in a given 60 day reporting period.

Fiscal Information

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

<p>A) State budget:</p> <p>This rule filing may cost the Division a one time programming cost of \$69,640 for FY2023 and an ongoing cost of \$88,400 for a full time program coordinator beginning FY2024.</p> <p>The Division has included an estimated 3% COLA and benefits increase for a total of \$91,794 for FY2025 and \$95,318 for FY2026.</p> <p>The Division estimated the amounts for programming based on an estimate of 665 billable hours from a DTS business analyst for a total of \$69,640, and the salary for a full time program coordinator was calculated at a mid-range salary for the position.</p>
<p>B) Local governments:</p> <p>This rule filing is not expected to have any impact on local governments because the proposed changes do not affect any processes or require any involvement from local governments.</p>
<p>C) Small businesses ("small business" means a business employing 1-49 persons):</p> <p>This rule filing may have an inestimable direct fiscal cost to 40 small businesses registered with the Division as certified ignition interlock system providers.</p> <p>This rule is requiring providers and installers to have a designated waiting area that is not in view of the installation area in the service center, to implement security measures to ensure unlicensed people are not able to gain access to proprietary materials or client files, to create a visual barrier for installations not done in a garage or building, to perform monitoring of the system every 60 days or more frequently as ordered by the court or Division, to update their contracts, to mediate and rectify any data breaches, to possibly require programming changes in order to report failed attempts to start vehicle with a BAC of .020 and failures to appear for monitoring, and to have installers submit a fingerprint card every other year upon renewal of license.</p> <p>The fiscal costs for small business are inestimable because: The Division is not able to determine if all providers would need to make changes to existing service centers to create a designated waiting area that prohibits installation process viewing.</p> <p>In the event changes to service centers do need to be made, the Division would not be able to determine how much those changes would cost.</p> <p>The Division is not able to determine what it would cost to provide security measures to ensure unlicensed people are not able to gain access to proprietary materials or client files.</p>

<p>The Division is not outlining what security measures will need to be in place, this is at the discretion of the providers, but must be adequate to prevent access.</p> <p>The Division is not able to determine what it would cost to create a visual barrier for installations not done in a garage or building.</p> <p>The Division is not outlining what type of barrier must be used, it just must be adequate to prevent non-licensed people from viewing the installation process.</p> <p>The Division is not able to determine what if any costs would be associated with updating their contracts to include the new requirements. This rule does not outline the process required to update their contracts. The Division also does not have any knowledge of how providers contracts are updated.</p> <p>The Division is not able to determine what it might cost to remediate and rectify any data breaches. The Division is not outlining what type of remediation will need to be done, that is up to the discretion of the providers.</p> <p>The Division is not able to determine what it might cost to complete programming changes to transmit the new required information to the Division. This is something that might already be possible with existing programming, as they are able to add information to a notes and comments section.</p> <p>The cost of fingerprints from BCI is \$15, however the Division is not able to determine what this might cost installers depending on when their licenses may expire as they are only required to complete this step every other year.</p>
<p>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</p> <p>This rule filing may have an inestimable direct fiscal cost to one non-small business registered with the Division as a certified ignition interlock system provider.</p> <p>This rule is requiring providers and installers to have a designated waiting area that is not in view of the installation area in the service center, to implement security measures to ensure unlicensed people are not able to gain access to proprietary materials or client files, to create a visual barrier for installations not done in a garage or building, to perform monitoring of the system every 60 days or more frequently as ordered by the court or Division, to update their contracts, to mediate and rectify any data breaches, to possibly require programming changes in order to report failed attempts to start vehicle with a BAC of .020 and failures to appear for monitoring, and to have installers submit a fingerprint card every other year upon renewal of license.</p> <p>The fiscal costs for non-small businesses are inestimable because: The Division is not able to determine if all providers would need to make changes to existing service centers to create</p>

a designated waiting area that prohibits installation process viewing.

In the event changes to service centers do need to be made, the division would not be able to determine how much those changes would cost.

The Division is not able to determine what it would cost to provide security measures to ensure unlicensed people are not able to gain access to proprietary materials or client files. The Division is not outlining what security measures will need to be in place, this is at the discretion of the providers, but must be adequate to prevent access.

The Division is not able to determine what it would cost to create a visual barrier for installations not done in a garage or building. The Division is not outlining what type of barrier must be used, it just must be adequate to prevent non-licensed people from viewing the installation process.

The Division is not able to determine what if any costs would be associated with updating their contracts to include the new requirements. This rule does not outline the process required to update their contracts. The Division also does not have any knowledge of how providers contracts are updated.

The Division is not able to determine what it might cost to remediate and rectify any data breaches. The Division is not outlining what type of remediation will need to be done, that is up to the discretion of the providers.

The Division is not able to determine what it might cost to complete programming changes to transmit the new required information to the division. This is something that might already be possible with existing programming, as they are able to add information to a notes and comments section.

The cost of fingerprints from BCI is \$15, however the Division is not able to determine what this might cost installers depending on when their licenses may expire as they are only required to complete this step every other year.

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

This rule filing may have a direct fiscal cost to approximately 15,263 persons other than small businesses, non-small businesses, state, or local governments.

Members of the public who attempt to start a vehicle with a measurable breath alcohol content or who fail to appear for scheduled monitoring of their installed ignition interlock system will have their ignition interlock requirement extended for an additional 60 days for violations of Subsections 53-3-1007(2)(b) and 53-3-1007(2)(c) in a given 60 day reporting period.

This could result in more fees to extend their contract with a provider of ignition interlock systems. This cost is inestimable because the Division is not able to predict who might attempt to start their vehicles with a measurable breath alcohol content while they have an installed ignition interlock system or who may fail to appear for scheduled monitoring of their ignition interlock system.

In addition, the fees associated with an ignition interlock installation are set and determined by each provider and not by the Division, as a result, the Division is not able to determine what it would cost to extend a contract with a provider.

There are approximately 15,263 members of the public that are currently required to have an ignition interlock system installed on their vehicles. This number is subject to change as additional members of the public may obtain a violation that would require an ignition interlock to be installed in their vehicles and as the requirement to have an ignition interlock ends for other individuals. This rule filing may have an inestimable indirect fiscal cost to these individuals.

Members of the public who are required to have an ignition interlock system installed in their vehicle may see an increase in fees from ignition interlock system providers that may have incurred a cost increase to implement the changes this rule filing requires. This increase may be passed down to members of the public in the form of increased fees to have the systems installed and monitored.

The fiscal cost is inestimable because the Division is not able to determine what, if any cost, may be passed down to the system providers from the manufacturers which in turn could mean an increase in the form of fees for members of the public.

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

This rule filing may cost the Division a one-time programming cost of \$69,640 for FY2023 and an ongoing cost of \$88,400 for a full-time program coordinator.

The Division has included an estimated 3% COLA and benefits increase for a total of \$91,794 for FY2025 and \$95,318 for FY2026.

The fiscal costs for the other affected persons are inestimable due to variables the Division is not able to predict or estimate.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$88,400	\$91,794	\$95,318
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	(\$88,400)	(\$91,794)	(\$95,318)
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 53-3-1004	Section 53-3-1007	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023

9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	09/19/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R714-561	Filing ID: 55812

Agency Information

1. Department:	Public Safety
Agency:	Highway Patrol
Building:	Calvin Rampton Complex
Street address:	4501 S 2700 W
City, state and zip:	Salt Lake City, UT 84119-5994
Mailing address:	PO Box 141100
City, state and zip:	Salt Lake City, UT 84114-1100
Contact persons:	
Name:	Phone: Email:
Kim Gibb	801-556-8198 kgibb@utah.gov
Please address questions regarding information on this notice to the persons listed above.	

General Information

2. Rule or section catchline:
R714-561. Suicide Deterrence Grant Program
3. Purpose of the new rule or reason for the change:
This rule is being enacted as a result of the passage of H.B. 259 during the 2023 General Session and is authorized under Section 17-22-34.
4. Summary of the new rule or change:
This rule outlines the application process, eligibility criteria, and reporting requirements for a county jail that wishes to apply for funding from the Suicide Deterrence Grant Program.

Fiscal Information

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

A) State budget:

The Utah Legislature appropriated \$140,000 ongoing to provide grant funding for county jails for the purchase of suicide barriers as outlined in Section 17-22-34.

The Highway Patrol does not anticipate a cost or savings to the state as a result of this rule because it is strictly explaining how the appropriated funds will be distributed.

B) Local governments:

The Highway Patrol anticipates an inestimable cost savings to local governments as a result of the funds appropriated by the legislature.

County jails will have the ability to apply for funding from the \$140,000 ongoing appropriation in order to purchase suicide barriers. County jails will apply for approval of grant funding awards, and once approved, will be awarded funding based on the criteria outlined in Section 17-22-34(3) and this rule.

The Highway Patrol does not anticipate a cost or savings to local governments as a result of this rule because it is strictly explaining how the appropriated funds will be distributed.

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

The Highway Patrol is not aware of any small businesses that have equipment available that would satisfy the minimum standards for suicide barriers.

There may be small businesses that are able to provide this equipment, as would be identified through the application process when a county jail applies for grant funding.

Under the grant program created in Section 17-22-34, a business that is able to provide suicide barriers that meet minimum standards established in Section 17-22-34(3) and this rule, will have a potential to sell suicide barriers to county jails in the amount of up to \$140,000 in ongoing grant funding appropriated by the legislature.

The Highway Patrol does not anticipate a cost or savings to small businesses as a result of this rule because it is strictly explaining how the appropriated funds will be distributed.

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

The Highway Patrol is not aware of any non-small businesses that have equipment available that would satisfy the minimum standards for suicide barriers.

There may be non-small businesses that are able to provide this equipment, as would be identified through the application process when a county jail applies for grant funding.

Under the grant program created in Section 17-22-34, a business that is able to provide equipment that meets minimum standards established in Section 17-22-34(3) and this rule, will have a potential to sell suicide barriers to county jails in the amount of up to \$140,000 in ongoing grant funding appropriated by the legislature.

The Highway Patrol does not anticipate a cost or savings to non-small businesses as a result of this rule because it is strictly explaining how the appropriated funds will be distributed.

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

There are no anticipated costs or savings for persons other than small businesses, state, or local government entities because this rule only identifies the process for a county jail to apply for grant funding appropriated by the legislature for the purchase of suicide barriers.

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

There are no compliance costs for affected persons because this rule only identifies the process for a county jail to apply for grant funding appropriated by the legislature for the purchase of suicide barriers.

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

Regulatory Impact Table

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

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

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

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 17-22-34		
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Michael Rapich, Colonel Utah Highway Patrol	Date:	09/28/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R746-8-301	Filing ID: 55757

Agency Information

1. Department:	Public Service Commission	
Agency:	Administration	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 4558	
City, state and zip:	Salt Lake City, UT 84114-4558	
Contact persons:		
Name:	Phone:	Email:
John Delaney	801-530-6724	jdelaney@utah.gov

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

General Information

2. Rule or section catchline:
R746-8-301. Calculation and Application of UUSF Surcharge

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

The purpose of this rule amendment is to ensure the Utah Universal Public Telecommunications Service Support Fund (UUSF) meets the fund's statutory obligations and does not incur deficits beyond those obligations.

As provided in Subsection 54-8b-15(2), the UUSF provides a funding mechanism for qualifying telecommunications carriers "to obtain specific, predictable, and sufficient funds to deploy and manage" networks for end-users of certain telecommunications services.

UUSF funding is provided by "an explicit charge assessed" – or surcharge – on each telecommunication access line or connection, pursuant to Subsection 54-8b-15(8). That surcharge is then remitted to the UUSF by telecommunications carriers who have collected the surcharge from their customers on a "per access line" basis, pursuant to Subsection 54-8b-15(9).

The "per access line" basis allows the Public Service Commission (PSC), with the assistance of the Division of Public Utilities, to estimate UUSF revenue based on the number of customers of any given telecommunications carrier. In other words, the UUSF balance is a function of the revenue collected and remitted from the surcharge based on the projected number of access lines (Subsections 54-8b-15(8) and (9)), which is then offset by the projected costs attributable to deployment and management of the applicable telecommunications networks (Subsection 54-8b-15(2)).

Accordingly, the projected "per access line" surcharge must be occasionally adjusted to meet the statutory obligations relating to the projected UUSF costs. Thus, this rule amendment increases the monthly UUSF surcharge remittance amount from \$0.36 to \$0.71 per access line.

The Division of Public Utilities recently provided its recommended UUSF distributions for calendar year 2024 (CY2024) so that regulated Utah telecommunications carriers will "obtain specific, predictable, and sufficient funds to deploy and manage" networks for end-users of certain telecommunications services, as required by Utah law.

These recommendations also noted that the recommended increased distributions in CY2024 will necessitate a surcharge increase to \$0.71 in CY2024. The PSC will be making final decisions on those CY2024 distributions before the end of 2023, and the PSC recognizes that any changes to those final distributions could impact the appropriate surcharge level.

Notwithstanding the ongoing process to approve and finalize CY2024 distributions, the PSC is submitting this rule amendment now to enable the surcharge change to take place at the appropriate time if the proposed distributions are approved.

If the PSC determines, after finalizing CY2024 distributions, that this proposed surcharge increase remains appropriate, it anticipates making this rule amendment effective on 12/29/2023, so that it will apply to all Utah access lines and connections for CY2024. The PSC expresses appreciation to the Division of Public Utilities in the Department of Commerce for providing the analysis necessary to consider and implement this rule amendment.

4. Summary of the new rule or change:

This amendment increases the monthly UUSF surcharge from \$0.36 to \$0.71 per access line.

The amendment makes three textual edits, revising the rule's three references to the \$0.36 surcharge to reflect the new \$0.71 surcharge.

As explained in response to Box 3 above, the increase in the surcharge is necessary to ensure the UUSF can meet statutory obligations while remaining within policy norms.

Unless public comment, or the results of the PSC proceedings to finalize CY2024 UUSF distributions, convinces the PSC to alter its plans, the PSC anticipates making this rule amendment effective on 12/29/2023.

Fiscal Information

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

A) State budget:

This surcharge change will increase the balance accruing in the UUSF, satisfying the performance objective set by the Utah Legislature to maintain at least three months' worth of fund distributions without incurring a deficit.

The only other impact on the state budget is the impact on state offices that are telecommunications customers. Because the surcharge is passed on by providers to customers, every telecommunications customer will experience an increase of \$0.35 in their monthly bill.

B) Local governments:

The only impact on local governments will be in their capacity as telecommunications customers.

Because the surcharge is passed on by providers to customers, every telecommunications customer will experience an increase of \$0.35 in their monthly bill.

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

The only impact on small businesses will be in their capacity as telecommunications customers.

Because the surcharge is passed on by providers to customers, every telecommunications customer will experience an increase of \$0.35 in their monthly bill.

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

The only impact on non-small businesses will be in their capacity as telecommunications customers.

Because the surcharge is passed on by providers to customers, every telecommunications customer will experience an increase of \$0.35 in their monthly bill.

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*):

Affected – All customers who are billed for an access line presently pay \$0.36 per month per access line for the UUSF surcharge. That rate was implemented in July 2021, and represented a reduction of \$0.18 per access line per month – from \$0.54 to \$0.36.

Under the new \$0.71 rate, all such customers will pay \$0.35 more per month per access line. According to the Division of Public Utilities, as of 07/31/2023, 4,063,228 access lines are assessed the surcharge every month.

At the current rate, this results in approximately \$1,443,600.00 being collected from such customers to fund the UUSF on a monthly basis, or approximately \$17,323,199 per year.

Based on CY2024 projections, an average of 4,279,057 access lines will be assessed for the surcharge every month. Under the new rate, approximately \$2,998,331, on average, would be collected per month, or approximately \$35,979,974 per year to fund the UUSF.

The proposed rate increase will result in an approximate average increase of \$1,554,731 per month, or \$18,656,775 per year to fund the UUSF, as compared to the current rate to fund the UUSF.

This will have a fiscal impact on Utah's regulated telecommunications providers that receive distributions from the UUSF. This rule amendment will enable the UUSF to make the distributions in CY2024 that are necessary to meet the statutory requirements. The PSC presently does not have access to the commercially sensitive information that would be necessary to determine what portion of the access lines paying the surcharge are small businesses, larger businesses, or individuals. However, this increase should affect all customers and customer classes equally on a per access line basis.

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

All telecommunications customers currently paying this surcharge will experience an increase of \$0.35 in their monthly bill.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$9,328,388	\$0	\$0
Total Fiscal Cost	\$9,328,388	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	(\$9,328,388)	\$0	\$0

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

All telecommunications customers in Utah will experience an increase of \$0.35 on their monthly telecommunications bill.

This will enable the UUSF to satisfy the Legislative performance goal of maintaining a sufficient balance in the fund to pay three months' worth of disbursements, without incurring a deficit.

This also will enable the UUSF to meet its statutory mandate to provide a funding mechanism for Utah's qualifying regulated telecommunications carriers to "obtain specific, predictable, and sufficient funds to deploy and manage" telecommunications networks.

I appreciate the detailed analysis done by the Division of Public Utilities in the Department of Commerce that provided the PSC the necessary information. I have reviewed and approve this regulatory impact analysis. Thad LeVar, PSC Chair

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 54-3-1	Section 54-4-1	Section 54-8b-10
Section 54-8b-15		

Public Notice Information

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

A) Comments will be accepted until: 12/15/2023

9. This rule change MAY become effective on: 12/29/2023

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

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	09/19/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R907-80-15	Filing ID:	55797
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Agency Information

1. Department:	Transportation		
Agency:	Administration		
Room no.:	Administrative Suite, 1st Floor		
Building:	Calvin Rampton		
Street address:	4501 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Mailing address:	PO Box 148455		
City, state and zip:	Salt Lake City, UT 84114-8455		
Contact person(s):			
Name:	Phone:	Name:	
Leif Elder	801-580-8296	lelder@utah.gov	
Becky Lewis	801-965-4026	blewis@utah.gov	
James Palmer	801-965-4197	jimpalmer@agutah.gov	
Lori Edwards	801-965-4048	loriedwards@agutah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:
R907-80-15. Sale or Exchange Involving a Large Public Transit District
3. Purpose of the new rule or reason for the change:
In Laws 2023, c. 219, § 25, eff. May 3, 2023. (S.B. 27, see line 2239), the Legislature amended Section 72-5-117 to require the Department of Transportation (Department) to make administrative rules that may provide for the transfer of real property, with or without charge, to a large public transit district under certain circumstances.

The Department proposes these changes to Rule R907-80 to meet the new statutory requirement.

4. Summary of the new rule or change:

This proposed rule change adds Section R907-80-15 to Rule R907-80 to satisfy the requirement in the Legislature's 2023 amendment of Section 72-5-117.

Fiscal Information

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

A) State budget:

There is no anticipated cost or savings to the state budget.

The change to Section 72-5-117 grants the Department authority to make administrative rules that may provide for the transfer of real property, with or without charge, to a large public transit district under certain circumstances.

The fiscal impact on the state's budget of such a rule is negligible.

B) Local governments:

The Department does not expect this proposed rule change to have a fiscal impact on local governments' revenues or expenditures because it only applies to the Department.

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

The Department does not expect this proposed rule change to have a fiscal impact on small businesses because it only applies to the Department.

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

The Department does not expect this proposed rule change to have a fiscal impact on non-small businesses because it only applies to the Department.

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 Department does not expect this proposed rule change to have a fiscal impact on persons other than small businesses, non-small businesses, or state or local government entities because it only applies to the Department.

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

There are no compliance costs for affected persons. The proposed changes only apply to the Department.

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

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

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

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, 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 72-5-117		
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:

11/21/2023
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	09/22/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R920-4	Filing ID: 55796

Agency Information

1. Department:	Transportation	
Agency:	Operations, Traffic and Safety	
Room no.:	Administrative Suite, 1st Floor	
Building:	Calvin Rampton Bldg	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Name:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

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

General Information

2. Rule or section catchline:

R920-4. Special Road Use or Event

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

The Legislature, during its 2023 General Session, passed S.B. 250.

Substantive changes this bill makes require the Department of Transportation (Department) to amend this rule.

4. Summary of the new rule or change:

S.B. 250 (2023), Public Surveillance Amendments:
 1) authorizes a state or local law enforcement agency to install and use automatic license plate reader data gathered by a private entity in certain circumstances;
 2) allows the Department to issue a special road use permit for the use of automatic license plate reading systems on a state highway in certain circumstances;
 3) requires a law enforcement agency participating in an automatic license plate reading system program to publicly post policies related to automatic license plate reading systems and special road use permits the law enforcement agency has received; and
 4) defines parameters for the collection and retention of information for investigative searches and for audit purposes gathered through automatic license plate reading systems by a law enforcement agency.

This proposed rule change provides a framework the Department and law enforcement agencies will follow to apply for and receive special use and encroachment permits and makes technical changes to conform this rule to the requirements of 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:

The Department anticipates that this proposed rule change will impact the state's budget.

The proposed changes will lead to additional permitting needed to accommodate the installation of automatic license plate reader systems (ALPRS) within the Department's right of way throughout the state.

However, the Department does not have sufficient data to calculate an accurate estimate of what the additional costs will be at this time.

B) Local governments:

The Department anticipates that this proposed rule change will impact local governments to the extent that local governments apply for and receive special use permits for ALPRSs.

While the Department will not charge local governments or their law enforcement agencies permit application fees, local governments will experience the normal costs associated with filing permit applications.

The Department does not know how many permits for which local governments will apply and, therefore, cannot estimate the impact on local governments.

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

These proposed changes will not lead to an impact on small businesses because it does not apply to them or require anything of them.

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

These proposed changes will not lead to an impact on non-small businesses because it does not apply to them or require anything of them.

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 proposed changes will not lead to an impact on Persons other than small businesses, non-small businesses, state, or local government entities because they only apply to the state and local governments.

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

No person is affected by this rule, only government entities.

There are no compliance costs for affected persons.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, 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 72-1-201	Section 72-1-212	Section 41-6a-1111

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023
9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	09/22/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment			
Rule or Section Number:	R940-4	Filing ID:	55798

Agency Information

1. Department:	Transportation Commission	
Agency:	Administration	
Room no.:	Administrative Suite, 1st Floor	
Building:	Calvin Rampton Bldg	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Name:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

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

General Information

2. Rule or section catchline:
R940-4. Airports of Regional Significance
3. Purpose of the new rule or reason for the change:
In reviewing this rule, the Department of Transportation (Department) found a Utah Code citation that must be deleted because the Legislature repealed that part of the Code.
This proposed amendment makes the needed change.

4. Summary of the new rule or change:
 This proposed amendment eliminates an invalid Utah Code citation.

Fiscal Information

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

A) State budget:
 There is no anticipated cost or savings to the state budget because this proposed change is clerical in nature and will have no impact on how the Department functions or the parties to whom it applies.

B) Local governments:
 This proposed rule change is not expected to have a fiscal impact on local governments' revenues or expenditures because it is a clerical change.

C) Small businesses ("small business" means a business employing 1-49 persons):
 This proposed rule change is not expected to have a fiscal impact on small businesses because it is a clerical change.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 This proposed rule change is not expected to have a fiscal impact on non-small businesses because it is a clerical change.

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 proposed rule change is not expected to have a fiscal impact on persons other than small businesses, non-small businesses, state or local government entities because it is a clerical change.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
 There are no compliance costs for affected persons. The change is clerical, with no fiscal impact on other entities.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, 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 59-12-602

Public Notice Information

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

A) Comments will be accepted until: 11/14/2023

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

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

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	09/22/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: New		
Rule or Section Number:	R940-10	Filing ID: 55799

Agency Information

1. Department:	Transportation Commission	
Agency:	Administration	
Room no.:	Administrative Suite, 1st Floor	
Building:	Calvin Rampton Bldg	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Name:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
Jimmy Godin	801-965-4197	jamesjgodin@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R940-10. Guidelines for Department Participation in Transportation Reinvestment Zones
3. Purpose of the new rule or reason for the change:
The 2017 Transportation Governance and Funding Task Force considered opportunities to capture the value generated from transportation investments to help pay for the cost of the transportation infrastructure itself and further drive economic growth.
As a result of recommendations generated from the 2017 Task Force, the Legislature authorized the creation of Transportation Reinvestment Zones (TRZ) as part of the major transportation bill, S.B. 136, adopted in the 2018 Session.
The TRZ authorization was largely based on the positive experience with TRZs in Texas.

In some ways, a TRZ is similar to a Community Reinvestment Agency (CRA), capturing and leveraging the value from economic growth. However, unlike a CRA, a TRZ is intended to provide a mechanism specifically to capture the increased value generated by a transportation infrastructure project.

The purpose of this proposed rule is to establish a process for the Department of Transportation (Department) participation in a TRZ created under Section 11-13-227.

The objective of Department participation in a TRZ is to enhance the state transportation system by accelerating state highway projects or projects on local highways that are eligible for federal funds in areas where the projects are likely to stimulate increased local tax revenue that can be used to offset the cost of those projects.

4. Summary of the new rule or change:

This new rule establishes a process for Department participation in a TRZ created under Section 11-13-227.

Fiscal Information

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

A) State budget:

The Transportation Commission (Commission) does not anticipate this new rule will have a fiscal impact on the state's budget because it provides procedures public agencies such as local governments will follow to establish a TRZ.

The Commission's role in establishing TRZs will be limited and will not require the expenditure of funds.

B) Local governments:

The Commission does not anticipate this new rule will have a fiscal impact on local governments because it provides procedures public agencies such as local governments will follow to establish a TRZ and does not require local governments to establish a TRZ or anything else.

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

The Commission does not anticipate this new rule will have a fiscal impact on small businesses because it provides procedures public agencies such as local governments will follow to establish a TRZ and does not require anything from small businesses.

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

The Commission does not anticipate this new rule will have a fiscal impact on non-small businesses because it provides procedures public agencies such as local

NOTICES OF PROPOSED RULES

governments will follow to establish a TRZ and does not require anything from 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**):

The Commission does not anticipate this new rule will have a fiscal impact on persons other than small businesses, non-small businesses, and state or local government entities because it provides procedures public agencies such as local governments will follow to establish a TRZ and does not require anything other persons or public entities.

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

There are no compliance costs associated with this new rule.

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

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

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

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

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, 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 11 13-227		
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Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on: 11/21/2023

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

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	09/22/2023
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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 November 14, 2023.

From the end of the 30-day waiting period through February 12, 2024, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Rule or Section Number:	R432-150	Filing ID: 55595
Date of Previous Publication:	09/01/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Facility Licensing	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Jordan Miera	801-538-4171	jmiera@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R432-150. Nursing Care Facility
3. Reason for this change:
The Division of Licensing and Background Checks (DLBC) is in process of repealing two Health Care Facility rules that govern DLBC office processes and consolidating them into a new division-wide rule. The new content being added to this rule is existing content in Rule R432-3 that only applies to Nursing Care Facilities. It is being added with no amendments to this rule while Rule R432-3 is being repealed. (EDITOR'S NOTE: The proposed repeal of Rule R432-3 is under ID 55817 in this issue, October 15, 2023, of the Bulletin.)
4. Summary of this change:
Consolidates existing rule content present in two separate rules into a singular rule. No substantive changes accompany this shift. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the September 1, 2023, issue of the Utah State Bulletin, on page 190. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the

changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:												
A) State budget:												
There is no anticipated impact on the state budget, as this CPR simply adds existing rule content that governs nursing facilities from a repealed rule into this rule.												
B) Local government:												
There is no anticipated impact to local governments, as this CPR simply adds existing rule content that governs nursing facilities from a repealed rule into this rule.												
C) Small businesses ("small business" means a business employing 1-49 persons):												
There is no anticipated impact to small businesses, as this CPR simply adds existing rule content that governs nursing facilities from a repealed rule into this rule.												
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):												
There is no anticipated impact to non-small businesses, as this CPR simply adds existing rule content that governs nursing facilities from a repealed rule into this rule.												
E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):												
There is no anticipated impact to other persons, as this CPR simply adds existing rule content that governs nursing facilities from a repealed rule into this rule.												
F) Compliance costs for affected persons:												
There is no anticipated compliance cost for affected persons, as this CPR simply adds existing rule content that governs nursing facilities from a repealed rule into this rule.												
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)												
Regulatory Impact Table												
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2024</th> <th>FY2025</th> <th>FY2026</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2024	FY2025	FY2026	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0
Fiscal Cost	FY2024	FY2025	FY2026									
State Government	\$0	\$0	\$0									
Local Governments	\$0	\$0	\$0									

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

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2023
9. This rule change MAY become effective on:	11/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/28/2023
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NOTICE OF CHANGE IN PROPOSED RULE

Rule or Section Number:	R590-190	Filing ID: 55510
Date of Previous Publication:	07/15/2023	

Agency Information

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

General Information

2. Rule or section catchline:
R590-190. Unfair Property, Casualty, and Title Claims Settlement Practices Rule
3. Reason for this change:
The proposed repeal and reenact is being changed to enhance insurance consumer protections.
4. Summary of this change:
This filing adds two protections for consumers in Subsection R590-190-11(9). First, it requires insurers to provide rental vehicles that may reasonably be used in a manner in which a consumer previously used the damaged vehicle. Second, it prohibits insurers from requiring consumers to rent vehicles with the promise that the insurer will reimburse them later. (EDITOR'S NOTE: The original proposed repeal and reenact upon which this change in proposed rule (CPR) was based was published in the July 15, 2023, issue of the

Utah State Bulletin, on page 39. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed repeal and reenact together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

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

A) State budget:

There is no anticipated cost or savings to the state budget. The change only affects automobile insurers.

B) Local government:

There is no anticipated cost or savings to local governments. The change only affects automobile insurers.

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

There is no anticipated cost or savings to small businesses. The change only affects automobile insurers; no automobile insurers in Utah are in the small business category.

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

There is an anticipated cost to certain non-small businesses. Automobile insurers will be affected to the extent the change requires them to pay more in automobile insurance benefits.

However, the Department of Insurance (Department) has no way to estimate the aggregate cost because the cost to each automobile insurer is based on facts exclusively in the possession of the automobile insurer.

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

There is no anticipated cost or savings to any other persons. The change only affects automobile insurers.

F) Compliance costs for affected persons:

There is a compliance cost for automobile insurers to the extent the change requires them to pay more in automobile insurance benefits.

However, the Department has no way to estimate the aggregate cost because the cost to each automobile insurer is based on facts exclusively in the possession of the automobile insurer.

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

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

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

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 31A-2-201	Section 31A-21-312	Section 31A-26-301
Section 31A-26-303		

Public Notice Information

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

A) Comments will be accepted until:	11/14/2023
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9. This rule change MAY become effective on:	11/21/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/28/2023
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End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R380-67	Filing ID: 55803
Effective Date:	10/01/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Administration	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142004	
City, state and zip:	Salt Lake City, UT 84114-2004	
Contact persons:		
Name:	Phone:	Email:
Michelle Hale	801-419-8892	mhale@utah.gov
Dean Penovich	801-913-2621	dpenovich@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R380-67. Code Blue Alert Protocols
3. Purpose of the new rule or reason for the change:
Subsection 35A-16-702(4) requires the Department of Health and Human Services (DHHS) to make rules to implement Section 35A-16-7, Code Blue Alert. This rule is the result of H.B. 499 passing in the 2023 General Session.
4. Summary of the new rule or change:
Following the passing of H.B. 499 (2023), Homeless Services Amendments, this rule establishes the requirements for DHHS to monitor for qualifying weather criteria and issue public and stakeholder notices that describe required actions by affected counties and relay other resources as provided by the Office of Homeless Services.
5A) The agency finds that regular rulemaking would:
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.

B) Specific reasons and justifications for this finding:
 Per Section 35A-16-501 and the passing of H.B. 499 (2023), DHHS is proposing an emergency rule to enact the provisions of this rule in time for the winter response period, as defined in Section 35A-16-501 to mean the period beginning October 15 and ending April 30 of the following year. Having this rule in place ensures that DHHS maintains public health through the monitoring of qualifying weather criteria and issuing public and stakeholder notices that describe the required actions by affected counties and relay other resources as provided by the Office of Homeless Services.

Fiscal Information

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

A) State budget:
 Implementation of Section 35A-16-7 is anticipated to cost \$24,276 to develop the administrative structure, reporting process with NWS, and configure messaging platforms.

 Ongoing operations by DHHS in order to comply with Section 35A-16-7 is anticipated to cost \$28,834 to maintain the messaging platforms and daily monitoring and dissemination of code blue alerts during the winter months.

B) Local governments:
 The implementation of this rule is the result of H.B. 499 (2023), costs or savings to local governments associated with this process were absolved in the fiscal note for H.B. 499.

C) Small businesses ("small business" means a business employing 1-49 persons):
 The implementation of this rule is the result of H.B. 499 (2023), there are no costs or savings to small businesses associated with this process.

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**):

The implementation of this rule is the result of H.B. 499 (2023), there are no costs or savings to non-small businesses associated with this process.

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

The implementation of this rule is the result of H.B. 499 (2023), there are no costs or savings persons other than small businesses, non-small businesses, state, or local government entities.

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):

There are no compliance costs associated with this rule and the implementation of H.B. 499 (2023). Tracy S. Gruber, Executive Director

Citation Information

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

Subsection 26B-1-202(48)	Section 35A-16-703	Section 35A-16-702
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Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/27/2023
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End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R156-42a	Filing ID: 50275
Effective Date:	09/25/2023	

Agency Information

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

General Information

2. Rule catchline:	R156-42a. Occupational Therapy Practice 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:	

Title 58, Chapter 42a, provides for the licensure and regulation of occupational therapists and occupational therapy assistants.

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

Subsection 58-1-202(1)(a) provides that the Board of Occupational Therapy's duties, functions and responsibilities includes recommending to the director appropriate rules.

This rule was enacted to clarify the provisions of Title 58, Chapter 42a, with respect to occupational therapists and occupational therapy assistants.

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

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

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

This rule is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 42a.

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

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	09/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R156-46a	Filing ID:	53102
Effective Date:	10/02/2023		

Agency Information

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

General Information

2. Rule catchline:
R156-46a. Hearing Instrument Specialist Licensing 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:
Title 58, Chapter 46a, provides for the licensure and regulation of hearing instrument specialists and hearing instrument interns.
Subsection 58-1-106(1) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58.
This rule was enacted to clarify the provisions of Title 58, Chapter 46a, with respect to hearing instrument specialists and hearing instrument interns.

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

Since this rule was last reviewed in November 2018, the Division has received no written comments.

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

This rule is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 46a.

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

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	09/27/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-361	Filing ID:	50635
Effective Date:	09/29/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	385-499-3416	epryor1@utah.gov
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R307-361. Architectural Coatings	
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	
<p>This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the Air Quality Board to promulgate rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source."</p> <p>Rule R307-361 reduces volatile organic compound (VOC) emissions emitted from architectural coatings by establishing reasonably available control technology (RACT) requirements, as well as clarifying regulatory requirements to the industry.</p>	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
There have been no public comments since the last review of R307-361.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
<p>Rule R307-361 is needed to establish RACT controls in architectural coatings emitting VOCs, which are precursors to the formation of PM2.5.</p> <p>Rule R307-361 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.</p>	

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	09/12/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R426-1	Filing ID:	53816
Effective Date:	09/28/2023		

Agency Information

1. Department:	Health and Human Services
Agency:	Population Health, Emergency Medical Services

Room number:	2438	
Building:	Cannon Health Building	
Street address:	288 N.1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142004	
City, state and zip:	Salt Lake City, UT 84114-2004	
Contact persons:		
Name:	Phone:	Email:
Dean Penovich	801-913-2621	dpenovich@utah.gov
Emily Sagers	385-270-1224	esagers@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R426-1. General Definitions	
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 26B, Chapter 4, Part 1, authorizes the Department of Health and Human Services (Department) to write rules to regulate Emergency Medical Services (EMS).	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No written comments have been received.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
<p>This rule outlines the definitions for EMS. It's imperative that this rule is in place. Therefore, this rule should be continued.</p> <p>The Department is currently processing amendments following the recodification and consolidation of the Department's statute in the 2023 General Session.</p>	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/20/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R426-2	Filing ID: 54386
Effective Date:	09/28/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Population Health, Emergency Medical Services	
Room number:	2438	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142004	
City, state and zip:	Salt Lake City, UT 84114-2004	
Contact persons:		
Name:	Phone:	Email:
Dean Penovich	801-913-2621	dpenovich@utah.gov
Emily Sagers	385-270-1224	esagers@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R426-2. Emergency Medical Services Provider Designations for Pre-Hospital Providers, Critical Incident Stress Management and Quality Assurance Reviews
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 26B, Chapter 4, Part 1, describes types of providers that require a designation, the application process for obtaining a designation, and minimum designation requirements.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule outlines the designation requirements for certain emergency medical service providers. It also outlines the Critical Incident Management and peer support training

and details quality assurance reviews. It is imperative that the rule is in place. Therefore, this rule should be continued.

The Department of Health and Human Services (Department) is currently processing amendments following the recodification and consolidation of the Department's statute in the 2023 General Session.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/20/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R426-3	Filing ID: 55026
Effective Date:	09/28/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Population Health, Emergency Medical Services	
Room number:	2438	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142004	
City, state and zip:	Salt Lake City, UT 84114-2004	
Contact persons:		
Name:	Phone:	Email:
Dean Penovich	801-913-2621	dpenovich@utah.gov
Emily Sagers	385-270-1224	esagers@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R426-3. Licensure
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 26B-4-102(5)(a) authorizes 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:

No written comments have been received.

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

The purpose of this rule is to set forth ground ambulance policies, rules, and standards adopted by the Utah Emergency Medical Services Committee, which promotes and protects the health and safety of the people of this state. It's imperative that this rule is in place. Therefore, this rule should be continued.

The Department of Health and Human Services (Department) is currently processing amendments following the recodification and consolidation of the Department's statute in the 2023 General Session.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/20/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R426-4	Filing ID:	53578
Effective Date:	09/28/2023		

Agency Information

1. Department:	Health and Human Services		
Agency:	Population Health, Emergency Medical Services		
Room number:	2438		
Building:	Cannon Health Building		
Street address:	288 N 1460 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 142004		
City, state and zip:	Salt Lake City, UT 84114-2004		
Contact persons:			
Name:	Phone:	Email:	
Dean Penovich	801-913-2621	dpenovich@utah.gov	
Emily Sagers	385-270-1224	esagers@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R426-4. Operations
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 26B, Chapter 4, Part 1, authorizes the Department of Health and Human Services (Department) to write rules to regulate Emergency Medical Services (EMS).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule establishes standards for the operation of licensed ground EMS providers or designated EMS. It's imperative that this rule is in place. Therefore, this rule should be continued.
The Department is currently processing amendments following the recodification and consolidation of the Department's statute in the 2023 General Session.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/20/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R426-9	Filing ID:	51034
Effective Date:	09/28/2023		

Agency Information

1. Department:	Health and Human Services		
Agency:	Population Health, Emergency Medical Services		
Room number:	2438		
Building:	Cannon Health Building		
Street address:	288 N 1460 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 142004		
City, state and zip:	Salt Lake City, UT 84114-2004		

Contact persons:		
Name:	Phone:	Email:
Dean Penovich	801-913-2621	dpenovich@utah.gov
Emily Sagers	385-270-1224	esagers@utah.gov

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

General Information

2. Rule catchline:
R426-9. Specialty Care Systems Facility Designations
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 26B, Chapter 4, Part 1, authorizes the Department of Health and Human Services (Department) to write rules to regulate Emergency Medical Services (EMS).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule establishes requirements pursuant to statute for a statewide specialty care systems and related emergency medical systems including a statewide trauma system and trauma center designations. It's imperative that this rule is in place. Therefore, this rule should be continued.
The Department is currently processing amendments following the recodification and consolidation of the Department's statute in the 2023 General Session.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/20/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R426-10	Filing ID:	51035
Effective Date:	09/27/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Population Health, Emergency Medical Services	
Room number:	2438	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142004	
City, state and zip:	Salt Lake City, UT 84114-2004	
Contact persons:		
Name:	Phone:	Email:
Dean Penovich	801-913-2621	dpenovich@utah.gov
Emily Sagers	385-270-1224	esagers@utah.gov

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

General Information

2. Rule catchline:
R426-10. Air Ambulance Licensure and Operations
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 26B, Chapter 4, Part 1, authorizes the Department of Health and Human Services (Department) to write rules to regulate Emergency Medical Services (EMS).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is established for the licensing requirements and operations for air ambulance providers. It's imperative that this rule is in place. Therefore, this rule should be continued.
The Department is currently processing amendments following the recodification and consolidation of the Department's statute in the 2023 General Session.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/20/2023
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Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R512-41	Filing ID:	54276
Effective Date:	09/28/2023		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R512-75	Filing ID:	54281
Effective Date:	09/29/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Child and Family Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

Agency Information

1. Department:	Health and Human Services	
Agency:	Child and Family Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R512-41. Qualifying Adoptive Families and Adoption Placement
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 80-2-302 (formerly Section 62A-4a-102) authorizes the Division of Child and Family Services (DCFS) to clarify the scope of services DCFS provides to families in Utah.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary in order for DCFS to qualify adoptive families and adoption placements. Therefore, this rule should be continued.
Proposed changes will be filed in a separate filing to bring this rule current with applicable laws and practices.

General Information

2. Rule catchline:
R512-75. Rules Governing Adjudication of Consumer Complaints
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Sections 26B-1-202 and 80-2-302 (formerly Section 62A-4a-102) authorizes the Division of Child and Family Services (DCFS) to clarify the scope of services DCFS provides to families in Utah.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary in order for DCFS to define consumer complaint procedures, intended to provide for the prompt and equitable resolution of a consumer complaint. Therefore, this rule should be continued.
Proposed changes will be filed in a separate filing to bring this rule current with applicable laws and practices.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/27/2023
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individual's employment goals. Therefore, this rule should be continued.

Proposed changes will be filed in a separate filing to bring this rule current with applicable laws and practices.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R512-306	Filing ID:	54248
Effective Date:	09/28/2023		

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/22/2023
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Agency Information

1. Department:	Health and Human Services	
Agency:	Child and Family Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R657-61	Filing ID:	51772
Effective Date:	09/18/2023		

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R512-306. Out-of-Home Services, Transition to Adult Living Services, Education and Training Voucher Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 80-2-302 (formerly Section 62A-4a-102) authorizes the Division of Child and Family Services (DCFS) to clarify the scope of services DCFS provides to families in Utah.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary in order for DCFS to assist individuals in out-of-home care to make a more successful transition to adulthood. The Education and Training Voucher program provides the financial resources for postsecondary education and vocational training necessary to obtain employment or to support the

General Information

2. Rule catchline:
R657-61. Valuation of Real Property Interests for Purposes of Acquisition or Disposal
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is promulgated pursuant to authority granted to the Wildlife Board in Sections 63-34-21, 23-14-18, and 23-21-1.
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 supporting or opposing Rule R657-61 were received since 2018, when this rule was last reviewed.

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

Rule R657-61 defines the process by which the value of real property is determined for purposes of acquisition or disposal by the Division of Wildlife Resources. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Justin Shirley, Director	Date:	09/18/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R657-66	Filing ID:	51780
Effective Date:	09/18/2023		

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

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

General Information

2. Rule catchline:
R657-66. Military Installation Permit Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Under the authority of Sections 23-14-1, 23-14-3, 23-14-18, and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.

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 of Wildlife Resources (Division) has not received any written comments regarding this rule.

Any comments received in opposition to this rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input.

The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and the administrative record for this rule at the Division.

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 purpose of this rule is to establish the standards and procedures for providing hunting opportunity on military installations to military installation personnel and to members of the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Justin Shirley, Director	Date:	09/18/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R940-2	Filing ID:	52152
Effective Date:	09/22/2023		

Agency Information

1. Department:	Transportation Commission
Agency:	Administration
Room no.:	Administrative Suite, 1st Floor
Building:	Calvin Rampton
Street address:	4501 S 2700 W
City, state and zip:	Taylorsville, UT 84129
Mailing address:	PO Box 148455
City, state and zip:	Salt Lake City, UT 84114-8455

Contact person(s):		
Name:	Phone:	Name:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

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

General Information

2. Rule catchline:
R940-2. Approval of Tollway Development Agreements
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 under Title 63G, Chapter 3; Title 63G, Chapter 6; and Sections 72-2-120, 72-6-118, and 72-6-201 et seq.
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 of Transportation (Department) has not received any written comments for or against 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:
Section 72-6-118 mandates the Department make and maintain this rule. Moreover, because there have been no written comments against this rule, the Department believes the continuation of this rule is reasonable. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	09/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R940-4	Filing ID:	52153
Effective Date:	09/29/2023		

Agency Information

1. Department:	Transportation Commission	
Agency:	Administration	
Room no.:	Administrative Suite, 1st Floor	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Name:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

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

General Information

2. Rule catchline:
R940-4. Airports of Regional Significance
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 under Section 63G-3-201, which requires agencies to make and maintain rules, and Section 59-12-602, which authorizes the Transportation Commission to establish 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:
There have been no written comments received since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Because there have been no written comments since the last five-year review, the Department of Transportation wants to proceed with this rule in its current material form. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	09/29/2023
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End of the Five-Year Notices of Review and Statements of Continuation 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.

Corrections

Administration

No. 55548 (Amendment) R251-703: Vehicle Direction Station
Published: 08/15/2023
Effective: 09/26/2023

Technology Services

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

Environmental Quality

Air Quality

No. 55323 (Amendment) R307-110-13: Section IX, Control Measures for Area and Point Sources, Part D, Ozone
Published: 06/01/2023
Effective: 09/13/2023

Governor

Economic Opportunity, Pete Suazo Utah Athletic Commission
No. 55450 (Repeal) R359-1: Pete Suazo Utah Athletic Commission Act Rule
Published: 06/15/2023
Effective: 09/27/2023

Waste Management and Radiation Control, Radiation

No. 55531 (Amendment) R313-12-3: Definitions
Published: 08/01/2023
Effective: 09/18/2023

Health and Human Services

Population Health, Environmental Epidemiology

No. 55455 (Amendment) R386-705: Epidemiology, Health Care Associated Infection
Published: 07/01/2023
Effective: 09/28/2023

No. 55532 (Amendment) R313-32-2: Clarifications or Exceptions

Published: 08/01/2023
Effective: 09/18/2023

Health Care Financing, Coverage and Reimbursement Policy

No. 55528 (Amendment) R414-1-31: Withholding of Payments
Published: 08/01/2023
Effective: 09/14/2023

Government Operations

Facilities Construction and Management

No. 55458 (Repeal) R23-30: State Facility Energy Efficiency Fund
Published: 07/01/2023
Effective: 09/29/2023

No. 55503 (Amendment) R414-60: Medicaid Policy for Pharmacy Program
Published: 07/15/2023
Effective: 10/11/2023

Records Committee

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

Administration (Human Services)

No. 55435 (Repeal) R495-878: Americans with Disabilities Act and Civil Rights Grievance Procedures
Published: 06/15/2023
Effective: 09/28/2023

NOTICES OF RULE EFFECTIVE DATES

Natural Resources

Wildlife Resources

No. 55534 (Repeal and Reenact) R657-4: Possession of Live Game Birds
Published: 08/15/2023
Effective: 10/05/2023

No. 55474 (Amendment) R657-20: Falconry
Published: 07/01/2023
Effective: 10/05/2023

No. 55475 (Repeal) R657-22: Commercial Hunting Areas
Published: 07/01/2023
Effective: 10/05/2023

No. 55479 (Repeal) R657-46: The Use of Game Birds in Dog Field Trials and Training
Published: 07/01/2023
Effective: 10/05/2023

Public Safety

Emergency Management

No. 55542 (New Rule) R704-4: Response, Recovery, and Post-disaster Mitigation Grant Funding
Published: 08/15/2023
Effective: 09/21/2023

Highway Patrol

No. 55552 (Amendment) R714-560: Technology and Equipment for Officer-Involved Critical Incident Investigation
Published: 08/15/2023
Effective: 09/21/2023

No. 55587 (New Rule) R714-562: Early Intervention System Grant Program
Published: 08/15/2023
Effective: 09/21/2023

End of the Notices of Rule Effective Dates Section