UTAH STATE BULLETIN

Bulletin, March 1, 2024, Vol. 2024, No. 05

Number 2024-05
March 01, 2024

Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* 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 *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* 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 *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* 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 information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* 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

Utah state bulletin.
Semimonthly.
1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
I. Utah. Office of Administrative Rules.

KFU440.A73S7
348.792'025--DDC 85-643197

TABLE OF CONTENTS

NOTICES OF
PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between February 02, 2024, 12:00 a.m., and February 15, 2024, 11:59 p.m. are included in this, the March 01, 2024, issue of the *Utah State Bulletin*.

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.

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them ([~~example~~]). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (**. . . . . .**) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Office of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least April 01, 2024. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through July 01, 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 Bulletin*. 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:	**R277-308**	**Filing ID: 56324**

Agency Information

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

Name:	**Phone:**	**Email:**
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:

R277-308. New Educator Induction and Mentoring

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

This rule is being updated to clarify language related to establishing requirements for induction of new educators.

4. Summary of the new rule or change:

The amendments specifically correct one rule reference number and also change the term "university-based" to "education".

This change broadens the application of this rule to apply to all educator preparation programs, and not just university-based programs.

Fiscal Information

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

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures.

The amendments change a rule reference number and change "university-based" to "education" to acknowledge all possible preparation programs. There may be education preparation programs that are based at another entity that is not a university.

This does not add any costs for the Utah State Board of Education (USBE). There is no impact to the USBE or other state budgets.

B) Local governments:

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

The amendments change a rule reference number and change "university-based" to "education" to acknowledge all possible preparation programs. There may be education preparation programs that are based at another entity that is not a university.

This does not add any costs for Local Education Agencies (LEAs). There is no fiscal impact to LEAs or other local governments.

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

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

This only affects educator preparation.

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

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

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

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

There is no fiscal impact to educators or other persons because the changes do not add any requirements for educators. The changes simply clarify that there are now non-university-based educator preparation programs.

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

There are no compliance costs for affected persons.

There are no compliance costs for educators or other persons related to the technical changes.

There is no fiscal impact to educators or other persons because the changes do not add any requirements for educators. The changes simply clarify that there are now non-university-based educator preparation programs.

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

Regulatory Impact Table

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

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Subsection 53E-3-401(4)	Section 53E-6-201

Public Notice Information

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

A) Comments will be accepted until:	04/01/2024

9. This rule change MAY become effective on:	04/08/2024

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:	Angie Stallings, Deputy Superintendent of Policy	**Date:**	02/15/2024

R277. Education, Administration.
R277-308. New Educator Induction and Mentoring.
R277-308-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53E-6-201, which gives the Board power to issue licenses.

(2) The purpose of this rule is to establish requirements for induction of new educators.

R277-308-2. Definitions.

(1) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(2) "Mentor" means an educator with a professional educator license who is trained to advise, coach, consult, and guide the development of a new educator.

R277-308-3. LEA Induction Programs.

(1) An LEA shall provide an induction program for the LEA's licensed employees if:

(a) an educator holds an associate educator license; or

(b) an educator holds a professional educator license with less than three years experience.

(2) An LEA shall provide an induction program for at least three years for employees with an LEA-specific educator license.

(3) An induction program under this rule shall include, at a minimum:

(a) a plan for on-going support and development of an educator, which may include reflective goal setting, implementation of action steps, and evaluation of outcomes that lead to refinement in instructional practice;

(b) LEA support in meeting the requirements of a professional license for an individual who holds an associate license;

(c) mentor observation and feedback for each educator beginning early in the program;

(d) principal observation and feedback for each educator as required by Rule R277-533; and

(e) assistance in meeting the pedagogical requirements described in Subsection R277-301-5(5).

(4) An induction plan under Subsection (1) shall provide a new educator with a trained mentor educator with a professional educator license.

(5) A trained mentor educator under Subsection (3) shall assist the educator to meet the Utah Effective Educator Standards established in Rule R277-[~~530~~]330.

(6) A trained mentor educator may not have responsibility to evaluate a new educator for whom the educator acts as mentor.

(7) An LEA and a Utah approved [~~university-based~~]education preparation program may partner in implementing the induction program required by Subsection (1).

(8) The Superintendent shall:

(a) develop a model induction program, including model competencies for mentors;

(b) provide training for mentors based on the competencies developed in accordance with Subsection (8)(a);

(c) provide training for principals to oversee and support mentor training; and

(d) facilitate the sharing of best practices [~~between~~]among LEAs.

KEY: new educators, mentors, programs
Date of Last Change: 2024[~~April 8, 2021~~]
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	**R277-328**	**Filing ID: 56325**

Agency Information

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

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

General Information

2. Rule or section catchline:
R277-328. Educational Equity in Schools
3. Purpose of the new rule or reason for the change:
This rule is being updated to clarify language regarding Local Education Agency (LEA) standards for educators and LEAs for professional learning, regarding equal opportunities in education and prohibited discriminatory practices, in response to the 2023 General Session H.B. 427.
4. Summary of the new rule or change:
The amendment specifically adds a reference for statutory authority, updates definitions, updates language regarding equal opportunities in education and prohibited discriminatory practices, updates language pertaining to educational opportunities within an LEA, and removes Section R277-328-5, Rule Interpretation.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The changes update language in response to H.B. 427 (2023) and there are no measurable costs outside the fiscal note to that bill for the Utah State Board of Education (USBE) or other state entities.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The changes update language in response to H.B. 427 (2023) and there are no measurable costs outside the fiscal note to that bill for Local Education Agencies (LEAs).
C) Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only impacts public education.

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

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

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

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

The changes update language in response to H.B. 427 (2023) and there are no measurable costs outside the fiscal note to that bill.

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 changes update language in response to H.B. 427 (2023) and there are no measurable costs outside the fiscal note to that 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	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2024**	**FY2025**	**FY2026**
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	

Public Notice Information

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

A) Comments will be accepted until:	04/01/2024

9. This rule change MAY become effective on:	04/08/2024

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:	Angie Stallings, Deputy Superintendent of Policy	**Date:**	02/15/2024

R277. Education, Administration.

R277-328. [~~Educational Equity in Schools.~~]Equal Opportunity in Education.

R277-328-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Subsection 53E-3-501(1)(c)(iv) which states the board shall establish rules and minimum standards governing curriculum and instruction requirements;[~~ and~~]

(d) Subsection 53E-3-502(8) which requests the Board help school districts develop and implement guidelines, strategies, and professional development programs for administrators and teachers consistent with Subsections 53E-2-302(7) and 53E-6-103(1)(b), (2)(a) and (b) focused on improving interaction with parents and promoting greater parental involvement in the public schools[~~.~~]; and

(e) Section 53G-10-206, which requires the Board, LEAs, and the Superintendent to ensure that instructional materials and classroom instruction are consistent with certain principles of educational freedom.

(2) The purpose of this rule is to provide LEAs with the standards for educators and LEAs [~~regarding~~]for professional learning[~~,~~] regarding equal opportunities in education and prohibited discriminatory practices.[~~ and guidelines and requirements for curriculum, and classroom instruction on educational equity.~~]

R277-328-2. Definitions.

[~~(1) "Classroom instruction" means any course material, unit, class, lesson, activity, or presentation that, as the focus of the discussion, provides instruction or information to a student.~~

~~(2) "Curriculum" means primary instructional materials that have been approved pursuant to R277-468 and 53E-4-202.~~]

[~~(3)~~](1) [~~"Educational equity" means acknowledging that all students are capable of learning and distributing resources to provide equal opportunities based upon the needs of each individual student. Equitable resources include funding, programs, policies, initiatives and supports that recognize each student's unique background and school context to guarantee that all students have access to high-quality education.~~]"Equal Opportunity in Education" means acknowledging that all students are capable of learning and may need additional guidance, resources, and support based on their academic needs.

[~~(4)(a) "Inclusion" means the practice of ensuring students feel a sense of belonging and support; and~~

~~(b) to the maximum extent appropriate, for students with disabilities, providing access to general curriculum and engagement in regular education classes with peers without disabilities.~~]

(2) "Inclusion" means ensuring that students are accepted and valued as members of the school community with equal opportunities to contribute by creating conditions for meaningful participation, including students with a disability as described in Rule R277-750.

(3) "Important governmental interest" means the same as defined in Section 53B-1-118.

(4) "Personal identity characteristic" means the same as defined in Section 53B-1-118.

(5) "Prohibited discriminatory practice" means the same as defined in Section 53B-1-118.

R277-328-3. [~~Educational Equity~~]Professional Learning Regarding Equal Opportunities in Education and Prohibited Discriminatory Practices.

(1) An LEA shall provide professional learning to educators concerning [~~educational equity~~]equal opportunity in education.

(2) The professional learning described in Subsection (1) shall include instruction in:

(a) fostering a learning environment [~~and workplace that are safe and respectful of all students and educators~~]which is safe, conducive to the learning process, and free from unnecessary disruption as consistent with Section 53G-8-202;

[~~(b) aligning teaching practices with the Utah Professional Learning Standards described in Section 53G-11-303, the Board's Resolution No. 2021-01 Denouncing Racism and Embracing Equity in Utah Schools, and the Board's Portrait of a Graduate;~~

~~(c) establishing Professional Learning Communities committed to continuous improvement, individual and collective responsibility, and identifying underperforming students in need of supports;~~]

(b) identifying students in need of additional academic supports;

[~~(d) acknowledging differences by looking for the good in everyone, including oneself, and showing due regard for feelings, rights, cultures, and traditions;~~

~~(e) collaborating with diverse community members to understand, recognize and appreciate what we all have in common as humans, including acknowledging diverse cultures, languages, traditions, values, needs, and lived experiences;~~]

[~~(f)~~](c) implementing principles and strategies of inclusion[~~, as they pertain to students and educators with diverse abilities and backgrounds~~] so that:

(i) a student with a disability is educated with peers without a disability to the maximum extent appropriate, consistent with IDEA; and

(ii) specially designed instruction is provided in addition to, not instead of, high-quality core instruction as consistent with IDEA;

[~~(g)~~](d) [~~demonstrating role model responsibilities through the examination of various counterpoints to a topic in an impartial manner;~~]recognizing the constitutionally protected rights of all students; and

[~~(h)~~](e) [~~creating opportunities to recognize personal responsibility in contributing to conditions that preserve the rights of all individuals and to avoid the repetition of past harmful actions by individuals and groups;~~]recognizing the constitutionally protected rights of all students; and

[~~(i)~~](f) [~~defending intellectual honesty including freedom of inquiry, speech, and association; and~~]developing strategies to promote the examination of various viewpoints on a topic in an impartial and politically neutral manner.

[~~(j) cultivating supportive conditions that focus on learning and remove barriers to allow students to have accessible pathways to resources and opportunities.~~]

(3) The professional learning provided by an LEA [~~may not~~]shall include instruction that educators may not promote[~~s or endorses that:~~] prohibited discriminatory practices as described in Section 53B-1-118:

[~~(a) a student or educator's sex, race, religion, sexual orientation, gender identity or membership in any other protected class is inherently superior or inferior to another sex, race, religion, sexual orientation, gender identity or any other protected class;~~

~~(b) a student or educator's sex, race, religion, sexual orientation, gender identity or membership in any other protected class determines the content of the student or educator's character including the student or educator's values, morals, or personal ethics;~~

~~(c) a student or educator bears responsibility for the past actions of individuals from the same sex, race, religion, sexual orientation, gender identity or any other protected class as the student or educator; and~~

~~(d) a student or educator should be discriminated against or receive adverse treatment because of the student or educator's sex, race, religion, sexual orientation, gender identity or membership in any other protected class.~~]

(a) one personal identity characteristic is inherently superior or inferior to another personal identity characteristic;

(b) an individual, by virtue of the individual's personal identity characteristics, is inherently privileged, oppressed, racist, sexist, oppressive, or a victim, whether consciously or unconsciously;

(c) an individual should be discriminated against in violation of Titles VI & VII of the Civil Rights Act of 1964, IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, receive adverse treatment, be advanced, or receive beneficial treatment because of the individual's personal identity characteristics;

(d) an individual's moral character is determined by the individual's personal identity characteristics;

(e) an individual, by virtue of the individual's personal identity characteristics, bears responsibility for actions committed in the past by other individuals with the same personal identity characteristics;

(f) an individual should feel discomfort, guilt, anguish, or other psychological distress solely because of the individual's personal identity characteristics;

(g) asserts that meritocracy is inherently racist or sexist;

(h) asserts that socio-political structures are inherently a series of power relationships and struggles among racial groups;

(i) promotes resentment between, or resentment of, individuals by virtue of their personal identity characteristics;

(j) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual because of the individual's race, color, ethnicity, sex, sexual orientation, national origin, or gender identity;

(k) is referred to or named diversity, equity, and inclusion, used in conjunction; or

(l) includes or relates to, a prohibited submission as outlined in Section 67-27-105.

(4) Prohibited instruction does not include a training on policies or procedures required by state or federal law, including laws relating to prohibited discrimination or harassment.

[~~(4)~~](5) The professional learning provided by an LEA shall be done in accordance with all state and federal laws.

[~~(5)~~](6) The content of professional learning provided by an LEA shall be made freely available by the LEA to parents with a student in the LEA within a reasonable amount of time [~~before or after~~]from when the training is offered upon request and include[~~:~~

~~(a)~~] a copy of this rule.[~~; and~~

~~(b) a compliance rubric showing how the professional learning and materials adhere to the requirements of this rule.~~]

(7) If an alleged violation of this section is reported to the Board as described in Rule R277-123, the Board may investigate the alleged violation as described in Rule R277-114, including taking action as described in Subsection R277-114-3(3).

(8) An LEA shall ensure a formal complaint process is in place pursuant to Rule R277-113.

[~~(6)~~](9) The professional learning referred to in Subsection [~~(5)~~](6) does not include [~~coaching or~~]remediation sessions for a specific educator.

R277-328-4. [~~Educational Equity Curriculum and Classroom Instruction.~~]Educational Opportunities Within an LEA.

[~~(1) An LEA may only provide curriculum and classroom instruction that includes concepts as described in Section R277-328-3(3):~~

~~(a) in accordance with state and federal law;~~

~~(b) in alignment with the Utah Standards approved by the Board; and~~

~~(c) that contains age appropriate content for the developmental age of the student.~~

~~(2) If an LEA provides curriculum that includes concepts as described in Section R277-328-3(3), the curriculum shall:~~

~~(a) be approved in an open and regular public meeting of the LEA's governing board as described in R277-468;~~

~~(b) as applicable, contain content in accordance with the professional learning guidelines and requirements established in Section R277-328-3.~~

~~(3) Classroom instruction that includes concepts as described in Section R277-328-3(3), shall be in accordance with the professional learning guidelines and requirements established in Section R277-328-3(2), (3), and (4).~~

~~(4) An LEA shall ensure a formal complaint process is in place pursuant to R277-113.~~]

(1) An LEA may establish or maintain an office, division, employment position, or other unit of an LEA that provides support, guidance, and resources that equip all students, including all students in public schools at higher risk of not completing high school, with experiences and opportunities for success in each student's academic and career goals, and without excluding individuals on the basis of an individual's personal identity characteristics consistent with Section 53G-2-105.

(2) No part of this rule shall be construed by an LEA or educator to:

(a) prohibit or ban discussions of events, ideas, attitudes, beliefs, or concepts in the marketplace of ideas if consistent with Sections 53G-10-202, 53G-10-206, and 53G-2-104;

(b) prohibit disaggregation of data based on personal identity characteristics to meet state and federal requirements, including those in Section 53E-3-501 or 53E-5-302; or

(c) allow for discriminatory treatment of individual students based disaggregated group data.

(3) An LEA may not promote differential treatment of an individual based on the individual's personal identity characteristics unless the LEA:

(a) has an important governmental interest; or

(b) is complying with state or federal law.

(4) An LEA may not exclude any student from participating in Curricular, co-curricular, and extra-curricular activities designated specifically for students based on a different personal identity characteristic.

(5) An LEA shall submit an annual assurance to the Board that the LEA's professional learning is consistent with this rule and Section 53G-10-206.

(6) An individual may bring a violation of this section to the Board in accordance with the process described in Rule R277-123.

(7) If the Board identifies a reported violation of this section, the state board shall provide an update to the Education Interim Committee as described in Section 53G-2-103.

[~~R277-328-5. Rule Interpretation.~~

~~(1) No part of this rule shall be construed by an LEA or educator to:~~

~~(a) prohibit or ban discussions of events, ideas, attitudes, beliefs, or concepts, including those described in this rule, from the general sharing and participation in the marketplace of ideas fostered in a learning environment; and~~

~~(b) promote one ideology over another regarding a topic, including those described in this rule.~~

~~(2) An LEA may contact the Superintendent for technical assistance regarding the implementation of this rule.~~

~~(3) The Superintendent shall establish and deliver a model for professional learning that complies with the requirements of this rule including approval of the model in an open and public meetings of the Board and making the model available on the Utah State Board of Education's website.~~

~~(4) The requirement for approval described in Subsection (3) applies only to the professional learning model referenced in this rule and does not apply to other professional learning with embedded components of educational equity offered by the Superintendent so long as the professional learning does not contain concepts described in Subsection R277-328-3(3).~~]

KEY: [~~educational equity~~]equal opportunities, professional learning, instruction
Date of Last Change: 2024[~~August 9, 2021~~]
Authorizing, and Implemented[~~,~~] or Interpreted Law: Art X Sec 3; 53E-3-401(4)

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	**R277-471**	**Filing ID: 56326**

Agency Information

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

General Information

2. Rule or section catchline:
R277-471. School Construction Oversight, Inspections, Training, and Reporting
3. Purpose of the new rule or reason for the change:
This rule is being updated to remove the School Plant Capital Outlay report requirement.
4. Summary of the new rule or change:
The amendment specifically removes Section R277-471-13, which establishes the requirements for this report. This change does away with a report, which is no longer necessary.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. This requirement for the school plant capital outlay report still exists in Section 53E-3-705 so the removal from this rule has no fiscal impact.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This requirement for the school plant capital outlay report still exists in Section 53E-3-705 so the removal from this rule has no fiscal impact.
C) Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This requirement for the school plant capital outlay report still exists in Section 53E-3-705 so the removal from this rule has no fiscal impact.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-

small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

This requirement for the school plant capital outlay report still exists in Section 53E-3-705 so the removal from this rule has no fiscal impact.

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

There are no compliance costs for affected persons.

This requirement for the school plant capital outlay report still exists in Section 53E-3-705 so the removal from this rule has no fiscal impact.

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

Regulatory Impact Table

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

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(3)	Section 53E-3-706
Section 53E-3-707	Section 10-9a-305	Subsection 53F-2-202(4)(d)

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)	School Construction Resource Manual
Publisher	Utah State Board of Education
Issue Date	April 30, 2013

Public Notice Information

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

A) Comments will be accepted until:	04/01/2024

9. This rule change MAY become effective on:	04/08/2024

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:	Angie Stallings, Deputy Superintendent of Policy	**Date:**	02/15/2024

R277. Education, Administration.
R277-471. School Construction Oversight, Inspections, Training, and Reporting.
R277-471-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution, Article X, Section 3, which vests general control and supervision of public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Subsection 53E-3-401(8)(ii), which permits the Board to withhold state funds from an education entity for non-compliance with the education code or administrative rules;

(d) Section 53E-3-706, which requires the Superintendent to enforce Title 53E, Chapter 3, Part 7, School Construction; and

(e) Section 53E-3-707, which requires the Board to adopt a school construction manual.

(2) The purpose of this rule is to:

(a) provide specific provisions for the oversight of permanent or temporary public school construction and renovation; and

(b) identify responsibilities of an LEA governing board in the school construction process.

R277-471-2. Definitions.

(1) "Certified plans examiner" means a professional who has current applicable commercial certification through the "International Code Council" or "ICC".

(2) "Charter school" means a school acknowledged as a charter school by a charter school authorizer consistent with Title 53G, Chapter 5, Part 3, Charter School Authorization.

(3) "Charter school responsible person or local charter school board building officer or designee" or "CSBBO" means the individual or authority designated by a charter school governing board who:

(a) has direct administrative and operational control of charter school construction or renovation; and

(b) has responsibility for a charter school's compliance with Utah law on behalf of the charter school governing board.

(4) "Certificate of inspection verification" means a form, available on the Board website, certifying that the entity responsible for providing inspection services has complied with the provisions of:

(a) Section 53E-3-706;

(b) Section 53E-3-708;

(c) Section 10-9a-305;

(d) Section 17-27a-305;

(e) Title 15A, State Construction and Fire Code Act;

(f) Rule R156-56; and

(g) this Rule R277-471.

(5) "Certificate of occupancy" means the document issued upon receipt of the final inspection from the inspector of record and the 'Certificate of Fire Clearance' issued by the Utah State Fire Marshal, verifying compliance with all minimum requirements to safeguard the public health, safety, and general welfare of occupants, which authorizes permanent usage or occupancy of:

(a) any new building or occupiable structure;

(b) any existing occupiable building or structure alteration; or

(c) a change of occupancy in an existing structure, building, or space.

(6) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality, consistent with Subsection 10-9a-103(13).

(7) "Inspector" means a professional who holds current applicable commercial certification through the International Code Council and is currently licensed in the in Utah in the applicable trades for which the inspector is performing inspections.

(8) "Manual" means the School Construction Resource Manual incorporated by reference in Section R277-471-3.

(9) "New school building project" means the construction of a school that did not previously exist in an LEA.

(10) "Public school construction" means construction work on a new or existing public school building.

(11) "School District Building Official or "SDBO" means the individual or authority designated by a school district who has direct administrative and operational control of school district construction or renovation and is responsible for the school district's compliance with Utah law.

(12) "Significant school remodel" means the upgrading, changing, alteration, refurbishment, modification, or complete substitution or replacement of an existing school in an LEA with a project cost equal to or in excess of $2,000,000.

(13) "Temporary certificate of occupancy" means the document, valid for a limited time period, issued upon receipt of the temporary final inspection report from the inspector of record and the 'Temporary Certificate of Fire Clearance' issued by the Utah State Fire Marshal, verifying minimum requirements to safeguard the public health, safety, and general welfare of occupants, which authorizes temporary usage or occupancy of:

(a) any new building or occupiable structure;

(b) any existing occupiable building or structure alteration; or change of occupancy in an existing structure or building or space.

R277-471-3. Incorporation of School Construction Resource Manual by Reference.

(1) This rule incorporates by reference the School Construction Resource Manual dated April 30, 2013.

(2) The School Construction Resource Manual was developed by the Board in accordance with Section 53E-3-707.

(3) A copy of the manual is located at:

(a) https://www.schools.utah.gov/administrativerules/documentsincorporated; and

(b) the offices of the Board.

(4) The Superintendent shall review the manual annually and recommend[~~ed~~] changes, if necessary, to the Board.

(5) Each public school construction project shall be conducted in accordance with the manual.

R277-471-4. LEA Responsible Person.

(1) An LEA board shall be accountable to ensure that all school district and charter school permanent or temporary construction, renovation, and inspections are conducted in accordance with the law to provide minimum requirements to safeguard the public health, safety, and general welfare of occupants while using the most comprehensive, cost-effective, and efficient design means and methods.

(2) A school district governing board shall:

(a) appoint an SDBO who has direct administrative and operational control of all construction, renovation, and inspection of public school district facilities within the school district; and

(b) provide in writing the name of the SDBO to the Superintendent.

(3) A charter school governing board shall account to the school's authorizer and the Board to ensure that all charter school permanent or temporary construction, renovation, and inspections are conducted in accordance with Utah law.

(4)(a) A charter school governing board shall appoint a CSBBO who has direct operational responsibility for construction, renovation, and inspection of the charter school.

(b) The CSBBO shall report regularly to the charter school governing board.

(c) A charter school governing board shall provide the name of its CSBBO in writing to the Superintendent.

(d) A charter school governing board shall promptly notify the Superintendent in writing of any changes to the school's CSBBO.

(5) An SDBO or a CSBBO may adopt and enforce supplemental LEA policies under appropriate LEA policies to clarify the application of the provisions of Utah law for LEA personnel.

R277-471-5. School Construction Inspectors.

(1) An LEA shall employ or contract with inspectors for school construction inspection who are currently ICC commercially certified and licensed in Utah, in the trade specific to the inspection, consistent with Utah law.

(2) An LEA shall choose one of three methods for inspections:

(a) Independent inspectors:

(i) shall receive approval from the local jurisdiction in which the construction activity occurs;

(ii) may include inspectors working outside the municipality, county, or school district in which they are employed; and

(iii) may not be associated with:

(A) the architect, developer, contractor, or a subcontractor working on the project; or

(B) any management company or other agency hired by the LEA to perform construction or construction administrative services.

(3) Inspectors employed by school districts may only perform school construction inspections within the boundaries of the school district.

(4) Inspectors employed by municipalities and counties may only perform school construction inspections within the boundaries of the municipality or county where they are employed.

R277-471-6. School Construction Inspections.

(1) Before any school construction project begins, the SDBO or CSBBO shall obtain a construction project number from the Superintendent by completing and submitting construction project identification forms provided by the Superintendent and other required submittals for all projects consistent with Title 53E, Chapter 3, Part 7, School Construction, and the manual.

(2) A certified plans examiner shall approve all LEA school plans and specifications before any LEA construction project begins.

(3)(a) If an LEA cannot provide appropriate and proper school construction inspection and plan review services, the Superintendent may procure inspection services and charge the LEA for those services.

(b) An approved inspector shall establish fees in advance of inspection services.

(4) LEA construction projects shall comply with Title 53E, Chapter 3, Part 7, School Construction, and this Rule R277-471 to:

(a) ensure that each inspector is adequately and appropriately credentialed;

(b) identify and provide to the Superintendent and local government entity building official reports of all inspections with the name, state license number, and disciplines of each inspector performing the project inspections;

(c) submit inspection certificates and all related submittals to the Superintendent and appropriate local government entity building official;

(d) submit inspection summary reports monthly to the appropriate local government entity building official and the Superintendent;

(e) sign the final certificate of inspection and verification form, certifying all inspections were completed in compliance with all applicable laws and rules to safeguard the public health, safety, and general welfare of occupants;

(f) send the final inspection certification, inspection verification, and provide all other related project closeout submittals to the Superintendent and to the appropriate local government entity building official upon completion of the project; and

(g) maintain all submitted documentation at a designated LEA location for auditing or monitoring.

(5) The SDBO or CSBBO may submit either paper or electronic reports to satisfy this section.

R277-471-7. Coordination with Local Governments, Utility Providers, and the State Fire Marshal.

(1) Prior to developing plans and specifications for a public school construction project, an LEA shall coordinate with affected local government land use authorities and utility providers to:

(a) ensure that the siting or expansion of a school in the intended location will comply with applicable local general plans and land use laws and will not conflict with entitled land uses;

(b) ensure that all local government services and utilities required by the school construction activities can be provided in a logical and cost-effective manner;

(c) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the public school construction and future roadways; and

(d) maximize school, student, and site safety.

(2) An LEA shall cooperate with municipalities and counties and conform to municipal and county land use ordinances consistent with Sections 10-9a-305 and 17-27a-305.

(3) Prior to developing plans and specifications for a public school construction project, an LEA shall coordinate with local health departments and the State Fire Marshal.

(4) A charter school shall have an open meeting to seek and secure a variance from the appropriate government entity if the LEA selects a school site in a municipality or county-designated zone for sexually oriented businesses or businesses that sell alcohol.

(5) Parking requirements for a charter school may not exceed the minimum parking requirements for a traditional public school of a like size and grade levels or other institutional public use throughout the municipality or county.

(6) An LEA shall maintain documentation for audit or monitoring purposes of coordination, meetings, and agreements required under this section.

(7) Prior to developing plans and specifications for a public school construction project, an LEA shall coordinate with local jurisdictions to comply with Federal Emergency Management Agency flood plain requirements and restrictions, including applicable mitigation measures.

R277-471-8. Superintendent's Authority to Request Additional Inspections.

(1) The Superintendent may contract with any appropriately qualified entity or person to provide inspection services that the Superintendent considers necessary to enable the Superintendent to issue a certificate authorizing temporary or permanent occupancy of a public school building.

(2) The Superintendent may charge an LEA a fee, not to exceed the actual cost of performing the inspection, for inspection services.

R277-471-9. Certification of Occupancy.

(1) For a school district:

(a) After completion of a project when a school district's appropriately credentialed inspector provides inspections, an SDBO shall sign a certificate of inspection verification form certifying that all inspections were completed in accordance with Utah law, and file the form with the Superintendent and the building official of the jurisdiction in which the building is located.

(b)(i) After completion of a project when a local jurisdiction provides inspections, the school district shall obtain a certificate authorizing permanent occupancy of a school building from the jurisdiction in which the building is located.

(ii) A school district shall provide a copy of the certificate of occupancy to the Superintendent.

(c) After completion of a project when independent inspectors provide inspections, an SDBO shall seek a certificate authorizing temporary or permanent occupancy of the school from the Superintendent.

(2) For a charter school:

(a) After completion of a project and inspection by an appropriately credentialed inspector when a charter school contracts with a school district for inspections, the CSBBO shall obtain a completed certificate of inspection verification form from the SDBO certifying that all inspections were completed in accordance with Utah law, and file the form with the Superintendent and the building official of the jurisdiction where the charter school is located.

(b)(i) After completion of a project when a local jurisdiction provides inspections, a charter school shall obtain a certificate authorizing permanent occupancy of a school building from the jurisdiction in which the building is located.

(ii) The CSBBO shall provide a copy of the certificate of occupancy to the Superintendent.

(c) After completion of a project when independent inspectors provide inspections, the CSBBO shall seek a certificate authorizing temporary or permanent occupancy of the school from the Superintendent.

(3) Within 30 days after an LEA files a request for the issuance of a certificate authorizing permanent occupancy of a school building from the Superintendent, the Superintendent shall:

(a) issue to the LEA a certificate authorizing permanent occupancy of the school building; or

(b) deliver to the LEA board a written notice indicating deficiencies in the LEA's compliance with the inspection findings.

(4) If the Superintendent does not issue the certificate authorizing permanent occupancy, an LEA shall provide notice of the deficiency to the building official of the local government entity in which the public school building is located.

(5) Upon an LEA board filing the certificate of inspection verification and requesting the issuance of a certificate authorizing permanent occupancy of the school building with the Superintendent, the LEA shall be entitled to temporary occupancy of the school building for a period up to 90 days, beginning on the date the request is filed, if the LEA has complied with all minimum requirements to safeguard the public health, safety, and general welfare of occupants.

(6) Upon an LEA remedying any deficiencies and notifying the Superintendent that the deficiencies have been remedied, following certification of the information, the Superintendent shall issue a certificate authorizing permanent occupancy of the school building.

(7) Upon receipt of the certificate of occupancy, an LEA shall provide a copy of the certificate to the building official of the local jurisdiction in which the school building is located authorizing permanent occupancy of the school building.

R277-471-10. Enforcement.

(1) An LEA which fails to comply with the provisions of this rule is subject to consequences from the Board consistent with Subsections 53E-3-401(8) and 53F-2-202(4)(d).

(a) If an LEA fails to meet or satisfy a school construction inspection requirement or timeline designation under this rule, the Superintendent shall, as directed by the Board, send the school district superintendent or local charter school director notice by certified mail; and

(b) If after 30 days the requirement has not been met, the Superintendent may, as directed by the Board, interrupt the Minimum School Program fund transfer process to the following extent:

(i) 10% of the total monthly Minimum School Program transfer amount the first month;

(ii) 25% in the second month; and

(iii) 50% in the third and subsequent months.

(2) If the Superintendent interrupts the Minimum School Program fund transfer process, the Superintendent shall:

(i) upon receipt of confirmation that the proper inspections have taken place or upon receipt of a late report:

(A) restart the transfer process within the month if the confirmation or report is submitted before the tenth working day of the month; or

(B) restart the transfer process in the following month if the confirmation or report is submitted after 10 a.m. on or after the tenth working day of the month;

(ii) inform the Board at its next regularly scheduled meeting; and

(iii) inform the chair of the local governing board if the school district superintendent or charter school director is not responsive in correcting ongoing school construction inspection and reporting problems.

(3) An LEA may be subject to a nonrefundable fine in the amount of one half of one percent of the total construction costs of a public school construction project if an LEA fails to report a public school construction project consistent with Title 53E, Chapter 3, Part 7, School Construction and the manual to the Superintendent.

(4) The Superintendent, with approval from the Board, shall deduct nonrefundable fine amounts from the respective LEA's Minimum School Program allotment at a rate sufficient to complete collection of the nonrefundable fine by the end of the current fiscal year.

(a) The Superintendent shall deposit school district nonrefundable fine amounts into the School Building Revolving Account; and

(b) The Superintendent shall deposit charter school nonrefundable fine amounts into the Charter School Building Subaccount within the School Building Revolving Account.

R277-471-11. Appeals Procedure for Nonrefundable Fines.

(1) The Board designates the procedure outlined in this Section R277-471-11 as an informal adjudicative proceeding, under Section 63G-4-203.

(2) An LEA board may appeal a fine assessed under this rule consistent with the following:

(a) An LEA may not appeal a fine until a final administrative decision has been made to assess the fine by the Board.

(b) A district superintendent on behalf of a local school board or a local charter board chair on behalf of a local charter school board may appeal an assessed fine by filing an appeal on a form, and in the manner prescribed by the Superintendent.

(c) An LEA must file the appeal within ten business days of final Board action.

(d) An LEA shall provide, as stated on the form, an explanation of unanticipated or compelling circumstances that resulted in the local board's or charter school's failure to report new construction or remodeling projects as required.

(e) The school district superintendent or local charter board chair shall provide a notarized statement that the information and explanation of circumstances are true and factual statements.

(3) At least three members of the Finance Committee appointed by the Board shall act as a review committee to review the written appeal.

(a) The appeal committee may request additional information from the LEA board.

(b) The appeal committee may ask the district superintendent or local school district or charter school board chair or LEA business staff to appear personally and provide information.

(c) The appeal committee shall presume the fine appropriate and legitimate.

(d) The appeal committee shall make a written recommendation within ten business days of receipt of the appeal request.

(e) The full Finance Committee of the Board shall review the recommendation.

(f) The Finance Committee shall make a formal recommendation to the Board to accept, modify, or reject the appeal explanation and fine.

(4) The Board, in a regular monthly meeting, may accept or reject the Finance Committee's final recommendation to affirm the fine, modify the fine, or grant the appeal.

(5) Consistent with the Board's general control and supervision of the Utah public school system and given the significant public policy concern for safe schools and cost-effective public school building projects, a local board of education or a local charter board has no further administrative appeal opportunity.

R277-471-12. Annual Construction and Inspection Conference.

(1) The Superintendent shall sponsor an annual school construction conference for representatives from each LEA and interested persons involved in the school building construction, design, operation, maintenance, safety and related industries.

(2) Conference presenters and participants shall provide and discuss current information and training on public school building construction and inspection, including:

(a) the design, construction, operation, and inspection process of public school buildings;

(b) public school building site selection;

(c) best building life-cycle costing;

(d) construction inspection requirements and schedules; and

(e) information to improve the existing public school building design, construction, operation, and safety inspection program.

[~~R277-471-13. School Plant Capital Outlay Report.~~

~~(1) The Superintendent shall prepare an annual School Plant Capital Outlay Report of all school construction projects completed and under construction, including information on the number and size of buildings.~~

~~(2) An LEA shall prepare and submit the School Plant Capital Outlay Report to the Office of the State Auditor annually, by a date designated by the State Auditor.~~

~~(3) The School Plant Capital Outlay Report shall include information as required by the Superintendent.~~]

KEY: educational facilities
Date of Last Change: 2024[~~January 15, 2023~~]
Notice of Continuation: February 5, 2024
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(3); 53E-3-706; 53E-3-707; 10-9a-305; [~~17-27-105;~~]53F-2-202(4)(d)

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	**R277-910**	**Filing ID: 56327**

Agency Information

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

Contact persons:		
Name:	**Phone:**	**Email:**
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
R277-910. Underage Drinking and Substance Abuse Prevention Program

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

This rule is being amended to update criteria for selecting a provider for the Underage Drinking and Substance Abuse Prevention Program and to also update the general requirements of a Local Education Agency (LEA) when offering the program.

4. Summary of the new rule or change:

The amendments specify that a vendor of the Underage Drinking and Substance Abuse Prevention Program must have prior experience in successfully reducing underage drinking and substance abuse.

The amendments also remove the reporting requirements related to LEA assurances, and update language associated with the reporting requirements pertaining to the LEA Positive Behaviors Plan Annual Report.

Fiscal Information

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

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures.

The changes relate to LEAs offering substance abuse prevention programs.

There are no impacts to the Utah State Board of Education (USBE) budgets or other state entities.

B) Local governments:

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

LEAs now have a slightly reduced reporting burden related to substance abuse prevention programs. There are no measurable increased costs for LEAs related to the LEA behavior plans. LEAs needing to make updates to their plan or report can do so through their regular course of operation.

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

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

This only impacts LEAs.

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

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

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. There are no measurable costs for any persons.

The changes impact LEAs with substance abuse prevention programs.

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

There are no compliance costs for affected persons. There are no measurable costs for any persons.

The changes impact LEAs with substance abuse prevention programs.

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

Regulatory Impact Table

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

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

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53G-10-405
Section 53G-10-406		

Public Notice Information

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

A) Comments will be accepted until:	04/01/2024

9. This rule change MAY become effective on:	04/08/2024

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:	Angie Stallings, Deputy Superintendent of Policy	**Date:**	02/15/2024

R277. Education, Administration.
R277-910. Underage Drinking and Substance Abuse Prevention Program.
R277-910-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) [~~Subs~~]Section 53G-10-406 which directs the Board to establish rules regarding:

(i) a requirement that an LEA offer the Underage Drinking and Substance Abuse Prevention Program each school year to each student in grade 4 or 5, grade 7 or 8, and grade 9 or 10; and

(ii) the criteria for the board to use in selecting a provider for the Underage Drinking and Substance Abuse Prevention Program.

(2) The purpose of this rule is to establish the criteria for selecting a provider for the Underage Drinking and Substance Abuse Prevention Program and general requirements of an LEA when offering the program.

R277-910-2. Criteria for Selecting a Provider.

(1) The following criteria, along with the requirements found in Section 53G-10-406, shall be considered in selecting a provider for the Underage Drinking and Substance Abuse Prevention Program:

(a) a program that is evidence-based including peer-reviewed journals, national registries, and research;

(b) a program that is focused on preventing underage consumption of alcohol and use of electronic cigarette products through a curriculum, course, or program that is taught through multiple days of instruction and not a one-time presentation.

(c) a program that is delivered in the classroom by the classroom teacher or other trained professional;

(d) a program that addresses behavioral risk factors associated with underage drinking and use of electronic cigarette products and integrates skills practice into the curriculum; and

(e) a program that aligns with the core standards of the Utah Public School system.

(2) The vendor of the Underage Drinking and Substance Abuse Prevention Program shall have prior experience in successfully reducing underage drinking and substance abuse.[~~:~~

~~(a) have prior experience in successfully reducing underage drinking and substance abuse; and~~

~~(b) be available for deployment beginning in the 2018-19 school year.~~]

R277-910-3. Mandatory Offering of Underage Drinking and Substance Abuse Prevention Program.

(1) An LEA shall offer to each student in grades 4 or 5, grades 7 or 8, and grades 9 or 10, respectively, the Underage Drinking and Substance Abuse Prevention Program procured by the Board.

[~~(2) An LEA shall offer the Underage Drinking and Substance Abuse Prevention Program to students:~~

~~(a) in grades 7 or 8 and grades 9 or 10; and~~

~~(b) for students in grades 4 or 5, beginning in the 2021-22 school year."~~

~~**R277-910-4. Reporting Requirements.**~~

~~(1) An LEA shall report to the Superintendent annually regarding the general participation and deployment of the Underage Drinking and Substance Abuse Prevention Program.~~

~~(2) The report shall be made via the Annual Assurances Document described in R277-108 and shall include:~~

~~(a) if the Underage Drinking and Substance Abuse Prevention Program was offered to students each school year in grades 4 or 5, grades 7 or 8, and in grades 9 or 10;~~

~~(b) for grades 7 or 8 and grades 9 or 10 only, the name of the course where the Underage Drinking and Substance Abuse Prevention Program was offered including if it was offered as a stand-alone course; and~~

~~(c) if the instructor has attended the one-time training for the Underage Drinking and Substance Abuse Prevention Program.~~]

R277-910-[~~5~~|4. LEA Positive Behaviors Plan Annual Report.

[~~(1)~~]An LEA governing Board shall submit an annual assurance to the [~~Board~~]Superintendent [~~as described in R277-108,~~]confirming that each school under the governing Board's jurisdiction has an approved positive behavior plan as prescribed by the Superintendent and as required in Subsection 53G-10-407(5)(b).

KEY: underage drinking prevention, substance abuse, alcohol, electronic cigarette products
Date of Last Change: 2024[~~August 12, 2020~~]
Notice of Continuation: February 5, 2024
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-10-405; 53G-10-406

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	**R277-912**	**Filing ID: 56328**

Agency Information

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

General Information

2. Rule or section catchline:
R277-912. Law Enforcement Related Incident Reporting
3. Purpose of the new rule or reason for the change:
This rule change clarifies the requirements for Local Education Agency (LEA) law enforcement related incident reporting.
4. Summary of the new rule or change:
The amendment specifically removes the language "Beginning in the 2022-2023 school year" from Section R277-912-2, LEA Reporting Requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The change removes "beginning in the 2022-2023 school year" and has no fiscal impact to LEA reporting or Utah State Board of Education (USBE).
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The change removes "beginning in the 2022-2023 school year" and has no fiscal impact to LEA reporting.
C) Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only impacts LEA reporting.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The change removes "beginning in the 2022-2023 school year" and has no fiscal impact to any individual.

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 removes "beginning in the 2022-2023 school year" and has no fiscal impact to LEAs or 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 State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Subsection 53E-3-401(3)	Section 53E-3-516

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	04/01/2024

9. This rule change MAY become effective on:	04/08/2024
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:	Angie Stallings, Deputy Superintendent of Policy	**Date:**	02/15/2024

R277. Education, Administration.
R277-912. Law Enforcement Related Incident Reporting.
R277-912-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) S[~~ubs~~]ection 53E-3-516 which directs the Board to establish rules regarding a collaborative annual report meeting all the requirements of Subsection 53E-3-516(2).

(2) The purpose of this rule is to generate the report required by S[ubs]ection 53E-3-516 and the form that the report may be accessed.

R277-912-2. LEA Reporting Requirements.

(1) An LEA shall work with the Superintendent and the relevant law enforcement agencies and school personnel to collect the following data for incidents that occurred on school grounds while school is in session or during a school-sponsored activity:

(a) arrests of a minor;

(b) other law enforcement activities as defined in Subsection 53E-3-516(1);

(c) disciplinary actions as defined in Subsection 53E-3-516(1); and

(d) all other data as outlined in [~~s~~]Subsections 53E-3-516(3) and (4).

(2) An LEA shall collect the data in a form agreed upon by the Superintendent and the relevant law enforcement agencies.

(3) An LEA shall report the data required to the Superintendent in a timely manner;

(4) [~~Beginning in the 2022-2023 school year, a~~]An LEA shall report the data compiled for each school year to the Superintendent on or before September 1st of the year in which the school year ended.

(5) An LEA shall report the data to the Superintendent as prescribed by the Superintendent.

R277-912-3. Annual Report Content and Access.

(1) The Superintendent shall compile the data to form an aggregated report consistent with the requirements of Subsections 53E-3-516(3), (4) and (5).

(2) The report shall exclude all identifiable student information and data.

(3) The report shall be compiled no later than November 1st of each year in which the school year ended and provided to the board.

(4) An external entity may request access to the data used to compile the report consistent with [~~Utah Code~~]Title 63G, Chapter 2, Government Records Access Management Act.

(5) The Superintendent shall respond to the request within 15 business days and provide the report within 30 business days of the request by providing the most recent data set available at the time of the request, so long as the data set is aggregated and no student identifiable information is included in the data set.

(6) If the request is for the data being used for an upcoming report that is more than 30 days from being compiled, the Superintendent may wait longer than 30 days to provide the requested report.

KEY: incident reporting; law enforcement
Date of Last Change: 2024[~~September 24, 2020~~]
Notice of Continuation: February 5, 2024
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(3); 53E-3-516

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	**R315-320**	**Filing ID: 56319**

Agency Information

1. Department:	Environmental Quality
Agency:	Waste Management and Radiation Control, Waste Management
Room number:	2nd Floor
Building:	MASOB
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144880
City, state and zip:	Salt Lake City, UT 84114-4880

Contact persons:		
Name:	**Phone:**	**Email:**
Tom Ball	385-454-5574	tball@utah.gov

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

General Information

2. Rule or section catchline:

R315-320. Waste Tire Transporter and Recycler Requirements

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

The Division of Waste Management and Radiation Control, Waste Management (Division) is amending this rule to correct rule and statutory references, to provide clarifying language, and to amend rule language in accordance with legislation.

The Division is also correcting typographical and rule formatting errors.

4. Summary of the new rule or change:

Language is being added to Subsection R315-320-1(1) to make it clear that waste tire transporters and recyclers are defined in statute.

Language is being added to Subsection R315-320-1(3) to make it clear that the director or an authorized representative may enter and inspect a site to verify compliance with Rule R315-320.

Definitions have been added to Section R315-320-2.

Language is being added to Section R315-320-3 as required by H.B. 27 that was passed during the 2020 General Session of the Utah Legislature. The language changes the number of tires and the size of the tires that an individual can bring to a landfill at one time and clarifies other requirements for the landfill management of waste tires and material derived from waste tires.

The citation to Subsection 19-6-804(4) found in Subsection R315-320-3(5) is being corrected to Subsection 19-6-804(5).

Subsection R315-320-6(2) is being added to provide clear language in the rules regarding what is required by statute. Language is being added and removed from Section R315-320-7 to make it clear what is required by statute and as required by H.B. 236 that was passed during the 2021 General Session of the Utah Legislature. These rules govern the reimbursement for removal of a tire pile at a landfill or transfer station owned by a government entity or an abandoned tire pile and address the information that must be submitted to the Director to determine reasonability of a bid.

Additionally, formatting and typographical errors are being corrected.

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 to the state budget.

The amended rule is clarifying administrative processes for waste tire recycling and transportation.

The amendment does not add any new requirements. Reimbursement of costs is funded by the Waste Tire Recycling Fund and a revenue review associated with the statutory change was conducted as part of the legislative process and indicated that the fund would sustain the changes.

B) Local governments:

There are no anticipated costs or savings to local governments due to this amendment.

The amended rule is clarifying administrative processes for waste tire recycling and transportation. The amendment does not add any new requirements.

Reimbursement of costs is funded by the Waste Tire Recycling Fund and a revenue review associated with the statutory change was conducted as part of the legislative process and indicated that the fund would sustain the changes.

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

There are no anticipated costs or savings to small businesses due to this amendment.

The amended rule is clarifying administrative processes for waste tire recycling and transportation. The amendment does not add any new requirements.

Reimbursement of costs is funded by the Waste Tire Recycling Fund and a revenue review associated with the statutory change was conducted as part of the legislative process and indicated that the fund would sustain the changes.

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

There are no anticipated costs or savings to non-small businesses due to this amendment.

The amended rule is clarifying administrative processes for waste tire recycling and transportation. The amendment does not add any new requirements.

Reimbursement of costs is funded by the Waste Tire Recycling Fund and a revenue review associated with the statutory change was conducted as part of the legislative process and indicated that the fund would sustain the changes.

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

There are no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities due to this amendment.

The amended rule is clarifying administrative processes for waste tire recycling and transportation. The amendment does not add any new requirements.

Reimbursement of costs is funded by the Waste Tire Recycling Fund and a revenue review associated with the statutory change was conducted as part of the legislative process and indicated that the fund would sustain the 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 affected persons.

The changes add clarification to requirements and policy 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 Environmental Quality, Kim Shelley, 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 19-6-105	Section 19-6-819	

Public Notice Information

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

A) Comments will be accepted until:	04/01/2024

9. This rule change MAY become effective on:	04/15/2024

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:	Douglas J. Hansen, Division Director	**Date:**	02/08/2024

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.
R315-320. Waste Tire Transporter and Recycler Requirements.
R315-320-1. Authority, Purpose, and Inspection.

(1) [~~The~~]Requirements for waste tire transporters and recyclers, as defined by Section 19-6-803,[~~requirements~~] are promulgated under the authority of the Waste Tire Recycling Act, Title 19, Chapter 6, and the Solid and Hazardous Waste Act Title 19, Chapter 6, to protect human health; to prevent land, air and water pollution; to conserve the state's natural, economic, and energy resources; and to promote recycling of waste tires.

(2) Except for Subsections R315-320-4(7) and R315-320-5(7), which apply to the application fees for the registration of a waste tire transporter and a waste tire recycler throughout the state, Rule R315-320 does not supersede any ordinance or regulation adopted by the governing body of a political subdivision or local health department if the ordinance or regulation is at least as stringent as Rule R315-320, nor does Rule R315-320 relieve a tire transporter or recycler from the requirement to meet [~~all~~]any applicable local ordinances or regulations.

(3) The [~~D~~]director or an authorized representative may enter and inspect the site of a waste tire transporter or a waste tire recycler [~~as specified in Subsection R315-302-2(5)(b)~~]to verify compliance with Rule R315-320.

R315-320-2. Definitions.

Terms used in Rule R315-320 are defined in Sections R315-301-2 and 19-6-803. In addition, for [~~the purpose of~~]Rule R315-320, the following definitions apply:

(1) "Abandoned waste tire pile" means a waste tire pile that the local department of health has not been able to:

(a) locate the persons responsible for the tire pile; or

(b) cause the persons responsible for the tire pile to remove the tire pile.

(2) "Beneficial use" means the use of chipped tires in a manner that is not recycling, storage, or disposal, but that serves as a replacement for another product or material for specific purposes.

(a) "Beneficial use" includes the use of chipped tires:

(i) as daily landfill cover;

(ii) for civil engineering purposes;

(iii) as low density, light weight aggregate fill; or

(iv) for septic or drain field construction.

(b) "Beneficial use" does not include the use of waste tires for material derived from waste tires:

(i) in the construction of fences; or

(ii) as fill, other than low density, light weight aggregate fill.

(3) "Chip" or "chipped tire" means a two-inch square or smaller piece of a waste tire.

[~~(1)~~](4) "Demonstrated market" or "market" means the legal transfer of ownership of material derived from waste tires between a willing seller and a willing buyer meeting the following conditions:

(a) total control of the material derived from waste tires is transferred from the seller to the buyer;

(b) the transfer of ownership and control is an "arms length transaction" between a seller and a buyer who have no other business relationship or responsibility to each other;

(c) the transaction is done under contract [~~which~~]that is documented and verified by orders, invoices, and payments; and

(d) the transaction is at a price dictated by current economic conditions.

(e) the possibility or potential of sale does not constitute a demonstrated market.

(5) "Shredded waste tires" means waste tires or material derived from waste tires that has been reduced to a six-inch square or smaller.

(6) "Waste tire" means:

(a) a tire that is no longer suitable for the tire's original intended purpose because of wear, damage, or defect; or

(b) a tire that a tire retailer removes from a vehicle for replacement with a new or used tire.

[~~(2)~~](7) "Waste tire generator" means a person, an individual, or an entity that may cause waste tires to enter the waste stream. A waste tire generator may include:

(a) a tire dealer, a car dealer, a trucking company, an owner or operator of an auto salvage yard, or other person, individual, or entity that removes or replaces tires on a vehicle; or

(b) a tire dealer, a car dealer, a trucking company, an owner or operator of an auto salvage yard, a waste tire transporter, a waste tire recycler, a waste tire processor, a waste tire storage facility, or a disposal facility that receives waste tires from a person, an individual, or an entity.

(8) "Waste tire pile" means a pile of 200 or more waste tires at one location.

R315-320-3. Landfill[~~ing~~] Management of Waste Tires and Material Derived from Waste Tires.

(1) Disposal of waste tires or material derived from waste tires is prohibited except as allowed by Subsection R315-320-3(2) or R315-320-3(3).

(2) Landfill[~~ing~~] Management of Whole Waste Tires. A landfill may not receive whole waste tires for disposal except as follows:

(a) [~~waste tires delivered to a landfill~~]no more than [~~four~~]12 whole tires with a rim diameter up to and including 24.5 inches may be received at one time [~~by~~]from an individual, including a waste tire transporter, and shall be temporarily stored according to Subsection R315-320-3(3)(b);[~~or~~]

(b) waste tires from devices moved exclusively by human power may be disposed of in a landfill; [~~or~~]and

(c) waste tires with a rim diameter greater than 24.5 inches may be disposed of in a landfill.

(3) Landfilling of Waste Tires and Material Derived from Waste Tires.

(a) A landfill, which has a permit issued by the [~~D~~]director, may receive material derived from waste tires for disposal, and whole waste tires for disposal according to Subsection R315-320-3(2).

(b) Except for the beneficial use of material derived from waste tires at a landfill, whole waste tires and material derived from waste tires shall be [~~disposed~~]stored in a separate landfill cell or other area that is designed and constructed[~~, as approved by the Director,~~] to keep the material in a clean and accessible condition so that it can reasonably be retrieved from the cell for future recycling.

(4) Reimbursement for Landfill[~~ing~~] Management of Shredded Tires.

(a) The owner or operator of a permitted landfill may apply for reimbursement for landfill[~~ing~~] management of shredded tires as specified in [~~Subsection R315-320-6(1)~~]Section 19-6-812 of the Waste Tire Recycling Act.

(b) To receive the reimbursement, the owner or operator of the landfill [~~must~~]may complete an application in accordance with Subsection 19-6-812(2) and shall meet the following conditions:

(i) the waste tires shall be shredded;

(ii) the shredded tires shall be stored in a [~~segregated~~]separate cell or other [~~landfill facility~~]area that ensures the shredded tires are in a clean and accessible condition so that they can be reasonably retrieved and recycled at a future time;[~~and~~]

(iii) the waste tires are generated from within the state; and

[~~(iii) the design and operation of~~](iv) the landfill [~~cell or other landfill facility has been reviewed and approved by the Director prior to the acceptance of shredded tires~~]is operated in compliance with the Solid and Hazardous Waste Act and the applicable requirements of Rules R315-301 through R315-320.

(5) Violation of Subsection R315-320-3(1), R315-320-3(2), or R315-320-3(3) is subject to enforcement proceedings and a civil penalty as specified in Subsection 19-6-804[~~(4)~~](5).

R315-320-4. Waste Tire Transporter Requirements.

(1) Each waste tire transporter who transports waste tires within [~~the state of~~]Utah [~~must~~]shall apply for, receive and maintain a current waste tire transporter registration certificate from the [~~D~~]director.

(2) Each applicant for registration as a waste tire transporter shall complete a waste tire transporter application form provided by the [~~D~~]director and provide the following information:

(a) business name;

(b) address to include:

(i) mailing address; and

(ii) site address if different from mailing address;

(c) telephone number;

(d) list of vehicles used, including the following:

(i) description of vehicle;

(ii) license number of vehicle;

(iii) vehicle identification number; and

(iv) name of registered owner;

(e) name of business owner;

(f) name of business operator;

(g) list of sites [~~to which~~]where waste tires are to be transported;

(h) liability insurance information as follows:

(i) name of company issuing policy;

(ii) amount of liability insurance coverage; and

(iii) term of policy[~~.~~]; and

(i) meet the requirements of Subsections R315-320-4(3)(b) and R315-320-4(3)(c).

(3) A waste tire transporter shall:

(a) demonstrate financial responsibility for bodily injury and property damage, including bodily injury and property damage to third parties caused by sudden or nonsudden accidental occurrences arising [~~form~~]from transporting waste tires. The waste tire transporter shall have and maintain liability coverage for sudden or nonsudden accidental occurrences in the amount of $300,000;

(b) for the initial application for a waste tire transporter registration or for any subsequent application for registration at a site not previously registered, demonstrate to the [~~D~~]director that [~~all~~]the local government requirements for a waste tire transporter have been met, including [~~obtaining~~]getting [~~all~~]any necessary permits or approvals where required; and

(c) demonstrate to the [~~D~~]director that the waste tires transported by the transporter are taken to a registered waste tire recycler or that the waste tires are placed in a permitted waste tire storage facility that is in full compliance with the requirements of Rule R315-314. [~~Filling~~]Filing [~~of~~]a complete report as required in Subsection R315-320-4(9) shall constitute compliance with this requirement.

(4) A waste tire transporter shall notify the [~~D~~]director of:

(a) any change in liability insurance coverage within [~~5~~]five working days of the change; and

(b) any other change in the information provided in Subsection R315-320-4(2) within 20 days of the change.

(5) A registration certificate will be issued to an applicant following the:

(a) completion of the application required by Subsection R315-320-4(2);

(b) presentation of proof of liability coverage as required by Subsection R315-320-4(3); and

(c) payment of the fee as established by the Annual Appropriations Act.

(6) A waste tire transporter registration certificate is not transferable and shall be issued for the term of one year.

(7) If a waste tire transporter is required to be registered by a local government or a local health department:

(a) the waste tire transporter may be assessed an annual registration fee by the local government or the local health department not to exceed to the following schedule:

(i) for one through five trucks, $50; and

(ii) $10 for each additional truck;

(b) the [~~D~~]director shall issue a non-transferable registration certificate upon the applicant meeting the requirements of Subsections R315-320-4(2) and R315-320-4(3) and [~~shall~~]may not require the payment of the fee specified in Subsection R315-320-4(5)(c), if the fee allowed in Subsection R315-320-4(7)(a) is paid; and

(c) the registration certificate shall be valid for one year.

(8) Waste tire transporters storing tires in piles [~~must~~]shall meet the requirements of Rule R315-314.

(9) Reporting Requirements.

(a) Each waste tire transporter shall submit a quarterly activity report to the [~~D~~]director. The activity report shall be submitted on or before the 30th of the month following the end of each quarter.

(b) The activity report shall contain the following information:

(i) the number of waste tires collected at each waste tire generator, including the name, address, and telephone number of the waste tire generator;

(ii) the number of tires shall be listed by the type of tire based on the following:

(A) passenger[~~,~~] or light truck tires or tires with a rim diameter of 19.5 inches or less;

(B) truck tires or tires ranging in size from 7.50x20 to 12R24.5; and

(C) other tires such as farm tractor, earth mover, motorcycle, golf cart, and ATV[~~, etc.~~];

(iii) the number or tons of waste tires shipped to each waste tire recycler or processor for a waste tire recycler, including the name, address, and telephone number of each recycler or processor;

(iv) the number of tires shipped as used tires to be resold;

(v) the number of waste tires placed in a permitted waste tire storage facility; and

(vi) the number of tires disposed in a permitted landfill, or put to other legal use.

(c) The activity report may be submitted in electronic format.

(10) Revocation of Registration.

(a) The registration of a waste tire transporter may be revoked upon the [~~D~~]director finding that:

(i) the activities of the waste tire transporter that are regulated under Section R315-320-4 have been or are being conducted in a way that endangers human health or the environment;

(ii) the waste tire transporter has made a material misstatement of fact in applying for or [~~obtaining~~]getting a registration as a waste tire transporter or in the quarterly activity report required by Subsection R315-320-4(9);

(iii) the waste tire transporter has provided a recycler with a material misstatement of fact [~~which~~]that the recycler subsequently used as documentation in a request for partial reimbursement under Section 19-6-813;

(iv) the waste tire transporter has violated [~~any provision of~~]the Waste Tire Recycling Act, Title 19 Chapter 6, or any order, approval, or rule issued or adopter under the Waste Tire Recycling Act;

(v) the waste tire transporter failed to meet or no longer meets the requirements of Section R315-320-4;

(vi) the waste tire transporter has been convicted under [~~Subs~~]Section 19-6-822; or

(vii) the waste tire transporter has had the registration from a local government or a local health department revoked.

(b) Registration will not be revoked for submittal of incomplete information required for registration or a reimbursement request if the error was not a material misstatement.

(c) For purposes of Subsection R315-320-4(10)(a), the statements, actions, or failure to act of a waste tire transporter shall include the statements, actions, or failure to act of any officer, director, agent or employee of the waste tire transporter.

(d) The administrative procedures set forth in [~~Section~~]Rule R305-7 shall govern revocation of registration.

R315-320-5. Waste Tire Recycler Requirements.

(1) Each waste tire recycler [~~requesting the reimbursement allowed by Subsection 19-6-809(1), must~~]shall apply for, receive, and maintain a current waste tire recycler registration certificate from the [~~D~~]director.

(2) Each applicant for registration as a waste tire recycler shall complete a waste tire recycler application form provided by the [~~D~~]director and provide the following information:

(a) business name;

(b) address to include:

(i) mailing address; and

(ii) site address if different from mailing address;

(c) telephone number;

(d) owner name;

(e) operator name;

(f) description of the recycling process;

(g) proof that the recycling process described in Subsection R315-320-5(2)(f)~~.~~:

(i) is being conducted at the site; or

(ii) for the initial application for a recycler registration, that the recycler has the equipment in place and the ability to conduct the process at the site;

(h) estimated number of tires to be recycled each year;

(i) liability insurance information as follows:

(i) name of company issuing policy;

(ii) proof of the amount of liability insurance coverage; and

(iii) term of policy; and

(j) meet the requirements of Subsection R315-320-5(3)(b).

(3) A waste tire recycler shall:

(a) demonstrate financial responsibility for bodily injury and property damage, including bodily injury and property damage to third parties caused by sudden or nonsudden accidental occurrences arising from storing and recycling waste tires. The waste tire recycler shall have and maintain liability coverage for sudden or nonsudden accidental occurrences in the amount of $300,000; and

(b) for the initial application for a recycler registration or for any subsequent application for registration at a site not previously registered, demonstrate to the [~~D~~]director that [~~all~~]the local requirements for a waste tire recycler have been met, including

[~~obtaining~~]getting [~~all~~]any necessary permits or approvals where required.

(4) A waste tire recycler shall notify the [~~D~~]director of:

(a) any change in liability insurance coverage within [~~5~~]five working days of the change; and

(b) any other change in the information provided in Subsection R315-320-5(2) within 20 days of the change.

(5) A registration certificate will be issued to an applicant following the:

(a) completion of the application required by Subsection R315-320-5(2);

(b) presentation of proof of liability coverage as required by Subsection R315-320-5(3); and

(c) payment of the fee as established by the Annual Appropriations Act.

(6) A waste tire recycler registration certificate is not transferable and shall be issued for a term of one year.

(7) If a waste tire recycler is required to be registered by a local government or a local health department:

(a) the waste tire recycler may be assessed an annual registration fee by the local government or local health department according to the following schedule:

(i) if up to 200 tons of waste tires are recycled per day, the fee [~~shall~~]may not exceed $300;

(ii) if 201 to 700 tons of waste tires are recycled per day, the fee [~~shall~~]may not exceed $400; or

(iii) if over 700 tons of waste tires are recycled per day, the fee [~~shall~~]may not exceed $500.

(b) The [~~D~~]director shall issue a non-transferable registration certificate upon the applicant meeting the requirements of Subsections R315-320-5(2) and R315-320-5(3) and [~~shall~~]may not require the payment of the fee specified in Subsection R315-320-5(5)(c), if the fee allowed by Subsection R315-320-5(7)(a) is paid.

(c) The registration certificate shall be valid for one year.

(8) Waste tire recyclers [~~must~~]shall meet the requirements of Rule R315-314 for waste tires stored in piles.

(9) Revocation of Registration.

(a) The registration of a waste tire recycler may be revoked upon the [~~D~~]director finding that:

(i) the activities of the waste tire recycler that are regulated under Section R315-320-5 have been or are being conducted in a way that endangers human health or the environment;

(ii) the waste tire recycler has made a material misstatement of fact in applying for or [~~obtaining~~]getting a registration as a waste tire recycler;

(iii) the waste tire recycler has made a material misstatement of fact in applying for partial reimbursement under Section 19-6-813;

(iv) the waste tire recycler has violated [~~any provision of~~]the Waste Tire Recycling Act, Title 19 Chapter 6, or any order, approval, or rule issued or adopted under the Waste Tire Recycling Act;

(v) the waste tire recycler has failed to meet or no longer meets the requirements of Subsection R315-320-5(1);

(vi) the waste tire recycler has been convicted under [~~Subs~~]Section 19-6-822; or

(vii) the waste tire recycler has had the registration from a local government or a local health department revoked.

(b) Registration will not be revoked for submittal of incomplete information required for registration or a reimbursement request if the error was not a material misstatement.

(c) For purposes of Subsection R315-320-5(9)(a), the statements, action, or failure to act of a waste tire recycler shall include the statements, actions, or failure to act of any officer, director, agent, or employee of the waste tire recycler.

(d) The administrative procedures set forth in [~~Section~~]Rule R305-7 shall govern revocation of registration.

R315-320-6. Reimbursement for Recycling Waste Tires.

(1) No partial reimbursement request submitted by a waste tire recycler for the first time, or the first time a specific recycling process or a beneficial use activity is used, shall be approved by a local health department under Section 19-6-813 until the local health department has received from the [~~D~~]director a written certification that the [~~D~~]director has determined the processing of the waste tires is recycling or a beneficial use. If the reimbursement request contains sufficient information, the [~~D~~]director shall make the recycling or beneficial use determination and notify the local health department in writing within 15 days of receiving the request for determination.

(2) Requests for partial reimbursement by a waste tire recycler, including first time requests according to Subsection R315-320-6(1), and subsequent requests, should follow the procedures of Sections 19-6-809, 19-6-813, 19-6-814, and 19-6-815.

[~~(2)~~](3) No partial reimbursement may be requested or paid for waste tires that were generated in Utah and recycled at an out-of-state location except as allowed by Subsection 19-6-809(1)(a)(ii)(C) or 19-6-809(1)(a)(ii)(D).

[~~(3)~~](4) In addition to any other penalty imposed by law, any person who knowingly or intentionally provides false information required by Section R315-320-5 or Section R315-320-6 shall be ineligible to receive any reimbursement and shall return to the Division of Finance any reimbursement previously received that was [~~obtained~~]received through the use of false information.

R315-320-7. Reimbursement for the Removal of a Tire Pile at a Landfill or Transfer Station Owned by a Governmental Entity or an Abandoned Tire Pile[~~- or a Tire Pile at a Landfill Owned by a Governmental Entity~~].

(1) A county or municipality applying for payment for removal of an abandoned tire pile or a tire pile at a county or municipal owned landfill or transfer station shall meet the requirements of Section 19-6-811.

(2) Determination of Reasonability of a Bid.

(a) The following items shall be submitted to the [~~D~~]director when requesting a determination of reasonability of a bid as specified in Subsections 19-6-811(1), 19-6-811(3), and 19-6-811(4):

(i) a copy of the bid or bids;

(ii) the location and approximate size of the waste tire pile;

(iii) for waste tire removal from a landfill or transfer station owned by a county or municipality, a statement:

(A) confirming that the waste tires were received at the landfill or transfer station;

(B) confirming that the waste tire pile consists solely of waste tires diverted from the landfill or transfer station waste stream; and

(C) landfill or transfer station waste receipt records indicating the origin of the waste tires;

(iv) for waste tire removal from an abandoned waste tire pile [~~(ii) ~~]a letter from the local health department stating that the tire pile is abandoned[~~- or that the tire pile is at a landfill owned or operated by a governmental entity~~]; and

[~~(iii)~~](v) a written statement from the county or municipality that the bidding was conducted according to the legal requirements for competitive bidding.

(b) The [~~D~~]director will review the submitted documentation in accordance with Subsection 19-6-811(4) and will inform the county or municipality if the bid is reasonable.

(c) A determination of reasonability of the bid will be made and the county or municipality notified within 30 days of receipt of the request by the [~~D~~]director.

(d) A bid determined to be unreasonable [~~shall~~]may not be [~~deemed~~]considered eligible for reimbursement.

(3) If the [~~D~~]director determines that the bid to remove waste tires from a landfill owned or operated by a government entity or from an abandoned waste tire pile [~~or from a waste tire pile at a landfill owned or operated by a governmental entity~~]is reasonable[~~and that there are sufficient monies in the trust fund to pay the expected reimbursements for the transportation, recycling, or beneficial use under Section 19-6-809 during the next quarter~~], the [~~D~~]director may authorize reimbursement of a waste tire transporter's or recycler's costs to remove waste tires and deliver the waste tires to a recycler according to Subsection R315-320-7(6).[~~a maximum reimbursement of:~~

~~(a) 100% of a waste tire transporter's or recycler's costs allowed under Subsection 19-6-811(2) to remove the waste tires from the waste tire pile and deliver the waste tires to a recycler if no waste tires have been added to the waste tire pile after June 30, 2001; or~~

~~(b) 60% of a waste tire transporter's or recycler's costs allowed under Subsection 19-6-811(2) to remove the waste tires from the waste tire pile and deliver the waste tires to a recycler if waste tires have been added to the waste tire pile after June 30, 2001.~~]

(4) An operator of a state or local government landfill or transfer station shall submit to the director an application for reimbursement, including:

(a) the number of tons of waste tires removed from the landfill or transfer station;

(b) the location that the waste tires were removed from;

(c) the recycler where the waste tires were delivered; and

(d) if applicable, the amount charged by a third party waste tire transporter or recycler to transport the waste tires to the recycler.

(5) The recycler or waste tire transporter that removed the abandoned waste tires pursuant to the bid shall submit to the director an application for reimbursement, including:

(a) the number of tons of waste tires transported;

(b) the location they were removed from;

(c) the recycler where the waste tires were delivered; and

(d) the amount charged by the transporter or recycler.

(6) Upon receipt of the information required under Subsection R315-320-7(4) or R315-320-7(5), and determination that the information is complete, the director shall, within 30 days after receipt, authorize the Division of Finance to reimburse the waste tire transporter or recycler.

(7) A person reimbursed for the removal of a waste tire pile under Section R315-320-7 may not be reimbursed for storage of those waste tires under Section R315-320-3 or recycling of those waste tires under Section R315-320-6.

KEY: solid waste management, waste disposal
Date of Last Change: 2024[~~April 25, 2013~~]
Notice of Continuation: November 30, 2022
Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-819

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	**R337-5**	**Filing ID: 56311**

Agency Information

1. Department:	Financial Institutions
Agency:	Credit Unions
Street address:	324 S. State Street
City, state and zip:	Salt Lake City, UT 84110
Mailing address:	PO Box 89
City, state and zip:	Salt Lake City, UT 84111-2923
Contact persons:	

Name:	**Phone:**	**Email:**
Paul Allred	801-538-8837	pallred@utah.gov

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

General Information

2. Rule or section catchline:

R337-5. Allowance for Loan and Lease Losses - Credit Unions

3. Reason for this change:

The current expected credit loss (CECL) model under Accounting Standards Update (ASU) 2016-13 has been implemented to simplify US GAAP and provide for more timely recognition of credit losses.

As a result, CECL was adopted for all federally insured credit unions by the NCUA. The NCUA created an exception to CECL for credit unions under $10,000, 000 in assets.

This amendment is necessary to allow state-charted credit unions with assets less than $10,000,000 to continue to use the incurred loss model.

4. Summary of this change:

The rule is amended to make it applicable for state-chartered credit unions with assets less than $10,000,000.

This amendment maintains the current methodology to determine the amounts needed in the allowance account for all state-chartered credit unions with assets less than $10,000,000 under the jurisdiction of the Department of Financial Institutions in accordance with changes in the industry and federal law.

Fiscal Information

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

A) State budget:

No impact on the state budget as compliance with this rule affects the financial institutions themselves not any state department.

B) Local government:

The rule does not affect local governments, therefore, there are no cost or savings to any local governments.

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

There is no fiscal impact because the amendment to this rule brings this rule into compliance with federal law.

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

There is no fiscal impact because the amendment to this rule brings this rule into compliance with federal law.

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 fiscal impact because the amendment to this rule brings this rule into compliance with federal law.

F) Compliance costs for affected persons:

There is no fiscal impact because the amendment to this rule brings this rule into compliance with federal law.

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 Financial Institutions, Darryle Rude, 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 7-9-29

Public Notice Information

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

A) Comments will be accepted until:	04/01/2024

9. This rule change MAY become effective on:	4/8/2024

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:	Darryle Rude, Commissioner	**Date:**	02/07/2024

R337. Financial Institutions, Credit Unions.
R337-5. Allowance for Loan and Lease Losses - Credit Unions.
R337-5-1. Authority, Scope and Purpose.

(1) This rule is issued pursuant to Section 7-9-29.

(2) This rule applies to all state-chartered credit unions with assets less than $10,000,000.

(3) This rule requires the allowance account for loan and lease losses (ALLL) be maintained[~~ in accordance with Generally Accepted Accounting Principles (GAAP)~~].

R337-5-2. Definitions.

(1) "Adjusted Loss" means the historical loss adjusted for economic or other factors.

(2) "Historical Loss" means the ratio of loan losses (actual losses less recoveries) to the average total loans outstanding for the period.

(3) "Homogeneous Loan Pools" means groups of loans sharing common risk factors.

(4) "In process of collection" means collection of the debt is proceeding in due course either through legal action, including judgment enforcement procedures, or, in appropriate circumstances, through collection efforts not involving legal action which are reasonably expected to result in repayment of the debt or in its restoration to a current status in the near future.

(5) "Well secured" means a debt that is secured by:

(a) collateral with sufficient realizable value to discharge the debt in full, including accrued interest; or

(b) the guarantee of a financially responsible party.

R337-5-3. Allowance Account for Loan and Lease Losses.

(1) Each credit union is required to establish and maintain a methodology to determine the amount needed in an allowance account for loan and lease losses[~~ in accordance with GAAP~~]. The account should be shown on the books as a contra-asset account, not an equity account. In determining the appropriate allowance account balance, each credit union shall:

(a) Separate the loan portfolio into homogeneous loan pools based upon common risk factors;

(b) Calculate the net loss percentage of each pool, using the historical loss or adjusted loss method, and apply that percentage to all loans in that pool;

(c) Individually classify loans with unique characteristics; and

(d) Add the resulting amounts to determine the amount needed in the ALLL.

(2) At least annually, the method used by the credit union to determine the ALLL must be validated by a qualified party independent from the estimation process.

(3) Sufficient documentation must be maintained to support the methodology and allow the ALLL to be validated.

(4) In conjunction with this rule, the credit union's Board of Directors must adopt a policy ensuring that loans are written off in a timely manner. The policy should include as a minimum a requirement that loans be charged off at 180 days past due unless well secured and in the process of collection.

(5) Whenever the allowance account for loan and lease losses is materially less than or greater than collection problem loans or does not fairly represent the estimated losses in the portfolio, an immediate adjustment shall be made for the amount of the deficiency or surplus. Adjustments to the account will be accomplished by debit or credit entries to a "Provision for Loan Losses" expense account in accordance with generally accepted accounting principles.

(6) At the close of each accounting period and prior to the payment of a dividend, a credit union shall make a placement to the regular reserve as required by Section 7-9-30. After the required placement has been made, unless the credit union is under prompt corrective action, a credit union may transfer from the regular reserve to undivided earnings, the amount that has been expended to the provision for loan and lease losses during the same period.

(7) The regular reserve and allowance for loan and lease losses shall not be combined for purposes of calculating the placement to the regular reserve as required by Section 7-9-30.

KEY: credit unions, loans
Date of Last Change: 2024[~~September 5, 2003~~]
Notice of Continuation: August 29, 2022
Authorizing, and Implemented or Interpreted Law: 7-9-29

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	**R426-7**	**Filing ID: 56323**

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

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

General Information

2. Rule or section catchline:
R426-7. Emergency Medical Services Prehospital Data System Rules
3. Purpose of the new rule or reason for the change:
The purpose of this change is to remove the Emergency Department data set from this rule, as it already exists within another Department of Health and Human Services' (Department) rule. This change also adds language to require reporting on the newest NEMSIS dataset and updates the state's dataset to the newest version.

The change alters the reporting time from a rolling 30 days to 7 days.

This change requires data to meet different standards and to be reconciled monthly.

This change clarifies that all data systems are compliant and submitting the data in a timelier manner, increasing data quality.

The change also aligns Utah with national standards, reflecting major updates to the national reporting system since the rule's previous update in 2016.

4. Summary of the new rule or change:

This amendment will change the reporting time frame from 30 days to 7 days, remove the Emergency Department data set, update required data collection to NEMSIS 3.5, alter required standards of completion and frequency of reconciliation, and remove the one-hour time requirement for sharing data with hospitals.

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 benefit to the state budget, as this rule is clerical in nature and will have no impact on how the Department or other involved state parties function.

The data system vendor did not increase costs due to these national changes.

B) Local governments:

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

This rule change only clarifies pre-existing requirements for districts.

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

This rule change may result in a slight inestimable fiscal cost for small businesses, as they will be required to collect higher quality data in a timelier manner.

The data system vendor did not increase costs due to these national changes, so any potential impacts would likely be due to an increased workload for employees.

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

This rule change may result in a slight inestimable fiscal cost for non-small businesses, as they will be required to collect higher quality data in a timelier manner.

The data system vendor did not increase costs due to these national changes, so any potential impacts would likely be due to an increased workload for employees.

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

This rule change is not expected to have a fiscal impact on other persons.

This rule change only clarifies pre-existing requirements for districts.

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 changes simply add clarification to requirements and policy 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 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-4-106

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)	NEMSIS Data Dictionary National Highway Traffic Safety Administration (NHTSA) version 3.5
Publisher	NEMSIS
Issue Date	03/17/23
Issue or Version	V 3.5.0

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

Official Title of Materials Incorporated (from title page)	NEMSIS V3 State Data Set Utah NEMSIS Version 3.5
Publisher	NEMSIS
Issue Date	10/05/23
Issue or Version	V3

Public Notice Information

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

A) Comments will be accepted until:	04/01/2024

9. This rule change MAY become effective on:	04/08/2024

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:	Tracy S. Gruber, Executive Director	**Date:**	02/11/2024

R426. Health and Human Services, Population Health, Emergency Medical Services.
R426-7. Emergency Medical Services Prehospital Data System Rules.
[~~R426-7-3. ED Data Set.~~

~~(1) All hospitals licensed in Utah shall provide patient data as identified by the Department.~~

~~(2) This data shall be submitted at least quarterly to the Department. Corporate submittal is preferred.~~

~~(3) The data must be submitted in an electronic format determined and approved by the Department.~~

~~(4) If the Department determines that there are errors in the data, it may return the data to the data supplier for corrections. The data supplier shall correct the data and resubmit it to the Department within 30 days of receipt from the Department. If data is returned to the hospital for corrections, the hospital is not in compliance with this rule until corrected data is returned, accepted and approved by the Department.~~

~~(5) The minimum required data elements include:~~
~~Unique Patient Control Number~~
~~Record Type~~
~~Provider Identifier (hospital)~~
~~Patient Social Security Number~~
~~Patient Control Number~~
~~Type of Bill~~
~~Patient Name~~
~~Patient's Address (postal zip code)~~
~~Patient Date of Birth~~
~~Patient's Gender~~
~~Admission Date~~
~~Admission Hour~~
~~Discharge Hour~~
~~Discharge Status~~
~~Disposition from Hospital~~
~~Patient's Medical Record Number~~
~~Revenue Code 1 ("001" sum of all charges)~~
~~Total Charges by Revenue Code 1 ("001" last total Charge Field, is sum)~~
~~Revenue Code 2 ("450" used for record selection)~~
~~Total Charges by Revenue Code 2 (Charges associated with code 450)~~
~~Primary Payer Identification~~
~~Estimated Amount Due~~
~~Secondary Payer Identification~~
~~Estimated Amount Due~~
~~Tertiary Payer Identification~~
~~Estimated Amount Due~~
~~Patient Estimated Amount Due~~
~~Principal Diagnosis Code~~
~~Secondary Diagnosis Code 1~~
~~Secondary Diagnosis Code 2~~
~~Secondary Diagnosis Code 3~~

~~Secondary Diagnosis Code 4~~
~~Secondary Diagnosis Code 5~~
~~Secondary Diagnosis Code 6~~
~~Secondary Diagnosis Code 7~~
~~Secondary Diagnosis Code 8~~
~~External Cause of Injury Code (E-Code)~~
~~Procedure Coding Method Used~~
~~Principal Procedure~~
~~Secondary Procedure 1~~
~~Secondary Procedure 2~~
~~Secondary Procedure 3~~
~~Secondary Procedure 4, and~~
~~Secondary Procedure 5~~

~~**R426-7-4. Penalty for Violation of Rule.**~~

~~As required by Section 63G-3-201(5): Any person or agency who violates any provision of this rule, per incident, may be assessed a penalty as provided in Section 26B-1-224.~~]

R426-7-1[~~00~~]. Authority and Purpose.

(1) [~~This rule is established under Title 26B, Chapter 4, Part 1.~~]Section 26B-4-106 authorizes this rule.

(2) [~~The purpose of t~~]This rule [~~is to~~]establishes minimum mandatory emergency medical service (EMS) data reporting requirements.

(3) Persons providing emergency medical services shall provide data to the Department of Health and Human Services (department) as identified in this rule.

R426-7-2[~~00~~]. Prehospital Data Set.

(1) [~~Emergency medical service providers shall collect data as identified by the Department in this rule.~~]Each EMS provider shall collect and report all data as specified by the department.

(2) [~~Emergency Medical Services~~]Each EMS [~~P~~]provider[~~s~~] shall submit [~~the~~]data to the [~~D~~]department electronically in the National Emergency Medical Services Information System (NEMSIS) format for every dispatch instance[~~,~~] regardless of patient disposition.[~~In cases of mass casualty, data is required for every individual with whom EMS had contact, whether care was given or refused.~~]

(a) Each EMS provider shall report data for every individual with whom the EMS provider has contact, whether care was given or refused, including in the case of a mass casualty event.

(b) Stand-by or special events are exempt from this section.

[~~(3) The Department adopts by reference the National Highway Traffic Safety Administration (NHTSA) Uniform Pre-Hospital Emergency Medical Services (EMS) Dataset version 3.4 published in 2015 and the Utah NEMSIS 3.4 Elements and Values List published in 2016.~~

~~(4) Emergency Medical Services Providers shall submit NEMSIS Demographic data elements within 30 days after the end of each calendar quarter in the format defined in the NEMSIS EMSDemographicDataSet. Some data may change less frequently than quarterly, but Emergency Medical Services Providers shall submit all required data elements quarterly regardless of whether the data have changed. For Emergency Medical Services Providers directly using a reporting system provided by the Department, the data is considered submitted to the Department as soon as it has been entered or updated in the Department-provided system.~~

~~(5) Emergency Medical Services Providers shall submit NEMSIS EMS incident data elements for each Patient Care Report in the format defined in the NEMSIS EMSDataSet, as follows: incidents occurring between the 1st and 15th of a calendar month shall be submitted no later than the last day of the same calendar month; incidents occurring between the 16th and last day of a calendar month shall be submitted no later than the 15th of the following calendar month.~~

~~(a) For Emergency Medical Services Providers directly using a reporting system provided by the Department, the data is considered submitted to the Department as soon as it has been entered or updated in the Department-provided system.~~

~~(b) Emergency Medical Services Providers shall provide the Department 90 days notice when changing reporting systems.~~

~~(6) If the Department determines that there are errors in the data, it may ask the data supplier for corrections. The data supplier shall correct the data and resubmit it to the Department within 30 days of receipt from the Department. If data is returned to the supplier for corrections, the Emergency Medical Services Provider is not in compliance with this rule until corrected data is returned, accepted and approved by the Department.~~](3) The department incorporates by reference:

(a) NEMSIS Data Dictionary National Highway Traffic Safety Administration (NHTSA) version 3.5; and

(b) NEMSIS V3 State Data Set Utah NEMSIS Version 3.5.

(4) An EMS provider shall use a NEMSIS compliant EMS reporting system, unless written arrangements are made with the department.

(5) An EMS provider shall submit NEMSIS demographic data elements within 30 days after the end of each calendar quarter and in the format defined in the NEMSIS EMS Demographic Data Set.

(a) An EMS provider shall submit NEMSIS demographic data in the state EMS licensing system.

(b) An EMS provider shall make all demographic changes in the state EMS licensing system.

(c) The department may consider an EMS provider's data submitted after it has been entered or updated in the department-provided system.

(6) Each EMS provider shall submit NEMSIS EMS incident data elements for each patient care report (PCR) in the format defined in the NEMSIS EMS data set within seven days of the incident occurring.

(a) The department may consider data submitted as soon as it has been directly entered or updated in the department-provided system.

(b) Each EMS provider shall submit incident data with at least 90% of each submission complete with correct information in the state system for the submission to be considered correct and complete.

(c) Each EMS provider shall configure its electronic patient care report (ePCR) systems to correctly send incidents as soon as they are completed and not wait until the record has been billed.

(7) Each EMS provider shall reconcile NEMSIS EMS incident data monthly via email for each PCR for the prior month's ePCR count.

(a) If there are no incidents to report for the previous month, the EMS provider shall report confirmation of no data within seven days after the previous month ends.

(b) The department shall provide monthly reports to the EMS provider on completeness for ePCRs with less than 90% complete and correct.

[~~(7)~~](8) [~~Emergency Medical Services Providers~~]Each EMS provider[~~ are not required to~~] may submit [~~other~~]optional NEMSIS data elements[~~ but may optionally do so~~].

(9) Each EMS provider shall notify the department at least 90 calendar days before changing reporting systems.

[~~(8)~~](10) For each patient an EMS provider transport[~~ed~~]s to a [~~licensed acute care facility or a specialty hospital with an emergency department~~]hospital or patient receiving facility, [~~each responding emergency medical services~~]the EMS provider[~~unit that cared for the patient during the incident~~] shall [~~provide a~~]report [~~of~~]the patient status[~~,~~] containing information critical to the ongoing care of the patient[~~,~~] upon transfer.[~~to the receiving facility within one hour after the patient arrives at the receiving facility in at least one of the following formats:~~

~~(a) NEMSIS XML; or~~

~~(b) Paper form.~~]

[~~(9)~~](11) For each patient an EMS provider transport[~~ed~~]s to a [~~licensed acute care facility or a specialty hospital with an emergency department~~]hospital or patient receiving facility, the hospital or patient receiving facility shall provide [~~at least~~]the following information for that patient to [~~each Emergency Medical Services Provider~~]the EMS provider[~~ that cared for the patient,~~] within 24 hours of request[~~ by the Emergency Medical Services Provider~~]:

(a) [~~T~~]the patient's emergency department disposition;

(b) the patient's hospital disposition;[~~ and~~]

(c) the patient's demographic information, including payment source;[~~.~~] and

(d) a hospital face sheet.

R426-7-3. Penalty for Violation of Rule.

Any person who violates any provision of this rule may be assessed a penalty as provided in Section 26B-1-224.

KEY: emergency medical services
Date of Last Change: 2024[~~November 5, 2023~~]
Notice of Continuation: September 24, 2020
Authorizing, and Implemented or Interpreted Law: [~~26B, Chapter 4, Part 1~~]26B-4-106, 26B-1-224

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Repeal		
Rule or Section Number:	**R651-301**	**Filing ID: 56329**

Agency Information

1. Department:	Natural Resources	
Agency:	State Parks	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146001	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	**Phone:**	**Email:**
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov

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

General Information

2. Rule or section catchline:

R651-301. State Recreation Fiscal Assistance Programs

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

This rule has moved to the Division of Outdoor Recreation (DOR).

4. Summary of the new rule or change:

This rule is being repealed and has moved to DOR rules.

Fiscal Information

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

A) State budget:

The repeal of this rule does not affect the state budget.

This rule is moving to DOR and will have no effect on the Division of State Parks (Division).

B) Local governments:

The repeal of this rule does not affect local governments.

This rule is moving to DOR and will have not have an effect on the Division.

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

The repeal of this rule does not affect small businesses.

This rule is moving to DOR and will have not have an effect on the Division.

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

The repeal of this rule does not affect non-small businesses.

This rule is moving to DOR and will have not have an effect on 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***)**:**

The repeal of this rule does not affect persons other than small businesses, non-small businesses, state, or local government entities.

This rule is moving to DOR and will have not have an effect on the Division.

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

The repeal of this rule does not affect compliance costs for affected persons.

This rule is moving to DOR and will have not have an effect on the Division.

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 41-21-1	Section 41-22-19	

Public Notice Information

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

A) Comments will be accepted until:	04/01/2024

9. This rule change MAY become effective on:	04/08/2024

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:	Scott Strong, Interim Director	**Date:**	02/08/2024

R651. Natural Resources, Parks and Recreation.

~~[R651-301. State Recreation Fiscal Assistance Programs.~~

~~R651-301-1. Authority and Effective Date.~~

~~(a) These rules are established pursuant to Section 41-22-1, and Section 41-22-19, and apply to the following state-funded recreation fiscal assistance programs:~~

~~(1) Off Highway Vehicles Fiscal Incentive Grant~~

~~(2) Off-highway Access and Education~~

~~(b) These rules govern procedures for fiscal assistance applications, priorities, and project selection criteria commencing on or after April 15, 2000.~~

~~R651-301-2. Definitions.~~

~~(a) "Advisory Council" means Off-Highway Vehicle Advisory Council.~~

~~(b) "Board" means the Utah Board of Parks and Recreation.~~

~~(c) "Division" means the Utah Division of Parks and Recreation.~~

~~(d) "OHV Program" means the Off-Highway Vehicle Program of the Utah Division of Parks and Recreation.~~

~~(e) "Small Grant" means any request of less than $12,500.~~

~~R651-301-3. Fiscal Assistance Application Process.~~

~~(a) Deadline for submission of applications is May 1 annually, except for Small Grant applications, which have deadlines of January 15, April 15, July 15, and October 15 annually. Submissions post-marked on or before that date will be eligible for funding consideration.~~

~~(b) Applications are to be submitted on a form to be provided by the Division.~~

~~(c) Applications must be submitted to:~~

~~Utah Division of Parks and Recreation~~

~~Attention: Grants Coordinator~~
~~1594 West North Temple, Suite 116~~
~~Salt Lake City, Utah 84114-6001~~
~~(d) Eligible applicants include:~~
~~(1) Off-Highway Vehicle Fiscal Incentive Grant Program~~
~~(i) Federal government agencies~~
~~(ii) State agencies~~
~~(iii) Cities and towns~~
~~(iv) Counties~~
~~(v) Organized User Group pursuant to 41-22-2(15)~~
~~(2) Off-highway Access and Education Program~~
~~(i) Charitable organizations meeting the requirements pursuant to Subsection 41-22-19.5(6).~~

~~R651-301-4. Fiscal Assistance Program Requirements.~~
~~(a) Except as otherwise provided in R651-301, all programs may require matching funds in an amount up to 50%.~~
~~(b) An applicant match for the project may include:~~
~~(1) cash;~~
~~(2) equipment; or~~
~~(3) materials, including donated material valued at the fair market value based on an appraisal that is approved by the Division; or~~
~~(4) labor, including:~~
~~(i) donated labor based on a general laborer rate that the project sponsor pays an employee of similar experience and performing similar duties, or~~
~~(ii) professionally skilled labor based on a rate normally paid for performing this service; or~~
~~(5) donated land from a third party to be exclusively used for the proposed project valued at the fair market value based on an appraisal that is approved by the Division. When this is the case, the wage rate normally paid for performing this service may be charged to the project.~~
~~(c) Recreational trails that are on lands under the control of the Division must comply pursuant to Section 79-5-304, and require public hearings in the area of proposed trail development.~~
~~(d) Program funds may be used for land acquisition, development, and planning. Off-highway vehicle funds may also be used for education, operation and maintenance. No administrative or indirect costs are allowed. Projects funded with Off-highway Access and Education Program funds must be designed to protect access to public lands by motor vehicle and off-highway vehicle operators, and to educate the public about appropriate off-highway vehicle use.~~
~~(i) Annual registration fees as provided in Section R651-406-1, the excess of $18 per all-terrain vehicle, off-highway motorcycle, and street-legal all-terrain vehicle shall be dedicated to the Off-Highway Vehicle Fiscal Incentive Grant Program.~~
~~(ii) The Off-Highway Vehicle Fiscal Incentive Grant Program shall fund motorized trails pursuant to Subsection 41-22-19(1)(c) except for the following uses as they benefit off-highway vehicle recreation:~~
~~Administration by the OHV Program up to 7%~~
~~Access protection up to 20%~~
~~Search and rescue up to 5%~~
~~Tourism up to 5%~~
~~Education up to 5%~~
~~Other uses that further the policy set forth pursuant to 41-22-1up to 5%~~
~~(iii) Projects funded with Off-highway Access and Education Program funds must be designed to protect access to public lands by motor vehicle and off-highway vehicle operators, and to educate the public about appropriate off-highway vehicle use.~~
~~(e) Not more than 75% of program funds may be advanced to the project sponsor, and only after official notice to the Division is made by the sponsor that project costs will be incurred within sixty days.~~
~~(f) The balance of funding shall be provided to sponsors at the project completion, and only after a final accounting is made to the Division of total project costs.~~
~~(g) Off-highway Access and Education Program funds are exempt from the matching requirements of this rule.~~

~~R651-301-5. Project Selection Procedures.~~
~~(a) Advisory Councils shall make recommendations to the Division concerning the project selection criteria and the priority of projects selected for funding.~~
~~(b) The Division shall review eligible applications, evaluate projects based on priority criteria, and submit project description information, proposed funding recommendations and justification to the appropriate Advisory Council for review and comments.~~
~~(c) The Board shall select and approve projects based on recommendations from the Division and Advisory Councils, which may be in the form of joint or separate recommendations.~~

~~R651-301-6. Priorities and Project Selection Criteria.~~
~~(a) Applicants shall be evaluated on administrative considerations, such as prior project performance and proper use of funds.~~
~~(b) Applications shall be evaluated on meeting legislative intent, and meeting outdoor recreation needs.~~
~~(c) Applications shall be evaluated on cooperative efforts of the project among agencies and user groups. This includes cooperative funding.~~
~~(d) Location of the proposed project site shall be evaluated based on proximity to the majority of users, adequacy of access to the site, safety, linking similar existing facilities, and convenience to users.~~
~~(e) Projects that promote multiple season use for maximum year-round participation and multiple uses or users.~~

~~KEY: recreation, fiscal, assistance~~
~~Date of Last Change: April 7, 2020~~
~~Notice of Continuation: March 23, 2022~~
~~Authorizing, and Implemented or Interpreted Law: 41-22-1; 41-22-19~~]

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	**R746-312**	**Filing ID: 56315**

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:**
Michael Hammer	801-530-6729	michaelhammer@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R746-312. Electrical Interconnection

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

Section R746-312-16, Public Utility Maps, Records and Reports: This section imposes an annual reporting requirement on electric public utilities.

The Public Service Commission (PSC) generally exercises less regulatory authority over electrical cooperatives than investor-owned utilities, see, e.g., Subsection 54-7-12(7) (exempting cooperatives from statute requiring utilities to obtain the PSC's approval changing customer rates).

The PSC convened a public process and held a technical conference on 09/25/2023 to receive feedback from stakeholders as to whether this reporting requirement is necessary for electrical cooperatives.

At the technical conference, a consensus among stakeholders existed in support of amending this rule to remove the requirement for electrical cooperatives because the report is of limited usefulness to regulators owing to regulators' more limited jurisdiction over electrical cooperatives and the burden of requiring electrical cooperatives to submit the report outweighed any potential benefit.

Accordingly, the proposed amendment exempts electrical cooperatives from the reporting requirement by making it applicable only to public utilities for which the "governing authority" is the PSC. Subsection R746-312-2(14) provides the "governing authority" of an electrical cooperative is its board of directors, as opposed to the PSC.

This amendment also makes nonsubstantive changes to the rule text for adherence to the Rulewriting Manual for Utah standards.

4. Summary of the new rule or change:

The amendment exempts electrical cooperatives from the reporting requirement this rule imposes by making it applicable only to public utilities for which the governing authority is the PSC.

Fiscal Information

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

A) State budget:

The amendment is expected to have no measurable impact on the state's budget because this rule imposes an annual reporting requirement on private electric utilities, and these private entities bear the costs associated with preparing the annual reports.

The proposed amendment makes nonsubstantive changes to the existing rule aside from eliminating the reporting requirement for electrical cooperatives, which should result in saved compliance costs for those cooperatives but will have no impact on the state budget.

B) Local governments:

The amendment does not concern local governments and is not expected to impact them because it concerns electrical cooperatives, not municipal utilities, and serves to remove an existing regulatory requirement for electrical cooperatives.

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

To the extent an electric cooperative is a small business, the amendment can only decrease regulatory compliance costs as it removes a regulatory reporting requirement for electrical cooperatives, though the PSC does not have information sufficient to determine the extent of savings for such cooperatives.

The amendment is expected to have no impact on small businesses that are not electrical cooperatives.

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

To the extent an electric cooperative is a non-small business, the amendment can only decrease regulatory compliance costs as it removes a regulatory reporting requirement for electrical cooperatives, though the PSC does not have information sufficient to determine the extent of savings for such cooperatives.

The amendment is expected to have no impact on non-small businesses that are not electrical cooperatives.

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 amendment is expected to have no impact on persons other than small businesses, non-small businesses, state, or local government entities, unless such persons are electrical cooperatives in which case the amendment can only decrease regulatory compliance costs as it removes an existing regulatory reporting requirement. The PSC does not have sufficient information to estimate the amount of such savings for any affected electrical cooperative.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?)**:**
There are no anticipated compliance costs for any affected entity or person. The amendment can only result in cost savings as it removes an existing regulatory reporting requirement for electrical cooperatives.
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:
Commissioners David R. Clark and John S. Harvey, Ph.D., of the Public Service Commission provided the following comments: As discussed above, the amendment removes an existing regulatory reporting requirement for electrical cooperatives. The only businesses or entities it stands to affect are electrical cooperatives, and any fiscal impact will necessarily result in cost savings because the amendment removes an existing regulatory reporting requirement.

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 54-4-7	Section 54-15-106	Section 54-4-14
Section 54-12-2		

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:	04/01/2024

9. This rule change MAY become effective on:	04/08/2024
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:	David R. Clark and John S. Harvey, Ph.D., PSC Commissioners	**Date:**	02/06/2024

R746. Public Service Commission, Administration.
R746-312. Electrical Interconnection.
R746-312-1. Authority.

[~~(1)~~]This rule establishes procedures and standards for electrical interconnection of generating facilities to a public utility as provided for in Sections 54-3-2, 54-4-7, 54-4-14, 54-12-2, and 54-15-106.

R746-312-2. Definitions.

(1) "Adverse system impact" means the negative effects due to technical or operational limits on conductors or equipment being exceeded that may compromise the safety and reliability of the electric distribution system.

(2) "Affected system" means an electric system other than a public utility's electric distribution system that may be affected by the proposed interconnection.

(3) "Building code official" means the city or local official whose responsibility includes inspecting facilities for compliance with the city or local jurisdiction electrical code requirements.

(4) "Business day" means Monday through Friday, excluding Federal holidays.

(5) "Confidential information" means any confidential [~~and/~~]or proprietary information provided by one party to the other party that is clearly marked or otherwise designated "Confidential." For [~~the purposes of~~]this rule, [~~all~~]the design, operating specification[~~s~~], and metering data provided by the interconnection customer shall be [~~deemed~~]considered confidential information regardless of whether it is clearly marked or otherwise designated as [~~such~~]confidential information. Confidential information does not include information previously in the public domain, required to be publicly submitted or divulged by governmental authorities, or necessary to be divulged in an action to enforce these procedures.

(6) "Electric distribution system" means that portion of an electric system that delivers electricity from transformation points on the transmission system to the point or points of connection at a customer's premises.

(7) "Equipment package" means, for certification purposes, a group of components connecting a generating facility's device for the production of electricity, in other words[~~, (i.e.~~], a generator,[~~)~~] with an electric distribution system, and includes [~~all~~]any interface equipment including switchgear, inverters, or other interface devices. An equipment package may include an integrated generator or electric production source. An equipment package does not include equipment provided by the utility.

(8) "Fault current" means electrical current that flows through a circuit and is produced by an electrical fault, [~~such as~~]for example, to ground, double-phase to ground, three-phase to ground, phase-to-phase, and three-phase. A fault current is several times larger in magnitude than the current that normally flows through a circuit.

(9) "Facilities study" means a study conducted to determine the additional or upgraded distribution system facilities necessary to interconnect a generating facility with a public utility, the cost of those facilities, and the time schedule required to interconnect the generating facility to the public utility's distribution system.

(10) "Feasibility study" means a preliminary evaluation of the system impact and the cost of interconnecting a generating facility to the public utility's electric distribution system.

(11) "Generating facility" means the interconnection customer's device for the production of electricity and [~~all~~]each associated component[~~s~~] up to the point of common coupling identified in the interconnection request[~~,~~] but [~~shall~~]may not include the interconnection customer's interconnection facilities.

(12) "Generation capacity" means the nameplate capacity of the power generating device[~~(s)~~] of a generating facility. Generation capacity does not include the effects caused by inefficiencies of power conversion or plant parasitic loads.

(13) "Good utility practice" means any of the practices, methods, and acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods, and acts that, in the exercise of reasonable judgment in light of the facts known [~~at the time~~]when the decision was made, could have been expected to accomplish the desired result of the lowest reasonable cost consistent with good business practices, reliability, safety, and expedition. Good [~~U~~]utility [~~P~~]practice is not intended to be limited to the optimum practice, method, or act to the exclusion of [~~all~~]any others, but rather to be acceptable practices, methods, or acts generally accepted in the region and consistently adhered to by the public utility.

(14) "Governing [~~A~~]authority" means:

(a) [~~F~~]for a distribution electrical cooperative, its board of directors; and

(b) for each other electrical corporation, the Public Service Commission, otherwise referred to as the commission.

(15) "IEEE standards" means the Institute of Electrical and Electronics Engineers (IEEE) Interconnecting Distributed Resources with Electric Power Systems -- IEEE 1547 Series referenced in Section 54-15-102.

(16) "Interconnection agreement" means a standard form agreement between an interconnection customer and a public utility that governs the connection of a generating facility to the electric distribution system and the ongoing operation of the generating facility after it is connected to the system.

(17) "Interconnection customer" means any entity including a public utility that proposes to interconnect its generating facility with the public utility's distribution system.

(18) "Interconnection [~~F~~]facilities" means the facilities and equipment required by a public utility to accommodate the interconnection of a generating facility to the public utility's electric distribution system and used exclusively for that interconnection. Interconnection Facilities do not include upgrades.

(19) "Interconnection request" means the interconnection customer's request to interconnect a new generating facility, or to increase the capacity of, or make a material modification to the operating characteristics of an existing generating facility that is interconnected with the public utility. The interconnection request includes [~~all~~]the required applications, forms, processing fees, and[~~/or~~] deposits required by the public utility.

(20) "Inverter" has the same meaning as in Section 54-15-102.

(21) "Level 1 [~~I~~]interconnection [~~R~~]review" means an interconnection review process applicable to an inverter-based facility having a generation capacity of 25 kilowatts or less.

(22) "Level 2 [~~I~~]interconnection [~~R~~]review" means an interconnection review process applicable to a facility having a generation capacity of 2 megawatts or less and that does not qualify for or fails to meet Level 1 interconnection review requirements.

(23) "Level 3 [~~I~~]interconnection [~~R~~]review" means an interconnection review process applicable to a facility having a generation capacity of greater than 2 megawatts but no larger than 20 megawatts, [~~or~~]the generating facility is not certified, or the generating facility does not qualify for or fails to meet Level 1 or Level 2 interconnection review requirements.

(24) "Net metering facility" means a facility eligible for net metering, or an eligible facility as defined in Section 54-15-102.

(25) "Party or parties" means the public utility, [~~and/or~~]the interconnection customer, or both.

(26) "Point of common coupling" means the point at which the interconnection between the public utility's system and the interconnection customer's equipment interface occurs. Typically, this is the customer side of the public utility's meter.

(27) "Public utility" has the meaning set forth in Section 54-2-1 and is limited to a public utility that provides electric service.

(28) "Queue position" means the order of a valid interconnection request relative to [~~all~~]any other pending valid interconnection requests that is established based upon the date and time of receipt of a completed interconnection request, including application fees, by the public utility.

(29) "Spot network" means a type of electric distribution system that uses two or more inter-tied transformers protected by network protectors to supply an electrical network circuit. A spot network is generally used to supply power to a single customer or a small group of customers.

(30) "Standard form" or "standard form agreement" means a form or agreement that follows that adopted or approved by the Federal Energy Regulatory Commission in its small generator interconnection proceedings and modified to be consistent with th[~~ese~~]is rule[~~s~~] unless the governing authority has approved an alternative form or agreement.

(31) "Switchgear" has the same meaning as in Section 54-15-102.

(32) "System [~~I~~]impact study" means an engineering analysis of the probable impact of a generating facility on the safety and reliability of the public utility's electric distribution system.

(33) "Telemetry" means the remote communication from a generator facility to a point on the public utility's communication network where the data [~~can~~]may be assimilated into the public utility's grid operations if desired.

(34) "UL1741" means the UL Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources as referenced in Section 54-15-102.

(35) "Upgrades" means the required additions and modifications to a public utility's distribution system beyond the point of interconnection. Upgrades do not include interconnection facilities.

(36) "Written notice" means a required notice sent by the utility via electronic mail if the interconnection customer has provided an electronic mail address. If the interconnection customer has not provided an electronic mail address, or has requested in writing to be notified by United States mail, or if the utility elects to provide notice by United States mail, then written notices from the utility shall be sent via First Class United States mail. The utility shall be [~~deemed~~]considered to have fulfilled its duty to respond under this rule on the day it sends the interconnection customer notice via electronic mail or deposits [~~such~~]the notice in First Class mail. The interconnection customer shall be responsible for informing the utility of any changes to its notification address.

R746-312-3. Purpose, Scope, Applicability, and Exceptions.

(1) This rule establishes procedures for electrical interconnection of a generating facility to a public utility's distribution system with the following exception:[

~~(a)~~] [~~All r~~]References to fees and charges in [~~Section~~]Rule R746-312 do not apply to public utilities for which the commission does not have ratemaking authority as identified in Subsection 54-7-12(7). Rates and charges will be determined by the public utility's governing authority in accordance with applicable law.

(2) For good cause shown, the commission may waive or [~~modify~~]change any provision of this electrical interconnection rule.

(3) A public utility and interconnection customer may mutually agree to reasonable extensions to the required times for notices and submissions of information set forth in this rule [~~for the purpose of~~]to allow[~~ing~~] efficient and complete review of an interconnection request. If a public utility unilaterally seeks waiver of the time[-]lines set forth in this rule, the commission may consider the number of pending applications for interconnection review and the type of applications, including review level and facility size.

(4) A public utility shall provide to the interconnection customer information regarding options for complaint or dispute resolution during the interconnection request review process [~~prior to~~]before or along with the results of the initial interconnection review.

(5) Complaints or disputes will be addressed as follows:

(a) residential interconnections will be addressed according to [~~the provisions of~~]Sections R746-200-4, R746-200-8, and R746-200-9.

(b) non-residential interconnections will be addressed according to the following procedure:

(i) [~~In the event of~~]If there is a complaint or dispute, either party shall provide the other party with a written Notice of Dispute. [~~Such~~]This notice shall describe in detail the nature of the dispute.

(ii) If the dispute has not been resolved within seven business days after receipt of [~~such~~]the notice, the dispute shall be served upon the other party and filed with the commission. A copy shall also be served upon the Division of Public Utilities.

(iii) An answer or other responsive pleading to the complaint shall be filed with the commission not more than ten business days after receipt of service of the complaint or dispute. Copies of the answer or responsive pleading shall be served on the complainant and the Division of Public Utilities.

(iv) A prehearing conference shall be held [~~not later~~]less than 15 business days after the complaint is filed.

(v) The commission shall [~~commence~~]hold a hearing on the complaint [~~not later~~]less than 25 business days after the complaint is filed, unless the commission finds that extraordinary conditions exist that warrant postponing the hearing date, in which case the commission shall [~~commence~~]hold the hearing as soon as practicable. Parties shall be entitled to present evidence as provided by the commission's rules.

(vi) The commission shall take final action on a complaint [~~not more~~]less than 30 business days after the complaint is filed unless:

(A) the commission finds that extraordinary conditions exist that warrant extending final action, in which case the commission shall take final action as soon as practicable; or

(B) the parties agree to an extension of final action by the commission.

R746-312-4. Installation, Operation, Maintenance, Testing, and Modification of Generating and Interconnection Facilities.

(1) Except for generating facilities in operation or approved for operation [~~prior to~~]before the effective date of this rule, an interconnection customer of a public utility must install, operate, and maintain its generating and interconnection facilities in compliance with the IEEE standards, as applicable, and the requirements of the interconnection agreement or other agreements executed between the parties during the interconnection review and approval process. Generating facilities in operation or approved for operation [~~prior to~~]before the effective date of this rule must be operated and maintained in accordance with the requirements of [~~all~~]each agreement[~~s~~] in place [~~prior to~~]before the effective date of this rule.

(2)(a) Disconnect Switch. Except for the exemptions listed [~~below~~]in Subsection R746-312-4(2)(b), an interconnection

customer of a public utility must install and maintain a manual disconnect switch that will disconnect the generating facility from the public utility's distribution system. The disconnect switch must be a lockable, load-break switch that plainly [~~indicates~~]shows whether it is in the open or closed position. The disconnect switch must be readily accessible to the public utility at [~~all~~]any time[~~s~~] and located within [~~10~~]ten feet of the public utility's meter.

([~~a~~]b) Exemptions:

(i) For customer generating systems of [~~10~~]ten kilowatts or less that are inverter-based, a public utility [~~shall~~]may not require a disconnect switch.

(ii) The disconnect switch may be located more than [~~10~~]ten feet from the public utility's meter if permanent instructions are posted in letters of appropriate size at the meter indicating the precise location of the disconnect switch. In this case the public utility must approve in writing the location of the disconnect switch [~~prior to~~]before the installation of the generating facility. For those instances [~~where~~]when the interconnection customer and the public utility cannot agree to the implementation of [~~this s~~]Section R746-312-4, the public utility or interconnection customer may refer the matter to the commission according to the designated dispute resolution process.

(iii) Nothing in this exemption precludes an interconnection customer or a public utility from voluntarily installing a manual disconnect switch.

(3) [~~In the event that~~]If no disconnect switch is installed, the interconnection customer's electric service may be disconnected by the public utility entirely if the generating facility must be physically disconnected from the public utility's distribution system as specified in Subsection R746-312-4(5).

(4) For those public utilities whose governing authority, pursuant to Section 54-15-106, after appropriate notice and opportunity for public comment, elects to adopt by rule additional reasonable interconnection safety, power quality, and interconnection requirements for net metering generating facilities, and who determines that a disconnect switch for net metering generating facilities less than [~~10~~]ten kilowatts is necessary, those public utilities must:

(a) address the usage of the disconnect switch in the public utility's operations training requirements and standard operating procedures, including, among other things, how the disconnect switches will be managed, including tracking of switches, the procedures under which the disconnect switch must be used during normal operations, construction projects, trouble situations, and during restoration of service activities, and training on operation and usage of the disconnect switch;

(b) file a copy of the disconnect switch procedures, and any updates, along with the governing authority's documentation of appropriate notice and opportunity for public comment with the commission; and

(c) document in writing each time the public utility has [~~utilized~~]used each specific disconnect switch and the reason for its usage and make this information available to the commission upon request.

(5) The public utility may operate the manual disconnect switch or disconnect the customer generating facility pursuant to the conditions set forth [~~below~~]in Subsections R746-312-4(5)(a) through R746-312-4(5)(c), thereby isolating the customer generating system, without [~~prior~~]earlier notice to the customer. To the extent practicable, however, [~~prior~~]former notice shall be given. If [~~prior~~]former notice is not given, the utility shall, when [~~at the time of~~]disconnecting the customer generating system,[~~on~~] leave a door hanger or other [~~such~~]notice notifying the customer that their customer generating system has been disconnected, including an explanation of the condition [~~necessitating such~~]requiring the action. The public utility shall reconnect the customer generating system as soon as reasonably practicable after the condition [~~necessitating~~]requiring disconnection is remedied.[

~~(a)~~] Any of the following conditions shall be cause for the public utility to manually disconnect a generating facility from its system:

([~~i~~]a) Emergencies or maintenance requirements on the public utility's distribution system;

([~~ii~~]b) Hazardous conditions existing on the public utility's distribution system that may affect safety of the general public or public utility employees due to the operation of the customer generating facility or protective equipment as determined by the public utility; or

([~~iii~~]c) Adverse electrical effects, [~~(such as~~]like high or low voltage, unacceptable harmonic levels, or RFI interference[~~)~~] [~~-~~]on the electrical equipment of the public utility's other electric consumers caused by the customer generating facility as determined by the public utility.

(6) [~~Subsequent to~~]After becoming interconnected to a public utility, the interconnection customer must notify the public utility of [~~all~~]each proposed modification[~~s~~] to the generating facility or equipment package that will increase the generation capacity of a customer generation facility.

(a) Notification must be provided in the form of a new application submitted in accordance with the level of review required by this rule; and

(b) The application must specify the proposed modification[~~(s)~~].

(7) Aggregating Multiple Generators: If the interconnection request is for a generating facility [~~which~~]that includes multiple generating facilities, at a site for [~~that~~]which the interconnection customer seeks a single point of interconnection, the interconnection request must be evaluated for[~~ the purposes of the~~] interconnection on the basis of the aggregate electric nameplate capacity of the generating facilities.

R746-312-5. Certifications.

(1) To qualify for the Level 1 and the Level 2 interconnection review procedures set forth [~~below~~]in Sections R746-312-8 and R746-312-9, a generating facility must be certified as complying with the following standards, as applicable:

(a) IEEE standards; and

(b) UL1741.

(2) An equipment package will be considered certified for interconnected operation if it has been submitted by a manufacturer to a nationally recognized testing and certification laboratory[~~,~~] and has been tested and listed by the laboratory for continuous interactive operation with an electric distribution system in compliance with relevant codes and standards.

(3) If the equipment package has been tested and listed in accordance with [~~this s~~]Section R746-312-5 as an integrated package that includes a generator or other electric source, the equipment package will be [~~deemed~~]considered certified, and the public utility may not require further design review, testing, or additional equipment.

(4) If the equipment package includes only the interface components, like [~~(~~]switchgear, inverters, or other interface devices[~~)~~], an interconnection customer must show that the generator or other electric source being [~~utilized~~]used with the equipment

package is compatible with the equipment package and consistent with the testing and listing specified for the package. If the generator or electric source being [~~utilized~~]used with the equipment package is consistent with the testing and listing performed by the nationally recognized testing and certification laboratory, the equipment package will be [~~deemed~~]considered certified, and the public utility may not require further design review, testing, or additional equipment.

R746-312-6. General Interconnection Request Provisions.

(1) Each public utility must designate an employee, office, or department from which a customer [~~can~~]may [~~obtain~~]get basic interconnection request standard forms, standard form agreements, and information through an informal process. Upon request, this employee, office, or department must provide [~~all~~]each relevant form[~~s~~], document[~~s~~], and technical requirement[~~s~~] for submittal of a complete application for interconnection review. Upon request, the public utility must meet with a customer who qualifies for Level 2 or Level 3 interconnection review, to assist them in preparation of the application. [~~All~~]The standard forms and standard form agreements must be posted on the public utility's website.

(2) The interconnection customer must submit each interconnection request, and [~~all~~]the associated forms and agreements, on the public utility's standard forms and standard form agreements.

(3) The interconnection request may require the following types of information:

(a) the name of the applicant and basic customer information;

(b) the type, size, and specifications of the generating facility;

(c) the level of interconnection review sought; [~~e.g.,~~]for example, Level 1, Level 2, or Level 3;

(d) the generating facility installer: [~~i.e.~~]for example, for contractor installations, the name of the appropriately licensed contractor, or for self-installations, the name of the homeowner or business;

(e) equipment certifications, [~~and/or~~]system certifications, or both;

(f) the anticipated date the generating facility will be operational;

(g) evidence of site control; [~~and/~~]or

(h) other information that the utility [~~deems is~~]considers necessary to conduct an evaluation as to whether a generating facility [~~can~~]may be safely and reliably connected to the public utility in compliance with this interconnection rule.

(4) Each interconnection request submitted to a public utility must be accompanied by the required processing fee.

(5) An interconnection customer shall [~~retain~~]keep its original queue position for an interconnection request if the applicant resubmits its application at a higher level of review within 30 business days of a utility's denial of the application at a lower level of review.

(6) A public utility [~~shall~~]may not be responsible for the cost of determining the rating of equipment owned or proposed by an interconnection customer or of equipment owned by other local customers.

(7) Any modification to machine data or equipment configuration or to the interconnection site of the generating facility not agreed to in writing by the public utility and the interconnection customer may be [~~deemed~~]considered a withdrawal of the interconnection request and may require submission of a new interconnection request unless proper notification to each party by the other and a reasonable time to cure the problems created by the changes are undertaken.

(8) Each party receiving confidential information shall hold [~~such~~]the information in confidence and [~~shall~~]may not disclose it to any third party [~~n~~]or to the public without [~~prior~~]earlier written authorization from the party providing that information, except to fulfill obligations under this rule, or to fulfill legal or regulatory requirements. Each party shall [~~employ~~]use at least the same standard of care to protect confidential information [~~obtained~~]received from the other party as it [~~employs~~]uses to protect its own confidential information.

R746-312-7. Level 1 and Level 2 Interconnection Review Screens.

(1) The public utility shall perform its review of Level 1 and Level 2 interconnection requests using the screens set forth [~~below~~]in Subsection R746-312-7(9) as applicable.

([~~a~~]2) A generating facility's point of common coupling must be on a portion of the public utility's distribution system that is under the interconnection jurisdiction of the commission and must not be on a transmission line.

([~~b~~]3) For interconnection of a proposed generating facility to a radial distribution circuit, the aggregate generation on the distribution circuit, including the proposed generating facility, must not exceed 15%[~~-percent~~] of the distribution circuit's total highest annual peak load, as measured at the substation. For [~~the purposes of this s~~]Subsection R746-312-7(3), annual peak load will be based on measurements taken over the 60 months [~~previous to~~]before the submittal of the application, measured for the circuit at the nearest applicable substation.

([~~c~~]4) The proposed generating facility, in aggregation with other generation on the distribution circuit to which the proposed generating facility will interconnect, must not contribute more than 10%[~~-percent~~] to the distribution circuit's maximum fault current at the point on the high voltage, or [~~(~~]primary[~~)~~], level nearest the proposed point of common coupling.

([~~d~~]5) If the proposed generating facility is to be connected to a single-phase shared secondary, the aggregate generation capacity connected to the shared secondary, including the proposed generating facility, must not exceed 20 kilowatts.

([~~e~~]6) If a proposed single-phase generating facility is to be connected to a transformer center tap neutral of a 240-[~~-~~]volt service, the addition of the proposed generating facility must not create a current imbalance between the two sides of the 240-[~~-~~]volt service of more than 20%[~~-percent~~] of nameplate rating of the service transformer.

([~~f~~]7) No construction of facilities by the public utility on its own system shall be required to accommodate the generating facility.

([~~g~~]8) The aggregate generation capacity on the distribution circuit to which the proposed generating facility will interconnect, including the capacity of the proposed generating facility, must not cause any distribution protective equipment, [~~(~~]including[~~, but not limited to,~~] substation breakers, fuse cutouts, and line reclosers[~~)~~], or customer equipment on the electric distribution system, to exceed 90%[~~-percent~~] of the short circuit interrupting capability of the equipment. In addition, a proposed generating facility must not be connected to a circuit that already exceeds 90%[~~-percent~~] of the circuit's short circuit interrupting capability, [~~prior to~~]before interconnection of the facility.

([~~h~~]9) Interconnection Type Screen:

([~~i~~]a) For a proposed generating facility connecting to a three-phase, three wire primary public utility distribution line, a three-phase or single-phase generator must be connected phase-to-phase.

([~~ii~~]b) For a proposed generating facility connecting to a three-phase, four wire primary public utility distribution line, a three-phase or single-phase generator must be connected line-to-neutral and must be effectively grounded.

([~~i~~]10) If there are known or posted transient stability limitations to generating units located in the general electrical vicinity of the proposed point of common coupling, including[~~, but not limited to~~] within three or four transmission voltage level busses, the aggregate generation capacity, including the proposed generating facility, connected to the distribution low voltage side of the substation transformer feeding the distribution circuit containing the point of common coupling may not exceed [~~10~~]ten megawatts.

([~~j~~]11) If a proposed generating facility's point of common coupling is on a spot network, the proposed generating facility must [~~utilize~~]use an inverter-based equipment package and, together with the aggregated other inverter-based generation, must not exceed the smaller of 5%[~~five percent~~] of a spot network's maximum load or 50 kilowatts.

R746-312-8. Level 1 Interconnection Review.

(1) A generating facility that meets the following criteria is eligible for Level 1 interconnection review:

(a) the generating facility is inverter-based; and

(b) the generating facility has a capacity of 25 kilowatts or less.

(2) A public utility shall process, evaluate, and approve, if appropriate, [~~all~~]each Level 1 interconnection request[~~s~~] according to [~~this~~]Subsection R746-312-8(2) unless a public utility has implemented a process ensuring notification of approval or denial of a completed Level 1 interconnection request within 15 business days of receipt of the interconnection request, or the public utility [~~completes~~]finishes final approval of a Level 1 interconnection request within 15 business days of receipt of an interconnection request, or the public utility has received approval from the commission for an alternative Level 1 interconnection review method:

(a) The public utility shall date and time stamp each interconnection request on the day it was received by the public utility.

(b) Within three business days after receipt, the public utility shall acknowledge to the interconnection customer receipt of the interconnection request.

(c) Within [~~10~~]ten business days after receipt, the public utility shall evaluate the interconnection request and notify the interconnection customer whether the interconnection request is complete.

(i) If the interconnection request is not complete, the public utility must provide a list detailing [~~all~~]the information that must be provided to [~~complete~~]finish the application.

(ii) Within [~~10~~]ten business days of receipt of this notification, the interconnection customer must submit the missing information to the public utility or request an extension of time to provide [~~such~~]the information. If the interconnection customer does not provide the listed information or request an extension of time within the [~~10~~]ten-business day deadline, the interconnection request shall be [~~deemed~~]considered withdrawn.

(iii) An interconnection request shall be [~~deemed~~]considered complete upon submission of the listed information.

(d) Within 15 business days after issuing a notification of completeness, the public utility shall verify, using screens set forth in Section R746-312-7, whether[~~, or not~~] the proposed generating facility [~~can~~]may be interconnected safely and reliably, and shall notify the interconnection customer that either:

(i) the generating facility meets all applicable criteria and the interconnection request is approved; or

(ii) the generation facility has failed to meet one or more of the applicable criteria, the reason for the failure, and the interconnection request is denied under the Level 1 interconnection process. If the interconnection request is denied, the interconnection customer may resubmit the application under the Level 2 or Level 3 interconnection review procedure, as appropriate.

(e) Either along with or within five business days after notifying the interconnection customer that the interconnection request has been approved, a public utility must provide the procedures, requirements, and associated forms, including any required standard form interconnection agreement, for final authorization of the interconnection, as determined applicable by the public utility. These procedures and requirements may include:

(i) completion of any required inspection of the generating facility by the building code official with jurisdiction over the generating facility and transmittal to the public utility of appropriate documentation;

(ii) transmittal to the public utility of any required notice of completion, notice of start-up, [~~and/~~]or interconnection agreement;

(iii) installation of any required meter modification by the public utility;

(iv) completion of any required inspection of the generation facility [~~prior to~~]before operation by the public utility; [~~and/~~]or

(v) the requirement that the applicant may not begin parallel operations of the generating facility until receipt of a final approval or authorization of interconnection.

(f) The customer and the public utility may mutually agree to terms that vary from the standard form interconnection agreement, but [~~such~~]this non-standard agreement shall be subject to commission approval.

(g) If a public utility does not notify a Level 1 interconnection customer in writing or by electronic mail whether the interconnection request is approved or denied within 25 business days after the receipt of an application, the interconnection request shall be [~~deemed~~]considered approved.

(3) An interconnection customer must notify the public utility of the anticipated start date for operation of the generating facility at least ten business days [~~prior to~~]before starting operation, either through the submittal of the interconnection agreement, a notice of completion, or in a separate notice.

(4) Within [~~10~~]ten business days of receipt of [~~all~~]the required documentation, for example, the [~~(e.g.,)~~]executed interconnection agreement, notice of completion, [~~and/~~]or documentation of satisfactory completion of inspections by non-company personnel[~~)~~], the public utility must, if it has not already done so, conduct any company-required inspection or witness test, set the new meter, if required, approve the interconnection, and provide written notification to the interconnection customer of the final interconnection authorization[~~/~~] or approval indicating the generating facility is authorized[~~/~~] or approved for parallel operation. If the public utility does not conduct the witness test within [~~10~~]ten

business days or by mutual agreement with the interconnection customer, the witness test is [~~deemed~~]considered waived.

(5) Witness Test Not Acceptable. If the witness test is conducted and is not acceptable to the public utility, the interconnection customer must be granted a period of 30 business days to resolve any deficiencies. The public utility and interconnection customer may mutually agree to extend the time period for resolving any deficiencies. If the interconnection customer fails to address and resolve the deficiencies to the satisfaction of the public utility within the agreed[~~—~~]-upon time period, the interconnection request is [~~deemed~~]considered withdrawn.

R746-312-9. Level 2 Interconnection Review.

(1) A generating facility that meets the following criteria is eligible for Level 2 interconnection review by a public utility:

(a) the generating facility has a capacity of two megawatts or less; and

(b) the generating facility does not qualify for or fails to meet applicable Level 1 interconnection review procedures.

(2) A public utility must process, evaluate, and approve, if so determined, [~~all~~]each Level 2 request[~~s~~] for interconnection according to the following steps unless a public utility has implemented a process ensuring notification of approval or denial of a completed Level 2 interconnection request within 15 business days of receipt of the interconnection request, the public utility [~~completes~~]finishes final approval of a Level 2 interconnection request within 15 business days of receipt of an interconnection request, or the public utility has received approval from the commission for an alternative Level 2 interconnection review method:

(a) The public utility shall date and time stamp each interconnection request on the day it was received by the public utility.

(b) Within three business days after receipt of an interconnection request, the public utility shall acknowledge to the interconnection customer receipt of the interconnection request.

(c) Within [~~10~~]ten business days after receipt of an interconnection request, the public utility shall evaluate the interconnection request and notify the interconnection customer whether[~~, or not~~] the interconnection request is complete.

(i) If the interconnection request is not complete, the public utility must provide a list detailing [~~all~~]the information that must be provided to [~~complete~~]finish the application.

(ii) Within [~~10~~]ten business days of receipt of this notification, the interconnection customer must submit the missing information to the public utility or request an extension of time to provide [~~such~~]the information. If the interconnection customer does not provide the listed information or request an extension of time within the [~~10~~]ten-business day deadline, the interconnection request shall be [~~deemed~~]considered withdrawn.

(iii) An interconnection request shall be [~~deemed~~]considered complete upon submission of the listed information.

(d) Within 15 business days after issuing a notification of completeness, the public utility shall verify, using the screens set forth in Section R746-312-7, whether[~~, or not~~] the proposed generating facility [~~can~~]may be interconnected safely and reliably, and shall notify the interconnection customer that either:

(i) the generation facility meets [~~all~~]the applicable criteria and the interconnection request is approved;

(ii) although the generating facility fails one or more of the screens, the public utility has determined that the generating facility may nevertheless be interconnected consistent with safety, reliability, and power quality standards and the interconnection request is approved; or

(iii) the generation facility has failed to meet one or more of the screens and the reason for the failure[~~(s)~~], the public utility has not or could not determine from the initial reviews that the generating facility may be interconnected consistent with safety, reliability, and power quality standards, or the generating facility [~~can~~]may not be approved without minor modifications at minimal cost and the interconnection request is denied unless the interconnection customer is willing to consider minor modifications or further study.

(e) If the interconnection request is denied, the public utility:

(i) must offer to provide the interconnection customer with the opportunity to attend an optional customer options meeting to be convened within [~~10~~]ten business days of the notification of denial to discuss the options available under Subsection R746-312-9(2)(e)(ii).

(A) During the customer options meeting, the public utility shall review possible interconnection customer facility modification or screen analysis and related results to determine what further steps are needed to permit the generating facility to be connected safely and reliably.

(ii) shall either, when notifying the interconnection customer pursuant to[~~, at the time of the notification specified in~~] Subsection R746-312-9(2)(d)(iii), or at the customer options meeting:

(A) offer to [~~complete~~]finish minor modifications to the public utility's distribution system and provide a non-binding, good faith estimate of the cost and time[-]frame to make [~~such~~]the modifications. If the interconnection customer agrees to [~~such~~]the modifications, the interconnection customer shall agree in writing within 15 business days of the offer and submit payment for the estimated costs. The interconnection customer must pay any cost that exceeds the estimated costs within 30 calendar days of receipt of the invoice. If the costs to [~~complete~~]finish the modifications are less than the estimated costs, the public utility shall return [~~such~~]the excess within 30 calendar days of the issuance of the invoice without interest;

(B) offer to perform a supplemental review in accordance with Subsection R746-312-9(3) [-]if the public utility concludes that the supplemental review might determine that the generating facility could continue to qualify for interconnection pursuant to the Level 2 process, and provide a non-binding, good faith estimate of the costs of [~~such~~]the review; or

(C) [~~obtain~~]get the interconnection customer's agreement to continue evaluating the interconnection request under the Level 3 process.

(f) Either along with or within five business days after notifying the interconnection customer that the interconnection request has been approved, a public utility shall provide the procedures, requirements, and associated forms, including any required standard form interconnection agreement, for final authorization of the interconnection, as determined applicable by the public utility. These procedures and requirements may include:

(i) an inspection of the generating facility by the building code official with jurisdiction over the generating facility and transmittal to the public utility of appropriate documentation;

(ii) transmittal to the public utility of any required notice of completion, notice of start-up, [~~and/~~]or interconnection agreement;

(iii) installation of any required meter modification by the public utility;

(iv) completion of any required inspection of the generation facility [~~prior to~~]before operation by the public utility; [~~and/~~]or

(v) the requirement that the applicant may not begin parallel operations of the generating facility until receipt of a final approval or authorization of interconnection.

(g) The customer and the public utility may mutually agree to terms that vary from the standard form interconnection agreement, but [~~such~~]this non-standard agreement shall be subject to commission approval.

(3) Supplemental Review:

(a) If the interconnection customer agrees to a supplemental review, the interconnection customer shall agree in writing within 15 business days of the offer[~~,~~] and submit a deposit of the estimated costs. The interconnection customer must pay any supplemental review costs that exceed the deposit within 30 calendar days of receipt of the invoice but [~~such~~]this payment responsibility shall be limited to and not exceed 125%[~~-percent~~] of the public utility's non-binding, good faith estimate for [~~such~~]the review. If the deposit exceeds the invoiced costs, the public utility shall return [~~such~~]the excess within 30 calendar days of the invoice without interest.

(b) Within [~~10~~]ten business days following receipt of the deposit for supplemental review, the public utility must determine whether the generating facility [~~can~~]may or [~~can~~]may not be interconnected safely and reliably and shall notify the interconnection customer that either:

(i) the generation facility [~~can~~]may be safely and reliably interconnected, and the interconnection request is approved and the public utility shall proceed according to Subsection R746-312-9(2)(f);

(ii) interconnection customer facility modifications are required to allow the generating facility to be interconnected consistent with safety, reliability, and power quality standards. Upon receipt of written confirmation that the interconnection customer agrees to make the necessary changes at the interconnection customer's expense, the public utility shall approve the interconnection request and proceed according to Subsection R746-312-9(2)(f);

(iii) minor modification to the public utility's distribution system [~~are~~]is required to allow the generating facility to be interconnected consistent with safety, reliability, and power quality standards. After confirmation that the interconnection customer agrees to pay the costs of [~~such~~]the system modifications [~~prior to~~]before interconnection, the public utility shall approve the interconnection request and proceed according to Subsection R746-312-9(2)(f);

(iv) the results of the supplemental review have not concluded that the generating facility [~~can~~]may be interconnected consistent with safety, reliability, and power quality standards and, upon agreement by the interconnection customer, the interconnection request will continue to be evaluated under the Level 3 interconnection review process.

(4) An interconnection customer must notify the public utility of the anticipated testing and inspection date for the generating facility at least ten business days [~~prior to~~]before testing, either through the submittal of the interconnection agreement, a notice of completion, or in a separate notice.

(5) Within [~~10~~]ten business days of receipt of [~~all~~]the required documentation, for example,[~~—(e.g.,~~] an executed interconnection agreement, notice of completion, [~~and/~~]or documentation of satisfactory completion of inspections by non-company personnel[~~)~~], the public utility must, if it has not already done so, conduct any company-required inspection, set the new meter, if required, approve the interconnection, and provide written notification to the interconnection customer of the final interconnection authorization[~~/~~] or approval and that the generating facility is authorized[~~/~~] or approved for parallel operation. If the public utility does not conduct the witness test within [~~10~~]ten business days or by mutual agreement of the public utility and the interconnection customer, the witness test is [~~deemed~~]considered waived.

(6) If an application for Level 2 interconnection review is denied because it does not meet one or more of the requirements in [~~this s~~]Section R746-312-9, the applicant may resubmit the application under the Level 3 interconnection review procedure.

(7) Witness Test Not Acceptable. If the witness test is conducted and is not acceptable to the public utility, the interconnection customer must be granted a period of 45 business days to resolve any deficiencies. The public utility and the interconnection customer may mutually agree to extend the time period for resolving any deficiencies. If the interconnection customer fails to address and resolve the deficiencies to the satisfaction of the public utility within the agreed[~~—~~]-upon time period, the interconnection request is [~~deemed~~]considered withdrawn.

R746-312-10. Level 3 Interconnection Review.

(1) A generating facility that meets the following criteria is eligible for Level 3 interconnection review:

(a) the generating facility has a capacity of greater than two megawatts but no larger than 20 megawatts;

(b) the generating facility is not certified; or

(c) the generating facility does not qualify for or failed to meet Level 1 or Level 2 interconnection review requirements.

(2) A public utility must process, evaluate, and approve, if appropriate, [~~all~~]each Level 3 request[~~s~~] for interconnection according to the following steps unless the public utility has received approval from the commission for an alternative Level 3 interconnection review method:

(a) The public utility shall date and time stamp each interconnection request on the day it was received by the public utility.

(b) Within three business days after receipt of an interconnection request, the public utility shall acknowledge to the interconnection customer receipt of the interconnection request.

(c) Within [~~10~~]ten business days after receipt of an interconnection request, the public utility shall evaluate the interconnection request and notify the interconnection customer whether[~~-or not~~] the interconnection request is complete.

(i) If the interconnection request is not complete, the public utility must provide a list detailing [~~all~~]the information that must be provided to [~~complete~~]finish the application.

(ii) Within [~~10~~]ten business days of receipt of this notification, the interconnection customer must submit the missing information to the public utility or request an extension of time to provide [~~such~~]the information. If the interconnection customer does not provide the listed information or request an extension of time within the [~~10-~~]ten-business[~~-~~] day deadline, the interconnection request shall be [~~deemed~~]considered withdrawn.

(iii) An interconnection request shall be [~~deemed~~]considered complete upon submission of the listed information.

(d) Scoping Meeting. If requested, a scoping meeting shall be held as follows within [~~10~~]ten business days after the

interconnection request is [~~deemed~~]considered complete, or as otherwise mutually agreed to by the parties:

(i) The public utility and the interconnection customer shall bring to the meeting personnel, including system engineers and other resources, as may be reasonably required to accomplish the purpose of the meeting;

(ii) The purpose of the scoping meeting is to:

(A) discuss the interconnection request and review existing studies relevant to the interconnection request; and

(B) discuss whether the public utility should perform a feasibility study or proceed directly to a system impact study, a facilities study, or an interconnection agreement;

(iii) Scoping meeting follow-up:

(A) If the parties agree that a feasibility study should be performed, the public utility shall provide the interconnection customer as soon as possible, but no later than five business days after the scoping meeting, a feasibility study agreement including an outline of the scope of the study and a non-binding, good faith estimate of the cost to perform the study.

(B) If the parties agree not to perform a feasibility study but rather proceed directly to the system impact study, the public utility shall, no later than five business days after the scoping meeting, provide the interconnection customer with a system impact study agreement including an outline of the scope of the study and a non-binding, good faith estimate of the cost to perform the study.

(iv) The scoping meeting may be omitted by mutual agreement. If the scoping meeting is omitted, the public utility, if requested by the interconnection customer, must provide information pertinent to the interconnection request, [~~such as~~]for example, the available fault current at the proposed interconnection location, the peak loading on the lines in the general vicinity of the generating facility, and the configuration of the distribution lines at the proposed point of common coupling, within [~~10~~]ten business days after the interconnection request is [~~deemed~~]considered complete.

(e) Feasibility Study. A feasibility study shall provide a preliminary evaluation of the system impact that would result from interconnecting the generating facility and the cost of interconnecting the generating facility to the public utility's electric distribution system and shall be [~~completed~~]finished as follows:

(i) For interconnection customers opting to for[~~e~~]go a scoping meeting and proceeding directly to the feasibility study, the public utility shall provide the interconnection customer, as soon as possible but no later than [~~10~~]ten business days after receipt of a completed application, a standard form feasibility study agreement including an outline of the scope of the study and a non-binding, good faith estimate of the cost to perform the study.

(ii) [~~In order t~~]To remain in consideration for interconnection, an interconnection customer who has requested or requires a feasibility study, either as part of or independent of a scoping meeting, must return the executed feasibility study agreement within 30 business days of receipt. A deposit of the lesser of 50%[~~percent~~] of the good faith estimate or earnest money of $1,000 may be required from the interconnection customer.

(iii) Within 30 business days of receipt of an executed study agreement and payment of any required deposit, the public utility shall conduct the feasibility study and notify the interconnection customer either:

(A) the feasibility study shows no potential for adverse system impacts, no facilities are required, and the interconnection request is approved, in which case the public utility shall send the interconnection customer an executable interconnection agreement within five business days;

(B) the feasibility study shows no potential for adverse system impacts; however, additional facilities may be required and the review process shall proceed to a facilities study. When proceeding to a facilities study, the public utility shall provide the interconnection customer a standard form facilities study agreement, including an outline of the scope of the study and a non-binding, good faith estimate of the cost to perform the study within five business days; or

(C) the feasibility study shows the potential for adverse system impacts, and the review process shall proceed to a system impact study. When proceeding to a system impact study, the public utility shall provide the interconnection customer with a standard form system impact study agreement including an outline of the scope of the study and a non-binding, good faith estimate of the cost to perform the study within 15 business days of transmittal of the feasibility study report.

(iv) Any feasibility study fees will be invoiced to the interconnection customer after the feasibility study is completed and delivered and will include a summary of professional time. The interconnection customer must pay any study costs that exceed the deposit without interest within 30 calendar days of receipt of the invoice or resolution of any dispute but [~~such~~]this payment responsibility shall be limited to and not exceed 125%[~~percent~~] of the public utility's non-binding, good faith estimate for [~~such~~]the study. If the deposit exceeds the invoiced fees, the public utility shall refund [~~such~~]the excess within 30 calendar days of the invoice without interest.

(f) System Impact Study. Any required system impact study [~~(or studies)~~]must be conducted in accordance with good utility practice and shall be [~~completed~~]finished as follows:

(i) The system impact study shall:

(A) provide details on the impacts to the electric distribution system that would result if the generating facility were interconnected without modifications to either the generating facility or to the electric distribution system;

(B) identify any modifications to the public utility's electric distribution system necessary to accommodate the proposed interconnection;

([~~D~~]C) focus on power flows and utility protective devices, including control requirements; and

([~~E~~]D) include the following elements, as applicable:

(I) a load flow study;

(II) a short-circuit study;

(III) a circuit protection and coordination study;

(IV) the impact on the operation of the electric distribution system;

(V) a stability study, along with the conditions that would justify including this element in the impact study;

(VI) a voltage collapse study, along with the conditions that would justify including this element in the impact study; and

(VII) additional elements, if justified by the public utility and approved in writing by the public utility and the interconnection customer [~~prior to~~]before the impact study.

(ii) [~~In order t~~]To remain in consideration for interconnection, an interconnection customer who has requested a system impact study, either as part of or independent of a scoping meeting or feasibility study, must return the executed impact study agreement[~~(s)~~] within 30 business days of receipt of the agreement. A deposit of the good faith estimated costs for each system impact study may be required from the interconnection customer.

(iii) After the applicant executes the system impact study agreement and pays any required deposit, the public utility shall

[~~complete~~]finish the impact study and distribute the results to the interconnection customer within 30 business days, or 45 business days for transmission impact studies, notifying the interconnection customer either:

(A) Only minor modifications to the public utility's electric distribution [~~and/~~]or transmission system are necessary to accommodate interconnection. In [~~such a~~]this case, the public utility must:

(I) provide to the interconnection customer at the same time the detail of the scope of the necessary modifications, a non-binding, good faith estimate of their cost, and an executable interconnection agreement; and

(II) approve the interconnection request upon receipt of the executed interconnection agreement from the interconnection customer[~~, the executed interconnection agreement~~].

(B) Modifications to the public utility's electric distribution system [~~and/~~]or transmission system are necessary to accommodate the proposed interconnection in which case the public utility must provide at the same time either:

(I) a non-binding, good faith estimate of the cost of the modifications, if known[~~,~~]; and

(II) a standard form facilities study agreement including an outline of the scope of the study and a non-binding, good faith estimate of the cost to perform the facilities study.

(iv) If the proposed interconnection may affect electric transmission or delivery systems other than those controlled by the public utility, operators of those other systems may [~~require~~]need additional studies to determine the potential impact of the interconnection on those systems. If [~~such~~]additional studies are required, the public utility must coordinate the studies but will not be responsible for their timing. The applicant shall be responsible for the costs of [~~any such~~]each additional stud[~~ies~~]y required by another affected system. [~~Such~~]These studies will be conducted only after the applicant has provided written authorization.

(v) Any study fees will be invoiced to the interconnection customer after the system impact study is completed and delivered and will include a summary of professional time. The interconnection customer must pay any study costs that exceed the deposit without interest within 30 calendar days of receipt of the invoice or resolution of any dispute but [~~such~~]this payment responsibility shall be limited to and not exceed 125%[~~ percent~~] of the public utility's non-binding, good faith estimate for [~~such~~]the study. If the deposit exceeds the invoiced fees, the public utility shall refund [~~such~~]the excess within 30 calendar days of the invoice without interest.

(g) Facilities Study. The results of the facilities study shall specify a non-binding, good faith cost estimate of the equipment, engineering, procurement, and construction work, [~~(~~]including overheads,[~~)~~] needed to implement the conclusion of the system impact study[~~ (or studies)~~] [~~in order~~]for the interconnection customer to safely interconnect the generating facility with the public utility's electric distribution system and the time required to build and install those facilities. The following provisions apply to the facilities study:

(i) A public utility may require a deposit of the good faith estimated costs for the facilities study.

(ii) [~~In order t~~]To remain under consideration for interconnection, the interconnection customer must return the executed facilities study agreement and any required deposit, or request an extension of time, within 30 business days.

(iii) Design for any required interconnection facilities [~~and/~~]or upgrades shall be performed under the facilities study agreement. The public utility may contract with consultants to perform activities required under the facilities study agreement. The interconnection customer and the public utility may agree to allow the interconnection customer to separately arrange for the design of some of the interconnection facilities. In [~~such~~]these cases, facilities design will be reviewed,[~~ and/or~~] modified, or both, [~~prior to~~]before acceptance by the public utility under [~~the provisions of~~]the facilities study agreement. If the parties agree to separately arrange for design and construction, and, provided security and confidentiality requirements [~~can~~]may be met, the public utility shall make sufficient information available to the interconnection customer in accordance with confidentiality and critical infrastructure requirements to permit the interconnection customer to [~~obtain~~]get an independent design and cost estimate for any necessary facilities.

(iv) [~~In cases where~~]If upgrades are required, the facilities study must be completed and the facilities study report transmitted to the interconnection customer[~~'s~~] within 45 business days of the public utilities receipt of the facilities study agreement from the interconnection customer. [~~In cases where~~]If no upgrades are necessary, and the required facilities are limited to interconnection facilities, the facilities study must be completed and the facilities study report transmitted to the interconnection customer within 30 business days of the public utilities receipt of the facilities study agreement from the interconnection customer. The report, and any ensuing interconnection agreement, must list the conditions and facilities necessary for the generating facility to safely interconnect with the public utility's electric distribution system, and must include a non-binding, good faith estimate of the cost of those facilities and the estimated time required to build and install those facilities.

(v) Upon completion of the facilities study and receipt of agreement of the interconnection customer to pay for interconnection facilities and upgrades identified in the facilities study, the public utility shall approve the interconnection request.

(vi) Any study fees will be invoiced to the interconnection customer after the facilities study is completed and delivered and will include a summary of professional time. The interconnection customer must pay any study costs that exceed the deposit without interest within 30 calendar days of receipt of the invoice or resolution of any dispute, but [~~such~~]this payment responsibility shall be limited to and not exceed 125%[~~ percent~~] of the public utility's non-binding, good faith estimate for [~~such~~]the study. If the deposit exceeds the invoiced fees, the public utility shall refund [~~such~~]the excess within 30 calendar days of the invoice without interest.

(h) Either [~~prior to~~]before, along with, or within five business days after notifying the interconnection customer that the interconnection request has been approved, a public utility must provide the procedures, requirements, and associated forms[~~,~~] for final authorization of the interconnection, as determined applicable by the public utility. These procedures and requirements may include:

(i) completion of any required inspection of the generating facility by the building code official with jurisdiction over the generating facility and transmittal to the public utility of appropriate documentation;

(ii) transmittal to the public utility of any required notice of completion, notice of start-up, [~~and/~~]or interconnection agreement[~~,~~];

(iii) installation of any required meter modification by the public utility;

(iv) completion of any required inspection of the generating facility [~~prior to~~]before operation by the public utility; [~~and/~~]or

(v) the requirement that the applicant may not begin parallel operations of the generating facility until receipt of a final approval or authorization of interconnection.

(i) The customer and the public utility may mutually agree to terms that vary from the standard form interconnection agreement, but [~~such~~]this non-standard agreement shall be subject to commission approval.

(3) An interconnection customer must notify the public utility of the anticipated testing and inspection date of the generating facility at least ten business days [~~prior to~~]before testing, either through the submittal of the interconnection agreement, a notice of completion, or in a separate notice.

(4) Within [~~10~~]ten business days of receipt of [~~all~~]the required documentation, for example[~~, (e.g.~~], the executed interconnection agreement, notice of completion, [~~and/~~]or documentation of satisfactory completion of inspections by non-company personnel[~~)~~], the public utility must, if it has not already done so, conduct any company-required inspection or witness test, set the new meter, if required, approve the interconnection, and provide written notification to the interconnection customer of the final interconnection authorization[~~/~~] or approval and that the generating facility is authorized[~~/~~] or approved for parallel operation. If the public utility does not conduct the witness test within [~~10~~]ten business days or by mutual agreement of the parties, the witness test is [~~deemed~~]considered waived.

(5) Witness Test Not Acceptable: If the witness test is conducted and is not acceptable to the public utility, the interconnection customer must be granted a period of 60 business days to resolve any deficiencies. The parties may mutually agree to extend the [~~time~~]period for resolving any deficiencies. If the interconnection customer fails to address and resolve the deficiencies to the satisfaction of the public utility within the agreed[-]-upon [~~time~~]period, the interconnection request is [~~deemed~~]considered withdrawn.

R746-312-11. Interconnection Metering.

(1) Metering: For generating facilities not subject to [~~the provisions of Section~~]Title 54[-], Chapter 15, Net Metering of Electricity, the interconnection customer shall be responsible for the [~~cost of the purchase~~]buying and installation of any special metering and data acquisition equipment [~~deemed~~]considered necessary [~~by~~]under the terms of the interconnection agreement unless the public utility determines otherwise. The public utility must install, maintain, and operate the metering equipment. The parties must mutually grant unrestricted access to [~~such~~]this equipment as may be necessary [~~for the purposes of~~]to conduct[~~ing~~] routine business.

(2) For generating facilities subject to [~~the provisions of Section~~]Title 54[-], Chapter 15, Net Metering of Electricity, metering equipment and costs for [~~such~~]this metering equipment shall be determined as specified in Section 54-15-103. The public utility must install, maintain, and operate the metering equipment. The parties must mutually grant unrestricted access to [~~such~~]this equipment as may be necessary [~~for the purposes of~~]to conduct[~~ing~~] routine business.

R746-312-12. Interconnection Monitoring.

(1) Generating facilities approved and interconnected to the public utility under the Level 1 and Level 2 interconnection review processes, and generating facilities with nameplate capacities of 3 megawatts or less approved under the Level 3 interconnection review process, except as noted [~~herein~~]in Section R746-312-12, are not required to provide for remote monitoring of the electric output by the public utilities.

(2) Generating facilities approved under Level 3 Interconnection Applications with Electric Nameplate Capacities greater than 5 MW or Level 3 Interconnection Applications [~~where~~]if the aggregated generation on the circuit, including the interconnection customer's generating facility, would exceed 50%[~~percent~~] of the line section annual peak load may be required to provide remote monitoring at the public utility's discretion if the public utility has required [~~such~~]this monitoring of its own facilities.

(3) If a public utility determines monitoring data provided by telemetry is necessary for safe, reliable, and efficient operations of a proposed generating facility with an electric nameplate capacity of greater than 3 megawatts to 5 megawatts, the public utility may petition the commission on a case[–]-by[–]-case basis to impose monitoring and telemetry requirements on the [~~such~~]facility[~~ies~~]. [~~Any such~~]The petition must be accompanied by evidence supporting telemetry needs and requirements.

(4) For generating facilities required to provide remote monitoring pursuant to Subsections R746-312-12(2) [–]and R746-312-12[-](3), the data acquisition and transmission to a point where it [~~can~~]may be used by the public utility's control system operations must meet the performance[-]-based standards as follows:

(a) Any data acquisition and telemetry equipment required by this rule must be installed, operated, and maintained at the interconnection customer's expense.

(b) Telemetry requirements:

(i) parties may mutually agree to waive or [~~modify~~]change any of the telemetry requirements contained [~~herein~~]in Subsection R746-312-12(4)(b).

(ii) the communication must take place via a Private Network Link using a Frame Relay or Fractional T-1 line or other [~~such~~]suitable device. Dedicated Remote Terminal Units, from the generating facility to the public utility's substation and [~~E~~]energy [~~M~~]management [~~S~~]system are not required.

(iii) a single communication circuit from the generating facility to the public utility is sufficient.

(iv) communications protocol must be DNP 3.0 or other standard used by the public utility.

(v) the generating facility must be capable of sending telemetric monitoring data to the public utility at a minimum rate of every [~~2~~]two seconds, [~~(~~]from the output of the generating facility's telemetry equipment to the public utility's energy management system[~~)~~].

(vi) the [~~minimum~~]least data points that a generator facility [~~is required to~~]shall provide telemetric monitoring to the public utility are:

(A) net real power flowing out or into the generating facility, measured as [~~(~~]analog[~~)~~];

(B) net reactive power flowing out or into the generating facility, measured as [~~(~~]analog[~~)~~];

(C) bus bar voltage at the point of common coupling, measured as [~~(~~]analog[~~)~~];

(D) data processing gateway (DPG) [-]heartbeat, [~~(~~]used to certify the telemetric signal quality[~~)~~]; and

(E) on-line or off-line status[~~ (digital)~~].

(vii) If an interconnection customer operates the equipment associated with the high voltage switchyard interconnecting the generating facility to the public utility's distribution system, and [~~is required by to~~]shall provide monitoring and telemetry, the interconnection customer must provide the

following monitoring to the public utility in addition to the provisions in Subsection R746-312-12(4)(b)(vi):

(A) switchyard line and transformer MW and MVAR values;

(B) switchyard bus voltage; and

(C) switching devices status.

R746-312-13. Interconnection Fees and Charges.

(1) For a Level 1 interconnection review:

(a) A public utility whose rates are determined by the commission may not charge an application, or other fee, to an applicant that requests Level 1 interconnection review. However, if an application for Level 1 interconnection review is denied because it does not meet the requirements for Level 1 interconnection review, and the applicant resubmits the application under the Level 2 or Level 3 review procedure, the public utility may impose a fee for the resubmitted application, consistent with [~~this s~~]Section R746-312-13.

(b) [~~All~~]Any other public utility[~~ies~~] may determine reasonable fees or charges for interconnection, however for those interconnections that fall under [~~the provisions of~~]Title 54, Chapter 15, Net Metering of Electricity, the fees must be determined in accordance with Title 54, Chapter 15, Net Metering of Electricity.

(2) For a Level 2 interconnection review,[~~:~~

~~(a)~~] [~~A~~]a public utility whose rates are determined by the commission may charge fees of up to $50[~~.00~~] plus $1[~~.00~~] per kilowatt of the generating facility's capacity to cover the costs of the interconnection request review, plus the reasonable cost of any required minor modifications to the electric distribution system or additional reviews. Costs for [~~such~~]these minor modifications or additional review will be based on the public utility's non-binding, good faith estimates and the ultimate [~~actual~~]installed costs. Costs for engineering work done as part of any additional review or studies [~~shall~~]may not exceed $100[~~.00~~] per hour. A public utility may adjust the $100[~~.00~~] hourly rate once each year to account for inflation and deflation.

(3) For a Level 3 interconnection review,[~~:~~

~~(a)~~] [~~A~~]a public utility whose rates are determined by the commission may charge fees of up to $100[~~.00~~] plus $2[~~.00~~] per kilowatt of the generating facility's capacity, as well as charges for [~~actual~~]time spent on any required impact or facilities studies. Costs for engineering work done as part of a feasibility, impact, or facilities study [~~shall~~]may not exceed $100[~~.00~~] per hour. A public utility may adjust the $100[~~.00~~] hourly rate once each year to account for inflation and deflation as measured by the 12 months unadjusted Consumer Price Index for [~~all~~]any items calculated for December of the previous year. If the public utility must install facilities [~~in order~~]to accommodate the interconnection of the generating facility, the cost of [~~such~~]these facilities shall be the responsibility of the applicant.

R746-312-14. Requirements After Interconnection Approval.

(1) A public utility may not require an applicant whose facility meets the criteria for interconnection approval under the Level 1 or Level 2 interconnection review procedures to perform or pay for additional tests, except if agreed to by the applicant. In addition, a public utility may not require an interconnection customer whose net metering generating facility [~~is in~~]compli[~~ance~~]es with Section 54-15-106 to perform or pay for additional tests.

(2) A public utility may not charge any fee or other charge for connecting to the public utility's distribution system or for operation and maintenance of a generating facility [~~for the purposes of~~]to generat[~~ing~~]e electricity, except for the fees provided for under this interconnection rule and approved standard form agreements, or as determined by the governing authority.

(3) Once an interconnection has been approved under this interconnection rule, the public utility may not require an interconnection customer to test or perform maintenance on its facility except for the following and subject to [~~the provision of~~]Section 54-15-106:

(a) any manufacturer-required testing or maintenance;

(b) any post-installation testing necessary to ensure compliance with IEEE standards or to ensure safety;

(c) the interconnection customer replaces a major equipment component that is different from the originally installed model; [~~and/~~]or

(d) an annual test to be performed at the discretion of and paid for by the public utility in which the generating facility is disconnected from the public utility's equipment to ensure the inverter stops delivering power to the grid.

(4) When an approved generating facility undergoes maintenance or testing in accordance with the requirements of this interconnection rule, the interconnection customer must [~~retain~~]keep written records for three years documenting the maintenance and the results of testing.

(5) A public utility has the right to inspect an interconnection customer's facility after interconnection approval is granted, at reasonable hours and with reasonable [~~prior~~]earlier notice to the interconnection customer. If the public utility discovers that the generating facility is not in compliance with the requirements of this interconnection rule or executed agreements, the public utility may require the interconnection customer to disconnect the generating facility until compliance is achieved.

(6) [~~Subsequent to~~]After becoming interconnected to a public utility, the interconnection customer must notify the public utility of [~~all~~]each proposed modification[~~s~~] to the generating facility or equipment package pursuant to Subsection R746-312-4(6).

R746-312-15. Aggregation of Meters for Net Metering Interconnection.

(1) [~~For the purpose of~~]To measur[~~ing~~]e electricity usage under the net metering program, a public utility must, upon request from an interconnection customer, aggregate for billing purposes a meter to which the net metering facility is physically attached, [~~(~~]the designated meter[~~)~~], ~~–~~with one or more meters, [~~(~~]the additional meter[~~)~~], ~~-~~in the manner set out in [~~this s~~]Section R746-312-15. This rule [~~is applicable~~]applies only [~~when~~]if:

(a) the additional meter is located on or adjacent to the premises of the electrical corporation's customer, subject to the electrical corporation's service requirements;

(b) the additional meter is used to measure only electricity used for the interconnection customer's requirements;

(c) the designated meter and the additional meter are subject to the same rate schedule; and

(d) the designated meter and the additional meter are served by the same primary feeder.

(2) An interconnection customer must give at least 30 business days' notice to the utility to request that additional meters be included in meter aggregation. The specific meters must be identified [~~at the time of such~~]when the request is made. [~~In the event that~~]If more than one additional meter is identified, the interconnection customer must designate the ranking order for the additional meters to which net metering credits, as defined in Subsection 54-15-104(3) and approved by the governing authority, are to be applied.

(3) The aggregation of meters will apply only to charges that use kilowatt-hours as the billing determinant. [~~All o~~]Other charge[~~s~~] applicable to each meter account shall be billed to the interconnection customer.

(4) If in a monthly billing period the net metering facility supplies more electricity to the public utility than the energy usage recorded by the interconnection customer's designated meter, the utility will apply credits, as defined in Subsection 54-15-104(3) and approved by the governing authority, to the next monthly bill for the excess kilowatt-hours first to the designated meter, then to additional meters that are on the same rate schedule as the designated meter.

(5) If an additional meter changes service to a rate schedule that is different than the designated meter, the additional meter is not eligible for net metering credits, as defined in Subsection 54-15-104(3) and approved by the governing authority, for the [~~remainder~~]rest of the billing year and until [~~such time as~~]the additional meter receives service on the same rate schedule as the designated meter.

(6) If the designated meter changes service to a different rate schedule, aggregation of net metering credits is not allowed for the [~~remainder~~]rest of the billing year and may not occur until [~~such time as~~]the additional meters receive service on the same rate schedule as the designated meter.

(7) With the governing authority's [~~prior~~]earlier approval, a public utility may charge the interconnection customer requesting to aggregate meters a reasonable fee to cover the administrative costs of this provision.

R746-312-16. Public Utility Maps, Records, and Reports.

(1) Each public utility shall maintain current records of interconnection customer generating facilities showing size, location, generator type, and date of interconnection authorization.

(2) By July 1 of each year, [~~the~~]each public utility whose governing authority is the commission shall submit to the commission an annual report with the following summary information for the previous calendar year:

(a) the total number of generating facilities approved and their associated attributes including resource type, generating capacity, and zip code of the generating facility location;[~~,~~]

(b) the total rated generating capacity of generating facilities by resource type[~~,~~];

(c) for net metering interconnections, the total net excess generation kilowatt-hours received from interconnection customers by month[~~,~~]; and

(d) for net metering interconnections, the total amount of excess generation credits in kilowatt[~~-~~]-hours, and their associated dollar value that have expired at the end of each annualized billing period.

R746-312-17. Interconnection-related Agreements.

(1) Contents of a [~~S~~]standard [~~I~~]interconnection [~~A~~]agreement are listed in Subsection R746-312-17(2).

(2) [~~All~~]Each standard form interconnection agreement[~~s~~] shall, at [~~a minimum~~]the least, contain the following:

(a) a requirement that the generating facility must be inspected by a local building code official [~~prior to~~]before its operation in parallel with the public utility to ensure compliance with applicable local codes.

(b) provisions that permit the public utility to inspect the interconnection customer's generating facility and its component equipment, and the documents necessary to ensure compliance with [~~this r~~]Rule R746-312. The customer shall notify the public utility as required by this rule [~~prior to~~]before initially placing customer equipment and protective apparatus in service, and the public utility [~~shall have the right to~~]may have personnel present on the in-service date. If the generating system is subsequently modified [~~in order~~]to increase its gross power rating, the customer must notify the public utility by submitting a new application specifying the modifications in accordance with the level of review required for the application.

(c) a provision that the customer is responsible for protecting the generating equipment, inverters, protective devices, and other system components from damage from the normal and abnormal conditions and operations that occur on the public utility system in delivering and restoring power; and is responsible for ensuring that the generating facility equipment is inspected, maintained, and tested in accordance with the manufacturer's instructions to ensure that it is operating correctly and safely.

(d) a provision that the customer shall hold harmless and indemnify the public utility for [~~all~~]each loss to third parties resulting from the operation of the generating facility, except when the loss occurs due to the negligent actions of the public utility; and a provision that the public utility shall hold harmless and indemnify the customer for [~~all~~]each loss to third parties resulting from the operation of the public utility's system, except when the loss occurs due to the negligent actions of the customer.

(e) Insurance:

(i) If an interconnection customer whose generating facility is no greater than two megawatts in size complies with the provisions of the interconnection request approval, interconnection agreement, and standards identified in Section 54-15-106, a public utility may not require that interconnection customer to [~~purchase~~]buy additional liability insurance.

(ii) [~~all o~~]Other interconnection customers are required to [~~obtain~~]buy prudent amounts of general liability insurance in an amount sufficient to protect other parties from any loss, cost, claim, injury, liability, or expense, including reasonable attorney fees, relating to or arising from any act or omission in its performance of [~~the provisions of the~~]this rule or the interconnection agreement. Neither party may seek redress from the other party in an amount greater than the amount of direct damage [~~actually~~]incurred. An interconnection customer of sufficient credit-worthiness may propose to self-insure for [~~such~~]these liabilities and [~~such~~]the proposal [~~shall~~]may not be unreasonably rejected.

(f) identification of any fees or charges approved pursuant to this rule or applicable law.

KEY: interconnection, generating equipment, renewable energy facilities, public utilities
Date of Last Change: 2024[~~December 22, 2016~~]
Notice of Continuation: February 26, 2020
Authorizing, and Implemented or Interpreted Law: 54-4-7; 54-4-14; 54-12-2; 54-15-106

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	**R746-313**	**Filing ID: 56316**

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:**
Michael Hammer	801-530-6729	michaelhammer@utah.gov

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

General Information

2. Rule or section catchline:

R746-313. Electrical Service Reliability

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

Section R746-313-7, Reporting on Electric Service Reliability: This section imposes an annual reporting requirement on electric public utilities relating to electric service reliability.

The Public Service Commission (PSC) generally exercises less regulatory authority over electrical cooperatives than investor-owned utilities, see, e.g., Subsection 54-7-12(7) (exempting cooperatives from statute requiring utilities to obtain the PSC's approval changing customer rates).

The PSC convened a public process and held a technical conference on 09/25/2023 to receive feedback from stakeholders as to whether the reporting requirement is necessary for electrical cooperatives.

At the technical conference, a consensus existed in support of amending this rule to remove the reporting requirement for electrical cooperatives because the reports are of limited usefulness to regulators owing to regulators' more limited jurisdiction over electrical cooperatives and the burden of requiring electrical cooperatives to submit the report outweighs any potential benefit.

Accordingly, the proposed amendment exempts electrical cooperatives from the reporting requirement by excising certain language pertaining only to electrical cooperatives and making the reporting requirement applicable only to public utilities for which the "governing authority" is the PSC. Subsection R746-313-2(4) provides the "governing authority" of an electrical cooperative is its board of directors, as opposed to the PSC.

Section R746-313-8, Major Event Reporting by Electric Utilities: This section imposes a requirement on electric public utilities to file reports to the PSC within 30 days of certain outage events.

The PSC generally exercises less regulatory authority over electrical cooperatives than investor-owned utilities, see, e.g., Subsection 54-7-12(7) (exempting cooperatives from statute requiring utilities to obtain the PSC's approval changing customer rates).

The PSC convened a public process and held a technical conference on 09/25/2023 to receive feedback from stakeholders as to whether the reporting requirement is necessary for electrical cooperatives.

At the technical conference, a consensus existed in support of amending this rule to remove the reporting requirement for electrical cooperatives because the reports are of limited usefulness to regulators owing to regulators' more limited jurisdiction over electrical cooperatives and the burden of requiring electrical cooperatives to submit the reports outweighs any potential benefit.

Accordingly, the proposed amendment exempts electrical cooperatives from the reporting requirement by excising the language applicable to electrical cooperatives, which in the rule's terms are defined as entities whose governing authority is not the PSC, see Subsection R746-313-2(4).

This amendment also makes nonsubstantive changes to the rule text for adherence to the Rulewriting Manual for Utah standards.

4. Summary of the new rule or change:

The amendment exempts electrical cooperatives from the reporting requirement this rule imposes by making it applicable only to public utilities for which the governing authority is the PSC and excising language pertaining to electrical cooperatives.

Fiscal Information

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

A) State budget:

The amendment is expected to have no measurable impact on the state's budget because thia rule imposes an annual reporting requirement on private electric utilities, and these private entities bear the costs associated with preparing the annual reports.

The proposed amendment makes no substantive changes to the existing rule aside from eliminating the reporting requirement for electrical cooperatives, which should result in saved compliance costs for those cooperatives but will have no impact on the state budget.

B) Local governments:

The amendment does not concern local governments and is not expected to impact them because it concerns electrical cooperatives, not municipal utilities, and serves to remove an existing regulatory reporting requirement for electrical cooperatives.

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

To the extent an electric cooperative is a small business, the amendment can only decrease regulatory compliance costs as it removes a regulatory reporting requirement for electrical cooperatives, though the PSC does not have information sufficient to determine the extent of savings for such cooperatives.

The amendment is expected to have no impact on small businesses that are not electrical cooperatives.

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

To the extent an electric cooperative is a non-small business, the amendment can only decrease regulatory compliance costs as it removes a regulatory reporting requirement for electrical cooperatives, though the PSC does not have information sufficient to determine the extent of savings for such cooperatives.

The amendment is expected to have no impact on non-small businesses that are not electrical cooperatives.

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 amendment is expected to have no impact on persons other than small businesses, non-small businesses, state, or local government entities, unless such persons are electrical cooperatives in which case the amendment can only decrease regulatory compliance costs as it removes an existing regulatory reporting requirement.

The PSC does not have sufficient information to estimate the amount of such savings for any affected electrical cooperative.

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

There are no anticipated compliance costs for any affected entity or person.

The amendment can only result in cost savings as it removes an existing regulatory reporting requirement for electrical cooperatives.

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:

Commissioners David R. Clark and John S. Harvey, Ph.D., of the Public Service Commission provided the following comments:

As discussed above, the amendment removes an existing regulatory reporting requirement for electrical cooperatives. The only businesses or entities it stands to affect are electrical cooperatives, and any fiscal impact will necessarily result in cost savings because the amendment removes an existing regulatory reporting requirement.

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 54-4-2	Section 54-4-7

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	04/01/2024

9. This rule change MAY become effective on:	04/08/2024
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:	David R. Clark and John S. Harvey, Ph.D., PSC Commissioners	**Date:**	02/06/2024

R746. Public Service Commission, Administration.
R746-313. Electrical Service Reliability.
R746-313-1. Authority.

[~~(1)~~]This rule establishes electric service reliability and continuity requirements as provided for in [~~Utah Code~~]Sections 54-3-1, 54-4-2, and 54-4-7.

R746-313-2. Definitions.

(1) "Customer average interruption duration index" ([~~"~~]CAIDI[~~"~~]) has the same meaning as in IEEE 1366 or RUS 1730A-119, as applicable.

(2) "Electric company" means an electrical corporation or a distribution electrical cooperative that is also a public utility, as defined in [~~Utah Code~~]Section 54-2-1.

(3) "Form 7 - Information on Service Interruptions" means:

(a) Part G of the United States Department of Agriculture Rural Utilities Service Form 7 Financial and Statistical Report[~~,~~];

(b) Part H of the National Rural Utilities Cooperative Finance Corporation Form 7 Financial and Statistical Report[~~,~~]; or

(c) their equivalents.

(4) "Governing Authority" means:

(a) for a distribution electrical cooperative as defined in [~~Utah Code~~]Subsection 54-2-1(6), its board of directors; and

(b) for an electrical corporation as defined in [~~Utah Code~~]Subsection 54-2-1(7), the Public Service Commission of Utah, otherwise referred to as the commission.

(5) "The Institute of Electrical and Electronics Engineers Standard 1366" ([~~"~~]IEEE 1366[~~"~~]) means the 2012 edition of the IEEE Guide for Electric Power Distribution Reliability Indices.

(6) "Loss of power supply"

(a) "Loss of power supply - Distribution Substation" means the loss of the electrical power supply system due to an outage[~~,~~] or failure of a distribution substation component.

(b) "Loss of power supply - Generation[~~,~~] or Transmission" means the loss of the electrical power supply from the electric company's own electric generator or transmission system, including transmission lines and transmission substations, or from another electric company or electric corporation.

(7) "Momentary average interruption event frequency index" ([~~"~~]MAIFIe[~~"~~]) has the same meaning as in IEEE 1366 or RUS 1730A-119, as applicable.

(8) "Major event day identification threshold value" ([~~"~~]T_{MED}[~~"~~]) has the same meaning as in IEEE 1366 or RUS 1730A-119.

(9) "Operating area" means a geographic subdivision of an electric company's Utah service territory that functions under the direction of an electric company office and as a separate entity used for reliability reporting within the electric company. An operating area may also be referred to as regions, divisions, or districts, and may also be a reliability reporting area.

(10) "Reliability" means the degree to which electric service is supplied without interruptions to customers.

(11) "Reliability indices" means the electric service interruption indices identified in IEEE 1366 or RUS 1730A-119, as applicable.

(12) "Reliability reporting area" means a grouping of one or more operating areas, for which the electric company calculates major event thresholds.

(13) "Reporting Period" means the 12-month period, based on the previous 365 days, or 366 days for leap years, for which an electric company is tracking and reporting reliability performance.

(14) "Rules" means the [~~E~~]electric [~~S~~]service [~~R~~]reliability rules found at Sections R746-313-1 through R746-313-8.

(15) "RUS 1730A-119" means the United States Department of Agriculture Rural Utilities Service Bulletin 1730A-119 entitled "Interruption Reporting and Service Continuity Objectives for Electric Distribution Systems," dated March 24, 2009.

(16) "System average interruption duration index" ([~~"~~]SAIDI[~~"~~]) has the same meaning as in IEEE 1366 or RUS 1730A-119, as applicable.

(17) "System average interruption frequency index" ([~~"~~]SAIFI[~~"~~]) has the same meaning as in IEEE 1366 or RUS 1730A-119, as applicable.

(18) "System-wide" means pertaining to and limited to the electric company's customers in Utah.

R746-313-3. Purpose, Scope, Applicability, and Exceptions.

(1) This rule establishes requirements for each electric company to monitor and report on electric service reliability.

(2) Unless otherwise approved, an electric company whose governing authority is the commission shall:

(a) follow the provisions of IEEE 1366 in the collection and analysis of interruption data and in the calculation and reporting of reliability indices as required by [~~these~~]this rule[~~s~~]. If there is a conflict between any provision in IEEE 1366 and [~~the~~]this rule[~~s~~], [~~the~~]this rule[~~s~~] governs; and

(b) include both "distribution system" interruptions and "interruptions caused by events outside of the distribution system," as defined in IEEE 1366, in the electric company's record[-]keeping, calculations, reporting, and filing as required by Sections R746-313-4 through R746-313-8.

(3) Unless otherwise approved, an electric company whose governing authority is not the commission shall:

(a) follow the provisions of either IEEE 1366 or the RUS Bulletin 1730A-119 in the collection and analysis of interruption data and in the calculation and reporting of reliability indices as required by [~~these~~]this rule[~~s~~]. If a conflict exists between any provision in IEEE 1366 or RUS 1730A-119 and [~~the~~]this rule[~~s~~], [~~the~~]this rule[~~s~~] governs; and

(b) include both "distribution system" interruptions and interruptions caused by events outside of the distribution system in the electric company's record[-]keeping, calculations, reporting, and filing as required by the [~~E~~]electric [~~S~~]service [~~R~~]reliability [~~R~~]rules found at Sections R746-313-4 through R746-313-8.

(4) The commission may, upon written request and for good cause shown, waive or change [~~modify any provision of these~~]this rule[~~s~~] in accordance with Section R746-1-109, Deviation from Rules.

R746-313-4. Electric Service Reliability.

(1) An electric company must have a written reliability program.

(2) Within 3 months after the effective date of [~~these~~]this rule[~~s~~], an electric company whose governing authority is the commission must file for commission approval of reliability performance baselines for SAIDI and SAIFI reliability indices.

(3) The filing required by Subsection R746-313-4(2) must include at least[~~, but is not limited to~~]:

(a) the basis for the proposed SAIDI and SAIFI values; and

(b) identification of systems and description of internal processes to collect, monitor, and analyze interruption data and events including:

(i) definitions of [~~all~~]each parameter[~~s~~] used to calculate the proposed standards and major event days, and the time[-] period upon which the proposed standards are based, [~~(e.g.~~]such as, 12-month rolling average, 365-day rolling average, and annual average[~~)~~];

(ii) identification of [~~all~~]any proposed deviation[~~s~~] from IEEE 1366 used in the calculation of reliability indices and determination of major event days; and

(iii) a description of [~~all~~]each data estimation method[~~s~~] used for the collection and calculation of SAIDI, SAIFI, CAIDI, and MAIFIe.

R746-313-5. Electric Service Interruption Records.

(1) Except as provided in [~~s~~]Subsection R746-313-5(4)[~~ of this Section~~]:

(a) An electric company using predominantly non-automated methods for identifying outages and tracking reliability shall keep an accurate record of each sustained interruption of service that affects one or more customers.

(b) An electric company using an electronic outage management system for identifying electric service interruptions [~~and/~~]or tracking outages shall keep an accurate record of each interruption of service that affects one or more customers.

(2) Each record shall contain at least the following information:

(a) the operating area where the interruption occurred;

(b) the reference identification of the substation involved;

(c) the reference identification of the circuit involved;

(d) the date and time the interruption started or was reported. If the exact time is unknown, the beginning of an interruption is recorded as the earlier of an automatic alarm or the reported initiation time;

(e) the date and time service was restored;

(f) the duration of the interruption;

(g) the number of metering points affected by the interruption;

(h) the cause of the interruption;

(i) whether the interruption was planned or unplanned;

(j) the interrupting device that made the interruption, if known; and

(k) the component involved, [~~(e.g.~~]such as:[~~,~~] transmission line, substation, overhead primary main, underground primary main, or transformer[~~, etc.)~~].

(3) For interruptions where customers are not simultaneously restored, an electric company shall keep records that document the step-restoration operations.

(4) For major events where an electric company [~~is unable to~~]cannot get [~~obtain~~]accurate data, the electric company shall make reasonable estimates and explain these estimates in any report filed with its governing authority.

(5) An electric company shall keep[~~retain~~] the records associated with this rule in accordance with Section R746-310-10, Preservation of Records.

R746-313-6. Inquiries [~~a~~]About Electric Service Reliability.

(1) A customer may request a report from its electric company about the reliability of the electric service provided to the customer's own meter which the electric company must provide at no cost within 20 business days of the request. If a customer requests one or more additional reliability reports for the same meter within one year of the date of the first request, the electric company may charge the customer the cost of preparing the report[~~(~~]s[~~)~~].

(2) For an electric company whose governing authority is the commission, the report to the customer must include:

(a) The name of the customer;

(b) The date of the request;

(c) The address where the meter is installed;

(d) The meter identification number;

(e) The general identification of the equipment serving the customer; and

(f) A chronological listing of interruptions to the customer including [~~all~~]any associated interruption data required by Subsection R746-313-5(2) covering at least the 36 months preceding the date of the request, if available. If 36 months of data are not available, the chronological listing must include [~~all~~]any available data.

(3) For an electric company whose governing authority is not the commission, the report to the customer must include:

(a) The name of the customer;

(b) The date of the request;

(c) The address where the meter is installed;

(d) The meter identification number;

(e) The general identification of the equipment serving the customer; and

(f) A chronological listing of interruptions on the feeder serving the customer's meter including [~~all~~]any interruption data required by Subsection R746-313-5(2) covering at least the 12 months preceding the date of the request. If 12 months of data are not available, the chronological listing must include [~~all~~]any available data.

(4) Other than those inquiries [~~specified~~]named in Subsection R746-313-6(1), each electric company must have a written policy for consistent treatment of [~~all other~~]each inquir[~~ies~~]y pertaining to electric reliability. At the least[~~a minimum~~], the electric company must provide to the inquiring [~~party~~]person, by electronic means, the electric company's most[-] recently filed report on electric service reliability required by Section R7[~~6~~]46-313-7.

R746-313-7. Reporting on Electric Service Reliability.

(1) An electric company must report deviations from the reliability performance baselines established in accordance with Section R746-313-4 within 60 days after the end of the month when the deviation[~~(~~]s[~~)~~] occurred.

(2) Beginning May 1, 2013, and by May 1 of each succeeding year, an electric company whose governing authority is the commission shall file with the commission a report on electric service reliability for the previous calendar year. The electric company must make electronic copies of the report available to the public upon request and may charge a reasonable cost for requested paper copies.

(3) For an electric company whose governing authority is the commission, the report on electric service reliability must contain at least[~~a minimum~~]:

(a) the calculated SAIDI, SAIFI, CAIDI, and MAIFIe reliability indices for the reporting period. At the least[~~a minimum~~], the electric company must report this information on a system-wide basis compared with the previous four years' performance and, for SAIDI, SAIFI, and CAIDI on an operating area compared with the previous four years' performance;

(b) an analysis of the system-wide and reliability reporting area sustained interruption causes compared to the previous four-year performance. Outages may be categorized using the following cause categories:

(i) Loss of Supply - Generation or [~~/~~]Transmission;

(ii) Loss of Supply - Distribution Substation;

(iii) Distribution - Environment such as:[~~(e.g.,~~] unpreventable contamination, corrosion, airborne deposits, flooding, and fire[~~/~~] or smoke not related to faults or lightning[~~)~~];

(iv) Distribution - Equipment Failure;

(v) Distribution - Lightning;

(vi) Distribution - Operational;

(vii) Distribution - Planned Outages;

(viii) Distribution - Public;

(ix) Distribution - Vegetation;

(x) Distribution - Weather, [~~(~~]other than lightning[~~)~~];

(xi) Distribution - Wildlife;

(xii) Distribution - Unknown; and

(xiii) Distribution - Other;[~~-~~]

(c) a listing of the major events experienced during the reporting period and a listing of significant events as defined by the electric company, their cause, and their effect on reliability performance during the reporting period;

(d) comparisons of budgeted and actual maintenance spending, maintenance activities, capital spending, vegetation management spending, and vegetation management activities;

(e) identification of areas whose reliability performance warrants additional improvement efforts;[~~-~~]

(f) a listing of the T_{MED} values that will be used for each reliability reporting area for the forthcoming annual reporting period;[~~-~~]

(g) a summary of the changes the electric company has made or will make pertaining to the collection, calculation, estimation, and reporting of electric service reliability information and changes in reliability reporting areas [~~and/~~]or operating areas; and

(h) a map showing the reliability reporting areas [~~and/~~]or operating areas.

[~~(4) For an electric company whose governing authority is not the commission, the report on electric service reliability must contain, at a minimum:~~

~~(a) The reliability indices listed in Form 7 - Information on Service Interruptions based upon the cause codes listed in RUS1730A-119 ; and~~

~~(b) A summary of any estimation methods and/or an explanation of any factors used in calculating reliability indices presented in the electric company's report on electric service reliability.~~]

R746-313-8. Major Event Reporting by Electric Utilities.

(1) Major event reporting for an electric company whose governing authority is the commission. Within 30 business days after the conclusion of each event which an electric company determines satisfies the criteria for major event classification in accordance with IEEE 1366, the electric company shall file a major event report with the commission for its consideration.[~~–~~]

(2) The major event report must include, at least[~~a minimum~~]:

(a) a description of the major event, the interruption causes, and a summary of restoration efforts and factors that affected restoration of service;

(b) identification of reliability reporting area and geographic area affected;

(c) the total number of customers affected, and the number of customers without service at periodic intervals;

(d) the calculated SAIDI, SAIFI, and CAIDI impacts, that is[~~-(i.e.~~], Event SAIDI, SAIFI, and CAIDI,[~~)~~] associated with the major event to customers for each reliability reporting area and system-wide; and

(e) restoration of service information including resources used and cost.

[~~(2) Major event reporting for electric company whose governing authority is not the commission. Within a timely period after each event which an electric company determines satisfies the criteria for major event classification in accordance with IEEE 1366 or RUS 1730A-119, as applicable, the electric company shall provide a major event analysis to its governing authority.~~]

KEY: reliability, IEEE 1366, SAIDI / SAIFI, major event
Date of Last Change: 2024[~~February 21, 2013~~]
Notice of Continuation: April 21, 2022
Authorizing, and Implemented or Interpreted Law: 54-3-1; 54-4-2; 54-4-7

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	**R926-13**	**Filing ID: 56314**

Agency Information

1. Department:	Transportation
Agency:	Program Development
Room no.:	Administrative Suite, 1st Floor
Building:	Calvin Rampton Building
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 or section catchline:

R926-13. Transportation, Program Development - Designated Scenic Byways

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

The Program Development Division is proposing these revisions to Rule R926-13 due to exclusion of a section of the Dinosaur Diamond Prehistoric Highway Scenic Byway and the addition of the Zion National Scenic Byway.

4. Summary of the new rule or change:

The proposed revisions to this rule include:
1) the change to Subsection R926-13-4(29) adds Subsection (f);
2) the changes to Section R926-13-5 change Subsection (5)(c) to replace the acronym "NSB" with "National Scenic Byway" and also in Subsection (7)(a)(iii);
a) add Subsection (9) to identify the "Zion National Scenic Byway";
b) add Subsection (9)(a); and
c) add Subsection (9)(b).

Fiscal Information

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

A) State budget:

There is no measurable fiscal impact on the state budget because this rule amendment merely designates a new section of road as a State Scenic Byway and excludes a different section of road from being part of the State Scenic Byway system.

These actions are clerical in nature and have no tangible fiscal impact on the state budget.

B) Local governments:

The Utah Department of Transportation (UDOT) anticipates this proposed change will not have a fiscal impact on local governments because this rule does not apply to local governments.

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

UDOT anticipates this proposed change may have a positive fiscal impact on small businesses engaged in outdoor advertising because such businesses may install outdoor advertising in the section of highway denoted in the proposed Subsection R926-13-4(29)(f).

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

UDOT anticipates this proposed change may have a positive fiscal impact on small businesses engaged in outdoor advertising because such business may install outdoor advertising in the section of highway denoted in the proposed Subsection R926-13-4(29)(f).

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***)**:**

UDOT anticipates this proposed change will not have an impact on persons other than small businesses, non-small businesses, state, or local government entities due to the clerical nature of this rule amendment.

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 due to the clerical nature of this rule amendment.

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, P.E., 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 `72-4-303	Section 63G-3-201	

Public Notice Information

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

A) Comments will be accepted until:	04/01/2024

9. This rule change MAY become effective on:	04/08/2024

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:	Carlos M. Braceras, P.E., Executive Director	**Date:**	02/02/2024

R926. Transportation, Program Development.
R926-13. Designated Scenic Byways.
R926-13-1. Purpose.

The purpose of this rule is to identify the following:

(1) [~~T~~]the specific highways currently designated as state scenic byways[~~.~~];

(2) [~~T~~]the definition of the limits of the individual scenic byways for all purposes related to that designation, including, [~~but not limited to,~~]grant and funding availability, and applicable outdoor advertising regulations[~~.~~];

(3) [~~T~~]the specific state scenic byways within the State [~~of Utah~~]currently having also been designated by the National Scenic Byways Program of the Federal Highway Administration as either National Scenic Byways or All-American Roads.

R926-13-2. Authority.

[~~The provisions of t~~]This rule is[~~are~~] authorized by [~~the following grants of rulemaking authority and provisions of Utah Code: ~~]Title 63G, Chapter 3, the Utah Administrative Rulemaking Act; and the Designation of Highways Act, Title 72, Chapter 4.

R926-13-3. Definitions.

(1) Terms used in this rule are defined in Title 72, Chapter 4, the Designation of State Highways Act, and in Section[~~Rule~~] R926-14-3. ~~-~~The following additional term is defined for this rule:

[~~(1)~~](2) "FAS" (with a corresponding four-digit number) is a designation given by the department to identify local roadways off the state highway system that are part of the federal aid secondary system because they are functionally classified as minor collectors or higher.

R926-13-4. Highways Within the State That Are Designated as State Scenic Byways.

The following roads are designated as state scenic byways [~~(date of designation is~~]as of April 9, 1990, unless otherwise specified[~~)~~]:

(1) Logan Canyon Scenic Byway.[~~–~~] US Route 89, beginning at 1500 East in Logan and running to the intersection of SR-30 in Garden City, excluding a 20-foot segment within Garden City at a location centered at [~~approximately~~]about mile point 497.73.

(a) Designated April 9, 1990.

(b) Shortened June 13, 2002 when designated a National Scenic Byway and the portion of US-89 from Garden City to the Utah[~~/~~] and Idaho State Line was transferred to the Bear Lake Scenic Byway.

(c) Segment excluded May 13, 2010, by action of the Garden City town council which determined the segment at [~~approximately~~]about mile point 497.73 lay adjacent to a non-scenic area.

(2) Bear Lake Scenic Byway.[-] US Route 89, beginning at the Utah[~~/~~] and Idaho state line and running to SR-30; and State Route 30, beginning at US-89, and running to East Shore Road in Laketown.

(a) Designated April 9, 1990 as Laketown Scenic Byway.

(b) Extended and renamed June 13, 2002 to include the portion of US-89 originally included in the state designation of the Logan Canyon Scenic Byway that was excluded when that byway was designated a National Scenic Byway.

(3) Ogden River Scenic Byway. [~~–~~]State Route 39, beginning at Valley Drive, near the mouth of Ogden Canyon, and running to the eastern Wasatch-Cache Forest boundary near highway

milepost 48; and State Route 158 from SR-39, and running to County Road FAS-3468; and the County Road FAS-3468, from SR-158, running to SR-39.

(4) Big Cottonwood Canyon Scenic Byway. State Route 190, beginning at SR-210, and running to the end of the Brighton Loop.

(5) Little Cottonwood Canyon Scenic Byway.[–] State Route 210, beginning at SR-209, and running to the end of state maintenance, near Alta.

(6) Provo Canyon Scenic Byway.[–] US Route 189, beginning at SR-52, and running to SR-113, near Charleston; and State Route 113, from US-189 running to US-40 in Heber City.

(a) Designated April 9, 1990.

(b) Realigned onto SR-113 from the eastern portion of US-189 February 25, 2003.

(7) Mirror Lake Scenic Byway.[–] State Route 150, beginning at SR-32 in Kamas, and running to the Utah[/] and Wyoming State Line.

(8) Flaming Gorge-Uintas Scenic Byway.[-] US Route 191, beginning at US-40 in Vernal, and running to the Utah[/] and Wyoming State Line; State Route 44, from US-191, running to SR-43 in Manila; and State Route 43, from SR-44, running to the Utah[/] and Wyoming state line.

(a) Designated April 9, 1990 on SR-44 and US-191 between SR-44 and Vernal.

(b) Added November 18, 1992 the portion of US-191 between SR-44 and the state line.

(9) Indian Canyon Scenic Byway.[–] US Route 191, beginning at US-6 near Helper, and running to US-40 in Duchesne.

(10) The Energy Loop: Huntington and Eccles Canyons Scenic Byway.- State Route 31, beginning at US-89 in Fairview, and running to SR-10 in Huntington; State Route 264, from SR-31, running to SR-96; and State Route 96, from Clear Creek, and running to US-6 near Colton.

(a) Designated April 9, 1990 on SR-31 and SR-264.

(b) Extended circa 1992 to add SR-96 between Clear Creek and Colton.

(c) Extended on February 2, 2011 to include US-6 from SR-96 at Colton (MP 216.17) to the southern boundary of Helper (MP 233.72) and SR-10 from SR-31 (MP 47.58) to [~~the~~]Huntington State Park (MP 49.38).

(11) Nebo Loop Scenic Byway.[–] State Route 115, beginning at I-15 and running to SR-198; State Route 198, from SR-115 running to 600 East in Payson; and along County Road FAS-2822 (600 East) and National Forest Road 015, [~~(~~]FAS-1822 and the portion of FAS-1820 south of FAS-1822[~~)~~], running to SR-132 in Juab County.

(12) Upper Colorado River Scenic Byway.[-] State Route 128, beginning at US-191 near Moab, and running to I-70 West Cisco interchange.

(13) Potash-Lower Colorado River Scenic Byway.[-] State Route 279, beginning at the southwest end of SR-279 near the Potash Plant and running to US-191.

(14) Indian Creek Corridor Scenic Byway.[-] State Route 211, beginning at US-191 and running to County Road FAS-2432; and County Road FAS-2432 from SR-211 running to the Canyonlands National Park Visitor Center.

(15) Bicentennial Highway Scenic Byway.[-] State Route 95, beginning at SR-24, and running to US-191.

(16) Trail of The Ancients Scenic Byway.[-] State Route 95, beginning at SR-275, and running to US-191; State Route 275, from SR-95 and running to Natural Bridges National Monument; US Route 191 from Center Street in Blanding running to SR-162 in Bluff; and State Route 162 from US-191 running to the Utah[/] and Colorado state line.

(a) Designated February 7, 1994 on SR-275, over the eastern portion of the Bicentennial Highway Scenic Byway between SR-275 and US-191, and on US-191 between Blanding and SR-262.

(b) Extended June 6, 2001 [-]to include US-191 between SR-262 and Bluff, and to include SR-162.

(17) Monument Valley to Bluff Scenic Byway. -US Route 163, beginning at the Utah[/] and Arizona State Line running to US-191; and US Route 191 from US-163 running to the Cottonwood Wash Bridge in Bluff.

(18) Capitol Reef Country Scenic Byway.[-] State Route 24, beginning at SR-72 in Loa, and running to SR-95 in Hanksville.

(19) Highway 12, A Journey Through Time Scenic Byway.[-] State Route 12, beginning at US-89 near Panguitch, and running to SR-24 near Torrey.

(20) Markagunt High Plateau Scenic Byway.[-] State Route 14, beginning at SR-130 and running to US-89.

(21) Cedar Breaks Scenic Byway.[–] State Route 148, beginning at SR-14, through Cedar Breaks National Monument, running to SR-143.

(22) Brian Head-Panguitch Lake Scenic Byway.[-] State Route 143, beginning at I-15 South Parowan Interchange, and running to US-89 in Panguitch.

(23) Beaver Canyon Scenic Byway.[–] State Route 153, beginning at SR-160 in Beaver, and running to the end of pavement near Elk Meadows.

(24) Mt. Carmel Scenic Byway.[-] US Route 89, beginning at the Kanab north city limit[~~(approximately~~], about highway milepost 65[~~)~~], and running to SR-12.

(25) Zion Park Scenic Byway.[-] State Route 9, beginning at I-15 and running to US-89.

(26) Kolob Fingers Road Scenic Byway.[-] The National Park Service Road, beginning at I-15, and running to the Kolob Canyon Overlook.

(27) Dead Horse Mesa Scenic Byway (designated May 16, 2002).[-] State Route 313, from US-191 running to Dead Horse Point State Park; and the Island in the Sky Road FAS-1708, from SR-313 running to Grandview Point.

[~~(a) Designated May 16, 2002.~~]

(28) Fishlake Scenic Byway.[-] State Route 25 and County Roads FAS-2554 (comprising Fish Lake Road[/] and Forest Highway 31) and FAS-3268 (Freemont River Road and [/]Forest Highway 42), beginning at SR-24, and running to SR-72.

(a) Designated April 9, 1990, on SR-25 between SR-24 and Johnson Valley Reservoir.

(b) Extended November 18, 1992, along the Fremont River Road between Johnson Valley Reservoir and SR-72 to comprise the southern portion of the Gooseberry/Fremont Road Scenic Backway.

(29) Dinosaur Diamond Prehistoric Highway Scenic Byway.[–] Interstate 70, from the Utah[/] and Colorado state line running to Cisco Exit 214; the County Road FAS-1714 through Cisco, from I-70 running to SR-128; State Route 128, from the Cisco Road running to US-191 near Moab; US Route 191, from SR-128 running to I-70 at Crescent Junction; Interstate 70, from US-191 at Crescent Junction running to US-6 near Green River; US Route 6, from I-70 running to US-191 near Helper; US Route 191, from US-6 near Helper running to US-40 in Duchesne; US Route 40, from US-191 in Duchesne to the Utah[/] and Colorado state line.

(a) Dinosaur Diamond Prehistoric Highway designated in [~~Title 72, Chapter 4, Section 204~~]Section 72-4-204 in 1998.

(b) Scenic byway route established with National Scenic Byway designation differs from special highway designation in that it includes County Road FAS-1714 and I-70 east of Cisco and does not at this time include those portions located on SR-10, on SR-155, or on US-191 south of SR-128.

(c) Segment excluded June 27, 2013 by action of the Naples City Council which determined the segment on US-40 [~~at~~]about [~~approximately~~]mile point 145.87, [~~(~~]300 South[~~)~~] to mile point 148.53, [~~(~~]3000 South[~~)~~] become a non-scenic byway.

(d) Segment excluded July 20, 2015 by action of the Uintah County Commission which determined the segment on US-40 from mile point 153 to 154 become a non-scenic byway.

(e) Segment excluded August 31, 2015 by action of the Uintah County Commission which determined the segment on US-40 from mile point 154 to 156 become a non-scenic byway.

(f) Segment excluded October 18, 2022 by action of the City Council of Ballard City which determined the segment on US-40 beginning at the corner of US-40 and 2500 East going east about 2000 line

(30) Great Salt Lake Legacy Parkway Scenic Byway.[~~-~~] State Route 67, beginning at I-215 and running to I-15.

(a) Designated May 16, 2002.

(b) Name changed July 19, 2018 to Great Salt Lake Scenic Byway.

(c) Extended July 19, 2018 to include the future West Davis Corridor beginning at SR-67 milepost 10 running northwest to State Route 37 milepost 4; State Route 127 from the Junction with the West Davis Corridor running west[~~/~~] or southwest to the Antelope Island Marina.

(31) Morgan-Parleys Scenic Byway (designated December 11, 2017). State Route 66, beginning at I-84 in Morgan south to the [~~J~~]junction with State Route 65. State Route 65, from the junction with State Route 66 south to I-80 in Parleys Canyon.

[~~(a) Designated December 11, 2017.~~]

R926-13-5. Highways Within the State That Are Designated as National Scenic Byways or All-American Roads.

The following roads are designated by the National Scenic Byways Program as National Scenic Byways or All-American Roads:

(1) Flaming Gorge-Uintas National Scenic Byway.

(a) Comprised of the Flaming Gorge-Uintas State Scenic Byway.

(b) Designated National Scenic Byway June 9, 1998.

(2) Nebo Loop National Scenic Byway.

(a) Comprised of the Nebo Loop State Scenic Byway.

(b) Designated National Scenic Byway June 9, 1998.

(3) The Energy Loop: Huntington and Eccles Canyons National Scenic Byway.

(a) Comprised of the Energy Loop: Huntington and Eccles Canyons State Scenic Byway.

(b) Designated National Scenic Byway June 15, 2000.

(4) Logan Canyon National Scenic Byway.

(a) Comprised of the Logan Canyon State Scenic Byway.

(b) Designated National Scenic Byway June 13, 2002.

(5) Dinosaur Diamond Prehistoric Highway National Scenic Byway.

(a) Comprised of the Dinosaur Diamond Prehistoric Highway Scenic Byway.

(b) Also comprises the Indian Canyon State Scenic Byway and the Upper Colorado River State Scenic Byway, but [~~(~~]excludes[~~ing~~] the portion of SR-128 between I-70 and County Road FAS-1714[~~)~~].

(c) Designated [~~NSB~~]National Scenic Byway June 13, 2002.

(6) Scenic Byway 12 All-American Road.

(a) Comprised of [~~the~~]Highway 12, A Journey Through Time State Scenic Byway.

(b) Designated All-American Road June 13, 2002.

(7) Trail of the Ancients National Scenic Byway.

(a) Comprised of:

(i) [~~T~~]the Trail of the Ancients State Scenic Byway[~~,~~];

(ii) [~~T~~]the Monument Valley to Bluff State Scenic Byway[~~,~~];

(iii) [~~T~~]the section of the Trail of the Ancients State Scenic Backway on SR-261 starting at US-163 and running to SR-95 [~~(~~]but excludes[~~ing~~] [~~for now~~]that portion on SR-316 between SR 261 and Goosenecks State Park that was accidentally omitted on the [~~NSB~~]National Scenic Byway application[~~),~~];

(iv) [~~T~~]the section of the Trail of the Ancients State Scenic Backway running on SR-262 between US-191 and County Road FAS-2416, and on FAS-2416 starting at SR-262 and running southeasterly to County Road FAS-2422, then northeasterly on FAS-2422 to the Utah[~~/~~] and Colorado State Line near Hovenweep National Monument.

(b) Designated National Scenic Byway September 22, 2005.

(8) Utah's Patchwork Parkway National Scenic Byway.

(a) Comprised of Brian Head-Panguitch Lake State Scenic Byway.

(b) Designated National Scenic Byway October 16, 2009.

(9) Zion National Scenic Byway

(a) Comprised of the section of the Zion Park Scenic Byway starting at the intersection of SR-17 and SR-9 and ending at the intersection of SR-9 and East Rim Trail Road.

(b) Designated National Scenic Byway January 19, 2021.

KEY: transportation, scenic byways, highways
Date of Last Change: 2024[~~October 23, 2018~~]
Notice of Continuation: May 26, 2020
Authorizing, and Implemented or Interpreted Law: 72-4-303; 63G-3-201

End of the Notices of Proposed Rules Section

NOTICES OF
120-DAY (EMERGENCY) RULES

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

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

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

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([~~example~~]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (**. . . . . .**) indicates that unaffected text was removed to conserve space.

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:	**R70-101**	**Filing ID: 56313**
Effective Date:	**02/02/2024**	

Agency Information

1. Department:	Agriculture and Food	
Agency:	Regulatory Services	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	**Phone:**	**Email:**
Amber Brown	385-245-5222	ambermbrown@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.gov

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

General Information

2. Rule or section catchline:
R70-101. Bedding, Upholstered Furniture, and Quilted Clothing
3. Purpose of the new rule or reason for the change:
Due to an increase of online sales of bedding, upholstered furniture, and quilted clothing in recent years, the Department of Agriculture and Food (Department) published rule changes in April 2023 that clarify that law label requirements in Rule R70-101 are applicable to online, as well as brick and mortar sales. Based on feedback from the furniture industry regarding the difficulty of satisfying the new rule requirements, however, the Department has agreed to remove the references to online sales and draft new changes that balance the need to convey important information to consumers, ensure industry consistency, and take into consideration the complicated nature of made to order furniture manufacturing.

4. Summary of the new rule or change:

The changes remove references to online sales from Sections R70-101-2, R70-101-3, and R70-101-18.

5A) The agency finds that regular rulemaking would:

☒ cause an imminent peril to the public health, safety, or welfare;

☐ cause an imminent budget reduction because of budget restraints or federal requirements; or

☐ place the agency in violation of federal or state law.

B) Specific reasons and justifications for this finding:

The Department has met with large furniture manufacturers who have reported that they are unable to satisfy the requirements of the current rule with respect to online sales. The Department is concerned that these manufacturers will choose to no longer sell products in Utah unless the rule requirements are changed. The potential loss of business in Utah could be in the millions of dollars each year and would be very detrimental to public welfare.

Fiscal Information

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

A) State budget:

The changes published in April 2023 have not been fully implemented. Removing them will not impact the state budget. The program will continue to operate under the current resources.

B) Local governments:

Local governments will not be impacted by the changes because they do not sell or regulate bedding, upholstered furniture, or quilted clothing.

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

Small businesses will not be impacted because the previous changes that are being removed have not been fully implemented.

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***)**:**

Other persons will not be impacted because the previous changes that are being removed have not been fully implemented.

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

Compliance costs will not change. The rule changes decrease the regulatory burden.

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):

This rule change will not have a fiscal impact on business. Craig W Buttars, Commissioner.

Citation Information

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

Section 4-10-103

Agency Authorization Information

Agency head or designee and title:	Craig W Buttars, Commissioner	**Date:**	02/02/2024

R70. Agriculture and Food, Regulatory Services.
R70-101. Bedding, Upholstered Furniture, and Quilted Clothing.
R70-101-1. Authority and Purpose.

Pursuant to Section 4-10-103, this rule establishes the standards, practices, and procedures for the manufacture, repair, sale, and distribution of bedding, upholstered furniture, quilted clothing products, and filling materials.

R70-101-2. Definitions.

(1) "Clean" means free from stains, dirt, trash, filth, pulp, sludge, oil, grease, fat, skin, epidermis, excreta, vermin, insects, insect eggs, insect carcasses, contamination, hazardous materials, or residual or objectionable substances or odors.

(2) "Department" means the Utah Department of Agriculture and Food.

(3) "Law Label or Label" means a tag attached to bedding or upholstered furniture that provides information about the product to the consumer.

(4) "Manufacture" means the making, processing, or preparing of new or secondhand bedding, upholstered furniture, quilted clothing, or filling material.

(5) "Manufacturer" means a person who makes or has employees make any bedding, upholstered furniture, quilted clothing, filling material, or any part.

(6) "Non-resident" means a person permitted under this rule who does not have premises in Utah.

[~~(7) "Online Retailer" means any person who advertises and markets via the internet and another electronic network.~~]

([~~8~~]7) "Person" means an individual, partnership, association, firm, auctioneer, trust, limited liability company, or corporation.

([~~9~~]8) "Premises" means any place where bedding, upholstered furniture, quilted clothing, or filling material is sold, offered for sale, exposed for sale, stored, renovated, or manufactured, and the delivery vehicle used in their transportation.

([~~10~~]9) "Supply dealer" means a person who manufactures, processes, or sells at wholesale any felt, batting, pads, or other fillings, loose in a bag, in a bale or a container, concealed or not concealed, intended for use in bedding, upholstered furniture, or quilted clothing.

(1[~~1~~]0) "Second Hand Law Tag" or "Tag" means a tag attached to a product or filling material that has previously been used.

(1[~~2~~]1) "Sterilization Permit Number" means the number issued by a state to be used on any filling material or on the label for bedding, upholstered furniture, or quilted clothing to identify the sterilizing facility, person, or company.

(1[~~3~~]2) "Sterilize" means a process used to make wool, feathers, down, shoddy, or hair free from bacteria or any other living microorganism.

(1[4]3) "Sterilizer" means a person who sterilizes wool, feathers, down, shoddy, or hair.

(1[~~5~~]4) "Textile Label or Label" means a tag attached to a quilted clothing product that provides information required in 16 CFR Parts 300, 301, 303 and this rule.

(1[~~6~~]5) "Uniform Registry Number or URN" means the number issued by a state to be used on the law label of bedding, furniture, or filling material to identify the manufacturing facility, person, or company.

R70-101-3. Application of Rule.

This rule shall apply to any person engaged in the business of manufacturing, retailing[~~, online retailing~~], wholesaling, processing, repairing, sterilizing, and selling items of bedding, upholstered furniture, quilted clothing, and filling material, regardless of their point of origin.

R70-101-4. Permit Requirements for Manufacturers, Repairers, and Wholesalers.

(1) Any person who advertises, solicits, or contracts to manufacture or repair bedding, upholstered furniture, or filling material shall secure a permit from the department before the product is offered for sale in Utah.

(2) Any person who advertises, solicits, or contracts to manufacture quilted clothing shall secure a permit from the department before the product is offered for sale in Utah.

(3) Any person seeking a permit shall provide the following to the department:

(a) a completed registration form; and

(b) a sample of the label that will be used.

(4) A wholesale bedding, upholstered furniture dealer, are exempted from providing a label to the department.

(5) A registration fee shall be assessed annually. This fee shall be paid before January 1 or a late fee shall be assessed. Each fee is listed in the department's fee schedule that is approved by the Legislature.

R70-101-5. Sterilization Permit Requirements for Sterilizers.

(1) A person who advertises, solicits, or contracts as a sterilizer shall secure a sterilization permit from the department before sterilized products are offered for sale in Utah.

(2) A person seeking a sterilization permit shall provide the department with a sterilization permit application completed by a department authorized third party inspector.

(3) A permit fee shall be assessed annually. This fee shall be paid before January 1 or a late fee will be assessed. Each fee is listed in the department's fee schedule that is approved by the Legislature.

(4) The inspection for a sterilization permit shall be conducted every three years.

(5) A copy of the inspection report shall be submitted to the department with the renewal form for that year.

R70-101-6. Revocation of Permit.

(1) The department shall have the authority to suspend or revoke a permit for any violation of these provisions.

(2) A suspension or revocation shall be in accordance with Section 4-1-106.

R70-101-7. Sanitation Requirements.

(1) The premises, delivery equipment, machinery, and any appliances, article, and devices shall be kept free from refuse, dirt, contamination, or insects.

(2) No person shall use in the making, repairing, or renovating of bedding, upholstered furniture, or quilted clothing any filling material that:

(a) contains any insect, vermin, or filth;

(b) is not clean; or

(c) contains burlap or other material that has been used for baling.

(3) Bedding, quilted clothing, and filling material shall be stored four inches off the floor.

(4) New and used products shall be stored separately.

R70-101-8. Sterilization Requirements for New Fill Material.

(1) Any wool, feathers, down, shoddy, and hair shall be cleaned and sterilized before being used as new filling material.

(2) Methods for Sterilization.

(a) Pressure Steam. The material shall be subjected to treatment by steam at 15 PSI (.104 mPA) for 30 minutes or 20 PSI (.0138 mPA) for 20 minutes. The gauge for registering steam pressure must be visible from the outside of the room or chamber.

(b) Streaming Steam. Two applications of streaming steam maintained for a period of one hour each, applied at intervals of not less than six nor more than 24 hours, may be used. Valved outlets shall be provided near the bottom and the top of the room or chamber when streaming steam is employed.

(c) Heat. A temperature of 235 degrees F held for a period of two hours, within a closed container is considered satisfactory for proper sterilization.

(d) Other methods of sterilization may be approved by the department upon petition.

R70-101-9. Manufacturing, Wholesale, Sterilizers, and Supply Dealer Labeling Requirements for Quilted Clothing.

(1) The department incorporates by reference the October 19, 2017 version of the 16 CFR Parts 300 and 301, and the November 5, 2020 version of 16 CFR Part 303.

(2) Articles of plumage-filled clothing shall meet the following label requirements.

(a) Any label stating the contents of Down, Goose Down, or Duck Down shall also state the minimum percentage of Down, Goose Down, or Duck Down that is contained in the article. The down label is a qualified general label and shall include in parentheses the minimum percentage of down in the product which shall be 75% or greater.

(b) "Down and Waterfowl Feathers" may be used to designate any plumage product containing between 50% minimum and 74% down and plumules. The percentage of both shall be stated on the sewn-in label and hang tags.

(c) "Waterfowl Feathers and Down" may be used to designate any plumage product containing between 5% minimum and 49% down and plumules. The percentage of both shall be stated on the sewn-in label and hang tags.

(d) "Waterfowl Feathers" may be used to designate any plumage product containing less than 5% down and plumules.

(e) Quill feathers are not permitted unless disclosed.

(f) Other plumage products that do not meet the requirements for any of the listed categories from Subsection R70-101-9(2) shall be labeled accurately with each component listed separately in order of predominance.

(3) The sterilization permit number "PER. NO. " shall be listed on the textile label.

(4) The form of identification used on a label and a tag shall be the same as those supplied to the department with the registration application.

(5) The textile label shall be easily accessible to the consumer for examination before purchase.

R70-101-10. Filling Material.

(1) Each term or definition of a filling material shall be the term that has been submitted and approved by the International Association of Bedding Law Officials (IABFLO), except as otherwise required by this rule.

(2) Notwithstanding Subsection R70-101-10(1), the term "recycled" may be used if the manufacturing facility:

(a) is Global Recycled Standard (GRS) certified;

(b) provides proof of GRS certification to the department on the registration form; and

(c) provides a copy of the certificate or the certification number on the invoice to the retailer for each lot or batch of filling material.

(3) The manufacturing facility shall provide a copy of the certificate or the certification numbers for each batch or lot to the department upon request.

(4) Plumage material shall follow the standards as outlined in the "USA-2000 Labeling Standards- Down and Feather Products" and ASTM D-4522, which are incorporated by reference.

(5) Any other filling material shall be clean.

(6) "Imperfect, irregular foam" means any foam product that shows a major imperfection or that falls below the foam manufacturer's usual standards or specifications and must be stated on the tag as "imperfect" or "irregular" along with the generic name of the foam.

(7) "Imperfect, irregular fibers" shall mean any fiber that has an imperfection or that falls below the fiber manufacturer's usual standards or specifications and must be stated on the tag as "imperfect" or "irregular" along with the generic name of the fiber.

(8) The terms "Prime," "Super," "Northern," and similar terms shall not be used unless the fill can be proved to be of superior quality and meet the terms of the qualifying statement.

R70-101-11. Generic Names, Grades, Descriptive Terms, and Definitions of Filling Material.

(1) Filling material shall be described on the label and the tag using the:

(a) true generic name;

(b) grade;

(c) description terms; or

(d) definition of the filling material that has been approved by the department.

(2) When more than one kind of filling material is used in a mixture, the percentage by weight shall be listed in order of predominance.

(a) Federal fiber tolerance standards are applicable, except as pertains to a plumage product.

(b) Blends may be described in accordance with Section R70-101-10.

(3) When a different filling material is used in different parts of the garment, the areas of the garment shall be named, followed by the name of the filling material used in that area.

R70-101-12. Manufacturer Identification and Law Label Requirements for Bedding and Upholstered Furniture.

(1) The form of identification used on a law label and tag shall be the same as those supplied to the department with the registration.

(2) For any article of bedding and upholstered furniture, the law label shall use the format adopted by the IABFLO, as listed in the "Manual of Labeling Laws" of the International Sleep Products Association, 2021 edition, which is incorporated by reference. A copy of the incorporated edition of the "Manual of Labeling Laws" is available for public inspection at the department.

(3) The law label for a newly manufactured product shall meet the following requirements:

(a) white on each side of the label;

(b) made of material that cannot be easily torn;

(c) printed in black ink;

(d) printed in English;

(e) printed clearly and legibly; and

(f) firmly attached to the article.

(4) Required information shall be printed on one side of the label with the opposite side remaining blank.

(5) Each law label shall state the following, in order:

(a) the phrase "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the label in capital letters no less than 1/8 inches in height;

(b) the phrase "ALL NEW MATERIAL" in bold, capital letters no less than 1/8 inch in height, followed by the phrase "CONSISTING OF", no case or height requirements, followed by the filling contents in bold capital letters no less than 1/8 inch in height;

(c) the words "CONTENTS STERILIZED" in bold capital letters no less than 1/8 inch in height;

(d) the URN issued by the state in which the firm is first registered;

(e) the sterilization permit number of the sterilization facility from which the material was obtained, in bold capital letters no less than 1/8 inch in height;

(f) the phrase, "Certification is made by the manufacturer that the materials in this article are described in accordance with law"; and

(g) the name and complete address of the manufacturer, importer, or vendor of the article.

(6) The law label shall be easily accessible to the consumer for examination[~~ before purchase~~].

(a) A product that is offered for sale in a box or in other packaging that makes a law label inaccessible shall reproduce a legible facsimile of the law label on the outer container or covering.

(7) No mark, label, printed matter, illustration, sticker, or other device shall be placed upon the label.

(8) The firm's license or permit with the state that issued the URN must be kept current for the number to be valid in Utah.

(9) Each firm doing business under more than one state-issued URN or permit shall obtain a permit for each number used on a product that is offered for sale in Utah.

R70-101-13. Second Hand Law Tags and Tagging Requirements.

(1) A tag for second hand material shall be:

(a) a minimum of two inches by three inches;

(b) yellow on both sides of the tag;

(c) made of material that cannot be easily torn;

(d) printed in English;

(e) printed in black ink;

(f) printed clearly and legibly; and

(g) firmly attached to the article.

(2) Required information shall be printed on one side of the tag with the opposite side remaining blank.

(3) A second hand tag shall contain the following information, in order:

(a) the phrase "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the label in capital letters, no less than 1/8 inch in height;

(b) the phrase, "THIS ARTICLE CONTAINS SECOND HAND MATERIAL CONSISTING OF CONTENTS UNKNOWN". The words "SECONDHAND MATERIAL" and "CONTENTS UNKNOWN" shall be in capital letters, size not less than 1/8 inches in height;

(c) the phrase, "Certification is made that the materials in this article are described in accordance with law"; and

(d) the store name and complete corporate address.

(4) The tag shall be easily accessible to the consumer for examination.

(5) No mark, label, printed matter, illustration, sticker, or any other device shall be placed upon the tag.

R70-101-14. Second Hand Tag and Tagging Requirements for Repaired, Reupholstered, and Renovated Products.

(1) A tag for a repaired, reupholstered, and renovated product shall be:

(a) a minimum of two inches by three inches;

(b) yellow on both sides of the tag;

(c) made of material that cannot be easily torn;

(d) have the required information printed on one side of the tag with the opposite side remaining blank;

(e) printed in English;

(f) printed in black ink;

(g) printed clearly and legibly; and

(h) firmly attached to the article.

(2) A second hand tag shall contain the following information, in order:

(a) the phrase, "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the label in capital letters, no less than 1/8 inch in height;

(b) the phrase, "THIS ARTICLE IS NOT FOR SALE OWNER'S MATERIAL" in bold in capital letters, no less than 1/8 inch in height;

(c) the phrase, "CERTIFICATION IS MADE THAT THIS ARTICLE CONTAINS THE SAME MATERIAL IT DID WHEN RECEIVED FROM THE OWNER AND THAT ADDED MATERIALS ARE DESCRIBED IN THE ACCORDANCE WITH LAW, AND CONSIST OF THE FOLLOWING:" followed by a description of the filling material;

(d) a description of the work that was done on the product;

(e) the URN number;

(f) the name and address of the renovator or repairer; and

(g) the date of pick-up, owner's name, and address.

R70-101-15. Used Mattresses.

(1) A retailer selling a customer returned, refurbished, or used mattress shall follow the second hand law tag requirements as set out in Section R70-101-13.

(2) In addition, a retailer shall also display on the mattress a tag stating "USED" in bold capital letters.

(3) The USED tag shall be:

(a) a minimum of three inches by six inches;

(b) yellow on both sides of the tag;

(c) the font shall be a minimum of one inch in height;

(d) printed in black ink; and

(e) printed in English.

(4) Required information shall be printed on one side of the tag with the opposite side remaining blank.

(5) The USED tag shall be clearly visible to the consumer.

R70-101-16. Variance.

(1) The department may issue a variance on label and tag requirements.

(2) A request for a variance shall be made to the department in writing and shall contain the following information:

(a) the product associated with the variance request;

(b) where the variance will be used;

(c) an explanation of the need for a variance;

(d) a description of how the variance will be used in practice; and

(e) an example of the label or tag that will be used in place of the required label or tag.

(3) Approval of a variance shall be given from the department in writing.

(4) A variance shall be subject to a period of review.

R70-101-17. Making or Selling Material or Parts.

A person shall not purchase, make, process, prepare, or sell, directly or indirectly, at wholesale or retail, or otherwise, any filling material or other component parts to be used in bedding, upholstered furniture, or quilted clothing, unless such material is appropriately tagged.

R70-101-18. Retailer Responsibilities.

(1) A retailer[~~, including online retailers,~~] shall:

(a) ensure that any article of bedding, upholstered furniture, quilted clothing, or filling material sold is labeled and tagged correctly;

(b) ensure the label is easily accessible to the consumer for examination[~~before purchase~~];

(c) comply with state law and the department's rules governing false and misleading advertisement;

(d) ensure that the manufacturer from whom a retailer purchases a product has a valid permit with the department; and

(e) ensure that the importer from whom a retailer purchases a product has a valid permit with the department.

(2) Upon request of the department, a retailer shall provide the identity of the manufacturer or wholesaler of an article of bedding, upholstered furniture, quilted clothing, or filling material sold.

(3) A retailer may register in lieu of the manufacturer or wholesaler if the manufacturer or wholesaler is not registered.

(4) A retailer shall ensure that bedding or filling material using the term "recycled":

(a) is from a GRS certified facility; and

(b) has a certificate or certification number.

R70-101-19. Violations.

(1) Each improperly labeled or tagged article of bedding, upholstered furniture, quilted clothing, or filling material made or sold shall be a separate violation of this rule.

(2) No person shall be in violation if that person received, from the manufacturer or supplier of the article, a guarantee in good faith that the article is not contrary to this rule in the form prescribed by the Textile Fiber Products Identification Act,15 U.S.C. 70, Wool Products Labeling Act, 15 U.S.C. 68, and related Federal Trade Commission rules.

(3) No person shall remove, or cause to be removed, any tag, or device placed upon any article of bedding, upholstered furniture, quilted clothing, or filling material by an inspector.

(4) No person may remove an article that has been condemned and ordered held on inspection notice.

(5) No person shall interfere with, obstruct, or hinder any inspector of the department in the performance of the inspector's duties.

(6) Any article of bedding, upholstered furniture, quilted clothing, or filling material manufactured or wholesaled by a manufacturer or wholesaler who is not registered or permitted may be withheld from sale until the manufacturer or wholesaler registers or obtains a permit.

(7) No person shall use the term "recycled" for bedding or filling material unless they meet the requirements of Subsection R701-101-10(2).

R70-101-20. Products Not Intended for Use Subject to This Rule.

(1) The Commissioner may exclude from this rule a textile fiber product:

(a) that has an insignificant or inconsequential textile fiber content; or

(b) if the disclosure of the textile fiber content is not necessary for the protection of the consumer.

KEY: inspections, labeling, quality control, registration
Date of Last Change: February 2, 2024
Notice of Continuation: March 12, 2020
Authorizing, and Implemented or Interpreted Law: 4-10-103

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	**R386-702**	**Filing ID: 56321**
Effective Date:	**02/12/2024**	

Agency Information

1. Department:	Health and Human Services
Agency:	Population Health, Environmental Epidemiology
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 142100
City, state and zip:	Salt Lake City, UT 84114-2100

Contact persons:

Name:	Phone:	Email:
Jeffrey Eason	801-641-7324	jteason@utah.gov
Cindy Burnett	801-538-6692	cburnett@utah.gov
Rachelle Boulton	801-538-6185	rboulton@utah.gov

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

General Information

2. Rule or section catchline:

R386-702. Communicable Disease Rule

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

On 07/07/2022, the Food and Drug Administration (FDA) reported a shortage of erythromycin ophthalmic ointment.

Health systems in Utah are now reporting that the shortage is impacting local supply, and lack of appropriate treatment can result in adverse health outcomes for infants born in Utah at risk for exposure to N. gonorrhoeae, including severe eye infections and blindness.

The current rule language is restrictive and does not allow for the use of alternative treatment options.

4. Summary of the new rule or change:

This rule change will remove outdated clinical guidance and increase the treatment options for healthcare providers by allowing alternative treatment options through Centers for Disease Control and Prevention guidance.

In addition, this filing also updates outdated statute to coincide with the Department of Health and Human Services code recodification. S.B. 38, 39, 40, and 41 (2023 General Session) combined Title 26, Utah Health Code, and Title 62A, Utah Human Services Code, into a new Title 26B, Utah Health and Human Services Code.

5A) The agency finds that regular rulemaking would:

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

B) Specific reasons and justifications for this finding:
The absence of treatment options allowed by the current rule would put infant Utahns at risk of eye infections and blindness. Changes in Section R386-702-14 allow for additional treatment options. All other changes to the rule are statute citation updates.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings because the changes do not affect existing operations. This rule change adds additional available treatments for health care providers to select for patient care. The state does not have costs or savings associated with this rule change because providers are not being recommended one alternative treatment over another. Furthermore, this does not affect state government.
B) Local governments:
There is no anticipated cost or savings because the changes do not affect existing operations. This rule change adds additional available treatments for health care providers to select for patient care. Local governments do not have costs or savings associated with this rule change because providers are not being recommended one alternative treatment over another. Furthermore, this does not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons)**:**
There is no anticipated cost or savings because the changes do not affect existing operations. This rule change adds additional available treatments for health care providers to select for patient care. Small businesses do not have costs or savings associated with this rule change because providers are not being recommended one alternative treatment over another. Furthermore, this does not affect small businesses.
D) Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
There is no anticipated cost or savings because the changes do not affect existing operations. This rule change adds additional available treatments for health care providers to select for patient care. Other persons do not have costs or savings associated with this rule change because providers are not being recommended one alternative treatment over another. Furthermore, this does not affect other persons.
E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?)**:**
There are no anticipated compliance costs or savings because this change will allow providers to pivot to additional treatment options when erythromycin ophthalmic ointment is unavailable. It is not anticipated that obtaining those additional treatment options will be more or less burdensome than obtaining erythromycin ophthalmic ointment.
F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
I, Tracy S. Gruber, Executive Director, have read and approved this fiscal analysis. I acknowledge that there is no anticipated fiscal impact to businesses as a result of this emergency rule because the changes do not affect existing operations.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 26B-1-202	Section 26B-7-202	Section 26B-7-207
Sections 26B-7-316 through 26B-7-324		

Incorporations by Reference Information

8. 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)	Sexually Transmitted Infections Treatment Guidelines
Publisher	Centers for Disease Control
Issue Date	2021

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	02/09/2024

R386. Health and Human Services, [~~Disease Control and Prevention~~]Population Health, Environmental Epidemiology.
R386-702. Communicable Disease Rule.
R386-702-1. Purpose Statement.

(1) Sections 26B-7-316 through 26B-7-324 provide authority for sections in this rule as noted, and Sections [~~26-6-3~~]26B-7-202, 26B-7-207, and 26B-1-[~~2-~~]202[~~, and Title 26, Chapter 23b, Detection of Public Health Emergencies Act~~] authorize all other sections of this rule.

(2) This rule outlines a multidisciplinary approach to communicable and infectious disease control and emphasizes reporting, surveillance, isolation, treatment, and epidemiological investigation to identify and control preventable causes of infectious diseases. Reporting requirements and authorizations are specified for communicable and infectious diseases, outbreaks, and unusual occurrence of any disease. Each section has been adopted with the intent of reducing disease morbidity and mortality through the rapid implementation of established practices and procedures.

(3) The successes of medicine and public health dramatically reduced the risk of epidemics and early loss of life due to infectious agents during the twentieth century. However, the emergence of diseases such as Middle Eastern Respiratory Syndrome (MERS), and the rapid spread of diseases such as West Nile virus to the United States from other parts of the world, made possible by advances in transportation, trade, food production, and other factors, highlight the continuing threat to health from infectious diseases. Continual attention to these threats and cooperation among all health care providers, government agencies, and other entities that are partners in protecting the public's health are crucial to maintain and improve the health of the citizens of Utah.

R386-702-2. Definitions.

(1) "Carrier" means the same as that term is defined in Section [~~26-6-2~~]26B-7-201.

(2) "Communicable disease" means the same as that term is defined in Section [~~26-6-2~~]26B-7-201.

(3) "Contact" means the same as that term is defined in Section [~~26-6-2~~]26B-7-201.

(4) "Epidemic" means the same as that term is defined in Section [~~26-6-2~~]26B-7-201.

(5) "Infection" means the same as that term is defined in Section [~~26-6-2~~]26B-7-201.

(6) "Schools" means the same as that term is defined in Section [~~26-6-2~~]26B-7-201.

(7) "Health care provider" means the same as that term is defined in Section [~~26-6-6~~]26B-7-206.

(8) "Assisted living facilities" means the same as that term is defined in Section [~~26-21-2~~]26B-2-201.

(9) "Nursing care facilities" means the same as that term is defined in Section [~~26-21-2~~]26B-2-201.

(10) "Bioterrorism" means the same as that term is defined in Section [~~26-23b-102~~]26B-7-301.

(11) "Childcare programs" means the same as that term is defined in Section [~~26-39-102~~]26B-2-401.

(12) "Health care facilities" means the same as that term is defined in Section 78B-3-403.

(13) "Mental health facilities" means the same as that term is defined in Section [~~62A-15-602~~]26B-5-301.

(14) "Local health department" means the same as that term is defined in Section R386-80-2.

(15) In addition, for purposes of this rule:

(a) "Blood and plasma center" is defined as a blood bank, blood storage facility, plasma center, hospital, any facility where blood or blood products are collected, or any facility where blood services are provided.

(b) "Care facilities licensed through the Department of Health and Human Services" is described as any facility licensed through the Department of Health and Human Services, and includes adult day care facilities, adult foster care facilities, crisis respite facilities, domestic violence shelters and treatment programs, foster care homes, mental health treatment programs, residential treatment and day treatment facilities for persons with disabilities, substance abuse treatment programs, and youth treatment programs.

(c) "Case" is defined as any person, living or deceased, identified as having a communicable disease, condition, or syndrome that meets criteria for being reportable under this rule, or that is otherwise under public health investigation.

(d) "Clinic" is defined as any facility where a health care provider practices.

(e) "Condition" is defined as an abnormal state of health that may interfere with a person's regular feelings of wellbeing.

(f) "Correctional facility" is defined as a facility that forcibly confines an individual under the authority of the government, including prisons, detention centers, jails, juvenile detention centers.

(g) "Department" is defined as the Utah Department of Health and Human Services.

(h) "Diagnostic facility" is defined as the facility where the case or suspect case was seen and evaluated by a healthcare provider.

(i) "Dispensary" is defined as an office in a school, hospital, industrial plant, or other organization that dispenses medications or medical supplies.

(j) "Electronic case reporting" is defined as the transmission of clinical, diagnostic, laboratory, and treatment related data from reporting entities to the Department in a structured, computer-readable format that reflects comparable content to HL7 CDA(reg trademark) R2 Implementation Guide: Public Health Case Report, Release 2 - US Realm - the Electronic Initial Case Report (eICR). Electronic Initial Case Reporting is a form of electronic reporting.

(k) "Electronic laboratory reporting" is defined as the transmission of laboratory or health related data from reporting entities to the Department using HL7 ORU-R01 2.3.1 or 2.5.1, LOINC, and SNOMED standard message structure and vocabulary. Electronic laboratory reporting is a form of electronic reporting.

(l) "Electronic reporting" is defined as the transmission of laboratory or health related data from reporting entities to the Department in a structured, computer-readable format that reflects comparable content to HL7 messaging.

(m) "Encounter" is defined as an instance of an individual presenting to a health care facility.

(n) "Event" is defined as any communicable disease, condition, laboratory result, syndrome, outbreak, epidemic, or other public health hazard that meets criteria for being reportable under this rule.

(o) "Good Samaritan" is defined as a person who gives reasonable aid to strangers in grave physical distress.

(p) "Invasive disease" is defined as infection occurring in parts of the body where organisms are not normally present, such as the bloodstream, organs, or the meninges.

(q) "Laboratory" is defined as any facility that receives, refers, or analyzes clinical specimens.

(r) "Manual reporting" is defined as the transmission of laboratory or health related data from reporting entities to the Department using processes that require hand keying for data to be incorporated into Department databases.

(s) "Normally sterile site" is defined as a part of the body where organisms are not normally present, such as the bloodstream, organs, or the meninges.

(t) "Outbreak" is defined as the increased occurrence of any communicable disease, health condition, or syndrome in a community, institution, or region; or two or more cases of a communicable disease, health condition, or syndrome in persons with a common exposure.

(u) "Public health hazard" is defined as the presence of an infectious organism or condition in the environment that endangers the health of a specified population.

(v) "Suspect case" is defined as any person, living or deceased, who a reporting entity, local health department, or the Department believes might be a case, but for whom it has not been established that the criteria necessary to become a case have been met.

(w) "SARS-CoV-2 NAAT" is any SARS-CoV-2 Nucleic Acid Amplification Test (NAAT) conducted in a facility certified under CLIA to perform moderate- or high-complexity tests.

(x) "Syndrome" is defined as a set of signs or symptoms that often occur together.

R386-702-3. Reportable Events.

(1) The Department declares the following events to be of concern to public health and reporting of all instances is required or authorized by Sections [~~26-6-6~~]26B-7-202, 26B-7-207, and 26B-1-202[~~ and Title 26, Chapter 23b, Detection of Public Health Emergencies Act~~].

(2) Events reportable by each entity are as follows:

(a) acute flaccid myelitis;

(b) adverse event resulting from smallpox vaccination (vaccinia virus, orthopox virus);

(c) anaplasmosis (Anaplasma phagocytophilum);

(d) anthrax (Bacillus anthracis) or anthrax-like illness caused by Bacillus cereus strains that express anthrax toxin genes;

(e) antibiotic resistant organisms from any clinical specimen that meet the following criteria:

(i) resistant to a carbapenem in:

(A) Acinetobacter species;

(B) Enterobacter species;

(C) Escherichia coli; or

(D) Klebsiella species; or

(ii) Resistant to vancomycin in Staphylococcus aureus (VRSA); or

(iii) demonstrated carbapenemase production in:

(A) Acinetobacter species;

(B) Enterobacter species;

(C) Escherichia coli;

(D) Klebsiella species; or

(E) any other Enterobacteriaceae species;

(f) arbovirus infection, including:

(i) chikungunya virus infection;

(ii) West Nile virus infection; and

(iii) Zika virus infection; including congenital;

(g) babesiosis (Babesia spp.);

(h) botulism (Clostridium botulinum);

(i) brucellosis (Brucella spp.);

(j) campylobacteriosis (Campylobacter spp.);

(k) Candida auris or Candida haemulonii from any body site;

(l) Chagas disease (Trypanosoma cruzi);

(m) chancroid (Haemophilus ducreyi);

(n) chickenpox (varicella zoster virus, VZV, human herpesvirus 3, HHV-3);

(o) chlamydia (Chlamydia trachomatis);

(p) coccidioidomycosis (Coccidioides spp.), also known as valley fever;

(q) Colorado tick fever (Colorado tick fever virus, Coltivirus spp.), also known as American mountain tick fever;

(r) novel coronavirus disease including Middle East respiratory syndrome (MERS-CoV), and Severe acute respiratory syndrome (SARS-CoV);

(s) COVID-19 (SARS-CoV-2);

(t) cryptosporidiosis (Cryptosporidium spp.);

(u) cyclosporiasis (Cyclospora spp., including Cyclospora cayetanensis);

(v) dengue fever (dengue virus);

(w) diphtheria (Corynebacterium diphtheriae);

(x) ehrlichiosis (Ehrlichia spp.);

(y) encephalitis (bacterial, fungal, parasitic, protozoan, and viral);

(z) Shiga toxin-producing Escherichia coli (STEC) infection;

(aa) giardiasis (Giardia lamblia), also known as beaver fever;

(bb) gonorrhea (Neisseria gonorrhoeae), including sexually transmitted and ophthalmia neonatorum;

(cc) Haemophilus influenzae, invasive disease;

(dd) hantavirus infection (Sin Nombre virus);

(ee) hemolytic uremic syndrome, postdiarrheal;

(ff) hepatitis, viral including:

(i) hepatitis A;

(ii) hepatitis B (acute, chronic, and perinatal);

(iii) hepatitis C (acute, chronic, and perinatal);

(iv) hepatitis D; and

(v) hepatitis E;

(gg) human immunodeficiency virus (HIV) infection, including acquired immune deficiency syndrome (AIDS);

(hh) influenza virus infection:

(i) associated with a hospitalization;

(ii) associated with a death in a person under 18 years of age; or

(iii) suspected or confirmed to be caused by a non-seasonal influenza strain;

(ii) Legionellosis (Legionella spp.), also known as Legionnaires' disease;

(jj) leptospirosis (Leptospira spp.);

(kk) listeriosis (Listeria spp., including Listeria monocytogenes);

(ll) Lyme disease (Borrelia burgdorferi, Borrelia mayonii);

(mm) malaria (Plasmodium spp.);

(nn) measles (measles virus), also known as rubeola;

(oo) meningitis (bacterial, fungal, parasitic, protozoan, and viral);

(pp) meningococcal disease (Neisseria meningitidis), invasive;

(qq) mumps (mumps virus);

(rr) mycobacterial infections, including:

(i) tuberculosis (Mycobacterium tuberculosis complex);

(ii) leprosy (Mycobacterium leprae), also known as Hansen's disease; or

(iii) any other mycobacterial infections (Mycobacterium spp.);

(ss) pertussis (Bordetella pertussis);

(tt) plague (Yersinia pestis);

(uu) poliomyelitis (poliovirus), paralytic and nonparalytic;

(vv) psittacosis (Chlamydophila psittaci), also known as ornithosis;

(ww) Q fever (Coxiella burnetii);

(xx) rabies (rabies virus), human and animal;

(yy) relapsing fever (Borrelia spp.), tick-borne and louse-borne;

(zz) rubella (rubella virus), including congenital syndrome;

(aaa) salmonellosis (Salmonella spp.);

(bbb) shigellosis (Shigella spp.);

(ccc) smallpox (Variola major and Variola minor);

(ddd) spotted fever rickettsioses (Rickettsia spp.), including Rocky Mountain spotted fever (Rickettsia rickettsii);

(eee) streptococcal disease, invasive, due to:

(i) Streptococcus pneumoniae;

(ii) group A streptococcus (Streptococcus pyogenes); or

(iii) group B streptococcus (Streptococcus agalactiae);

(fff) Syphilis (Treponema pallidum), including:

(i) any stage;

(ii) congenital; and

(iii) syphilitic stillbirths;

(ggg) tetanus (Clostridium tetani);

(hhh) toxic shock syndrome, staphylococcal (Staphylococcus aureus) or streptococcal (Streptococcus pyogenes);

(iii) transmissible spongiform encephalopathies (prion diseases), including Creutzfeldt-Jakob disease;

(jjj) trichinellosis (Trichinella spp.);

(kkk) tularemia (Francisella tularensis);

(lll) typhoid (Salmonella typhi), cases and carriers;

(mmm) vibriosis (Vibrio spp.), including cholera (Vibrio cholerae);

(nnn) viral hemorrhagic fevers including:

(i) Ebola virus disease (Ebolavirus spp.);

(ii) Lassa fever (Lassa virus); and

(iii) Marburg fever (Marburg virus);

(ooo) yellow fever (yellow fever virus).

(3) Pregnancy is a reportable event for a subset of communicable diseases, and reporting is required even if the communicable disease was reported to public health before the pregnancy. Perinatally transmissible conditions reportable by each entity are as follows:

(i) hepatitis B infection;

(ii) hepatitis C infection;

(iii) HIV infection;

(iv) listeriosis;

(v) rubella;

(vi) syphilis infection; and

(vii) Zika virus infection.

(4) Antimicrobial susceptibility tests reportable by each entity are as follows:

(a) Full panel antimicrobial susceptibility test results, including minimum inhibitory concentration and results suppressed to the ordering clinician, are reportable when performed on the following organisms:

(i) Candida auris or Candida haemulonii from any body site;

(ii) Mycobacterium tuberculosis;

(iii) Neisseria gonorrhoeae;

(iv) Salmonella species;

(v) Shigella species; and

(vi) Streptococcus pneumoniae;

(vii) organisms resistant to a carbapenem in:

(A) Acinetobacter species;

(B) Enterobacter species;

(C) Escherichia coli; or

(D) Klebsiella species;

(viii) organisms resistant to vancomycin in Staphylococcus aureus (VRSA).

(b) Individual carbapenemase test results including positive, negative, equivocal, indeterminate and the method used, are reportable when performed on organisms resistant to a carbapenem, or with demonstrated carbapenemase, in:

(i) Acinetobacter species;

(ii) Enterobacter species;

(iii) Escherichia coli; and

(iv) Klebsiella species.

(c) Antiviral susceptibility test results, including nucleotide sequencing, genotyping, or phenotypic analysis, are reportable when performed on:human immunodeficiency virus (HIV).

(5) Unusual events reportable by each entity include one or more cases or suspect cases of a communicable disease, condition, or syndrome considered:

(a) rare, unusual, or new to Utah;

(b) previously controlled or eradicated;

(c) caused by an unidentified or newly identified organism;

(d) due to exposure or infection that may indicate a bioterrorism event with potential transmission to the public; or

(e) any other infection not explicitly identified in Subsection R386-702-3(2) that public health considers a public health hazard.

(6) Outbreaks, epidemics, or unusual occurrences of events reportable by each entity are as follows :

(a) Entities shall report two or more cases or suspect cases, with or without an identified organism, including:

(i) gastrointestinal illnesses;

(ii) respiratory illnesses;

(iii) meningitis or encephalitis;

(iv) infections caused by antimicrobial resistant organisms;

(v) illnesses with suspected foodborne or waterborne transmission;

(vi) illnesses with suspected ongoing transmission in any facility;

(vii) infections that may indicate a bioterrorism event; or

(viii) any other infections not explicitly identified in Subsection R386-702-3(2) that public health considers a public health hazard.

(b) Entities shall report increases or shifts in pharmaceutical sales that may indicate changes in disease trends.

(7) Laboratory results reportable by electronic reporters are as follows:

(a) In addition to laboratory results set forth in Subsections R386-702-3(2) through R386-702-3(6), entities reporting electronically shall include the following laboratory results or laboratory results that provide presumptive evidence of the following communicable diseases:

(i) influenza virus;

(ii) norovirus infection;

(iii) Pseudomonas aeruginosa, resistant to a carbapenem, or with demonstrated carbapenemase production;

(iv) Staphylococcus aureus from a normally sterile site with methicillin testing performed, reported as either methicillin-susceptible Staphylococcus aureus (MSSA) or methicillin-resistant Staphylococcus aureus (MRSA); and

(v) Streptococcal disease, invasive due to all species.

(b) Entities reporting electronically shall include any laboratory results including positive, negative, equivocal, indeterminate, associated with the following tests or conditions:

(i) CD4+ T-Lymphocyte tests, regardless of known HIV status;

(ii) chlamydia;

(iii) Clostridium difficile;

(iv) novel coronavirus COVID-19 (SARS-CoV-2), detected by a SARS-CoV-2 NAAT;

(v) cytomegalovirus (CMV), congenital (infants less than or equal to 12 months of age);

(vi) gonorrhea;

(vii) hepatitis A;

(viii) hepatitis B, including viral loads;

(ix) hepatitis C, including viral loads;

(x) HIV, including viral loads and confirmatory tests;

(xi) liver function tests, including ALT, AST, and bilirubin associated with a viral hepatitis case;

(xii) Lyme disease;

(xiii) respiratory syncytial virus (RSV);

(xiv) syphilis;

(xv) tuberculosis; and

(xvi) Zika virus.

(c) Entities reporting electronically shall report full panel antibiotic susceptibility test results, including minimum inhibitory concentration and results suppressed to the ordering clinician, are reportable when performed on Pseudomonas aeruginosa, resistant to a carbapenem, or with demonstrated carbapenemase.

(d) The Department may, by authority granted through Title 26B, Chapter [~~23b~~]7, Part 2, [~~Detection of Public Health Emergencies Act~~]Detection and Management of Chronic and Communicable Diseases and Public Health Emergencies, identify additional reporting criteria when deemed necessary for the management of outbreaks or identification of exposures.

(e) Non-positive laboratory results reported for the events identified in Subsection R386-702-3(7)(b) will be used for the following purposes:

(i) to determine when a previously reported case becomes non-infectious;

(ii) to identify newly acquired infections through identification of a seroconversion window; or

(iii) to provide information critical for assignment of a case status.

(f) Information associated with a non-positive laboratory result will be kept by the Department for a period of 18 months.

(i) At the end of the 18 month period, if the result has not been appended to an existing case, personal identifiers will be stripped and expunged from the result.

(ii) The de-identified result will be added to a de-identified, aggregate data set.

(iii) The data set will be kept for use by public health to analyze trends associated with testing patterns and case distribution, and identify and establish prevention and intervention efforts for at-risk populations.

(8) Authorized reporting of syndromes and conditions are as follows:

(a) Reporting of encounters for the following syndromes and conditions is authorized by [~~Title~~]Sections 26B-7-202, 26B-7-206, and 26B-7-207[~~, Chapter 23b, Detection of Public Health Emergencies Act~~], unless made mandatory by the declaration of a public health emergency:

(i) respiratory illness, including:

(A) upper or lower respiratory tract infections;

(B) difficulty breathing; or

(C) adult respiratory distress syndrome;

(ii) gastrointestinal illness, including:

(A) vomiting;

(B) diarrhea; or

(C) abdominal pain;

(iii) influenza-like constitutional symptoms or signs;

(iv) neurologic symptoms or signs indicating the possibility of meningitis, encephalitis, or unexplained acute encephalopathy or delirium;

(v) rash illness;

(vi) hemorrhagic illness;

(vii) botulism-like syndrome;

(viii) lymphadenitis;

(ix) sepsis or unexplained shock;

(x) febrile illness (illness with fever, chills or rigors);

(xi) nontraumatic coma or sudden death; and

(xii) other criteria specified by the Department as indicative of disease outbreaks or injurious exposures of uncertain origin.

(b) Reporting of encounters for syndromes and conditions not specified in Subsection R386-702-3(8)(a) is also authorized by Sections [~~Chapter 26 23b~~]26B-7-316 through 26B-7-324, unless made mandatory by the declaration of a public health emergency.

(c) Information included in the reporting of the events identified in Subsections R386-702-3(8)(a) and R386-702-3(8)(b) will be used for the following purposes:

(i) to support early identification and ruling out of public health threats, disasters, outbreaks, suspected incidents, and acts of bioterrorism;

(ii) to assist in characterizing population groups at greatest risk for disease or injury;

(iii) to support assessment of the severity and magnitude of possible threats; or

(iv) to satisfy syndromic surveillance objectives of the Federal Centers for Medicaid and Medicare Meaningful Use incentive program.

(9) Reporting exceptions:

(a) A university or hospital that conducts research studies exempt from reporting AIDS and HIV infection under Section [~~26-6-3.5~~]26B-7-203 shall seek written approval of reporting exemption from the Department institutional review board before the study commencement.

(b) The university or hospital shall submit the following to the HIV Epidemiologist within 30 days of Department institutional review board approval:

(i) a summary of the research protocol, including funding sources and justification for requiring anonymity; and

(ii) written approval from the Department institutional review board.

(c) The university or hospital shall submit a report that includes each of the indicators specified in Subsection [~~26-6-3.5~~]26B-7-203(4)(a) to the HIV Epidemiologist annually during an ongoing research study.

(d) The university or hospital shall submit a final report that includes each of the indicators specified in Subsection [~~26-6-3.5~~]26B-7-203(4)(a) to the HIV Epidemiologist within 30 days of the conclusion of the research study.

(e) Documents can be submitted to the HIV Epidemiologist by fax at (801) 538-9923 or by mail to 288 North 1460 West Salt Lake City, Utah 84116.

R386-702-4. Entities Required to Report.

(1) Section [~~26-6-6~~]26B-7-206 lists those entities required to report cases or suspect cases of the reportable events set forth in Section R386-702-3. This includes:

(a) health care providers, as defined in Section 78B-3-403;

(b) health care facilities, as defined in Section 78B-3-403;

(c) health care facilities operated by the federal government;

(d) mental health facilities, as defined in Section [~~62A-15-602~~]26B-5-301;

(e) care facilities licensed through the Department of Health and Human Services;

(f) nursing care facilities and assisted living facilities, as defined in Section [~~26-21-2~~]26B-2-201;

(g) dispensaries;

(h) clinics;

(i) laboratories;

(j) schools, as defined in Section [~~26-6-2~~]26B-7-201;

(k) childcare programs, as defined in Section [~~26-39-102~~]26B-2-401; and

(l) any individual with a knowledge of others who have a communicable disease.

(2) In addition, the following entities are required to report cases or suspect cases of the reportable events set forth in Section R386-702-3:

(a) blood and plasma donation centers; and

(b) correctional facilities.

(3) When more than one entity is involved in the processing of a clinical specimen; or the diagnosis, treatment, or care of a case or suspect case[~~;~~], each entity involved shall report, even when diagnosis or testing is done outside of Utah.

(4) Health care entities may designate a single person or group of persons to report the events identified in Section R386-702-3 to public health on behalf of their health care providers or medical laboratories, as long as reporting complies with requirements in this rule.

R386-702-5. Mandatory Submission of Clinical Material.

(1) Laboratories shall submit clinical material from cases identified with organisms listed in Subsection R386-702-5(3) to the Utah Department of Health and Human Services, Utah Public Health Laboratory (UPHL) within three working days of identification.

(a) Clinical material is defined as:

(i) A clinical isolate containing the organism for which submission of material is required; or

(ii) If an isolate is not available, material containing the organism for which submission of material is required, in the following order of preference:

(A) a patient specimen;

(B) nucleic acid; or

(C) other laboratory material.

(2) Laboratories submitting clinical material from cases identified with organisms designated by UPHL as potential bioterrorism agents shall first notify UPHL via telephone immediately during business hours at (801) 965-2400, or after hours at (801) 560-6586.

(3) Organisms mandated for standard clinical submission include:

(a) antibiotic resistant organisms from any clinical specimen that meet the following criteria:

(i) resistant to a carbapenem in:

(A) Acinetobacter species;

(B) Enterobacter species;

(C) Escherichia coli;

(D) Klebsiella species; or

(E) Pseudomonas aeruginosa;

(ii) resistant to vancomycin in Staphylococcus aureus (VRSA);

(iii) demonstrated carbapenemase production in:

(A) Acinetobacter species;

(B) Enterobacter species;

(C) Escherichia coli;

(D) Klebsiella species;

(E) any other Enterobacteriaceae species; or

(F) Pseudomonas aeruginosa;

(b) Campylobacter species;

(c) Candida auris or Candida haemulonii from any body site;

(d) Corynebacterium diphtheriae;

(e) Shiga toxin-producing Escherichia coli (STEC), including enrichment or MacConkey broths that tested positive by any method for Shiga toxin;

(f) Haemophilus influenzae, from normally sterile sites;

(g) influenza A virus, unsubtypeable;

(h) influenza virus (hospitalized cases only);

(i) Legionella species;

(j) Listeria monocytogenes;

(k) measles (rubeola) virus;

(l) Mycobacterium tuberculosis complex;

(m) Neisseria meningitidis, from normally sterile sites;

(n) Salmonella species;

(o) SARS-CoV-2 NAAT-positive samples;

(p) Shigella species;

(q) Vibrio species;

(r) West Nile virus;

(s) Yersinia species;

(t) Zika virus; and

(u) any organism implicated in an outbreak when instructed by authorized local or state health department personnel.

(v) mandatory submission requirements may be temporarily suspended or modified by the Department.

(4) Organisms mandated for bioterrorism clinical submission include:

(a) Bacillus anthracis;

(b) Brucella species;

(c) Clostridium botulinum;

(d) Francisella tularensis; and

(e) Yersinia pestis.

(5) Submission of clinical material does not replace the requirement for laboratories to report the event to public health as defined in Sections R386-702-6 and R386-702-7.

(6) For additional information on this process, contact UPHL at (801) 965-2400.

R386-702-6. Reporting Criteria.

(1) Manual reporting criteria is as follows:

(a) Reporting timeframes are as follows:

(i) Entities shall report immediately reportable events by telephone as soon as possible, but no later than 24 hours after identification. Events designated as immediately reportable by the Department include cases and suspect cases of:

(A) anthrax or anthrax-like illness;

(B) botulism, excluding infant botulism;

(C) cholera;

(D) novel coronavirus disease including: Middle East Respiratory Syndrome (MERS), and severe acute respiratory syndrome (SARS);

(E) diphtheria;

(F) Haemophilus influenzae, invasive disease;

(G) hepatitis A;

(H) influenza infection suspected or confirmed to be caused by a non-seasonal influenza strain;

(I) measles;

(J) meningococcal disease, invasive;

(K) plague;

(L) poliovirus, paralytic and nonparalytic;

(M) rabies, human and animal;

(N) rubella, excluding congenital syndrome;

(O) smallpox;

(P) Staphylococcus aureus from any clinical specimen that is resistant to vancomycin;

(Q) transmissible spongiform encephalopathies (prion diseases), including Creutzfeldt-Jakob disease;

(R) tuberculosis;

(S) tularemia;

(T) typhoid, cases and carriers;

(U) viral hemorrhagic fevers;

(V) yellow fever; or

(W) any event described in Subsection R386-702-3(5) or R386-702-3(6).

(ii) Entities shall report events in Subsections R386-702-3(2) through R386-702-3(6) not required to be reported immediately within three working days from the time of identification.

(b) Methods for reporting are as follows:

(i) Entities reporting manually shall send reports to either a local health department or the Department by phone, secured fax, secured email, or mail.

(ii) Contact information for the Department is as follows:

(A) phone: (801) 538-6191 during business hours, or 888-EPI-UTAH (888-374-8824) after hours;

(B) secured fax: (801) 538-9923;

(C) secured email: reporting@utah.gov contact the Department at (801) 538-6191 for information on this option; and

(D) mail: 288 North 1460 West Salt Lake City, Utah 84116.

(iii) A confidential morbidity report form is available at: http://health.utah.gov/epi/reporting/.

(iv) The Department incorporates by reference version 2.2 of the Utah Reporting Specifications for Communicable Diseases, that identifies individual laboratory tests that shall be reported to the Department by manual reporting entities.

(2) Electronic reporting criteria is as follows:

(a) Reporting timeframes are as follows:

(i) Entities that report electronically shall report laboratory results within 24 hours of finalization.

(A) Entities can choose to report in real-time (as each report is released) or batch reports.

(B) Entities reporting electronically shall report preliminary positive results for the immediately reportable events specified in Subsection R386-702-6(1)(a)(i).

(b) Methods for reporting are as follows:

(i) Laboratories that identify cases or suspect cases shall report to the Department through electronic laboratory reporting, in a manner approved by the Department. Reportable events shall be identified by automated computer algorithms.

(A) Laboratories may substitute electronic reporting if electronic laboratory reporting is not available, with permission from the Department, and in a manner approved by the Department.

(B) Hospitals reporting electronically shall use HL7 2.5.1 message structure, and standard LOINC and SNOMED terminology in accordance with Meaningful Use regulations.

(C) Laboratories reporting electronically shall use HL7 2.3.1 or 2.5.1 message structure, and appropriate LOINC codes designating the test performed.

(D) Entities reporting electronically shall submit local vocabulary codes with translations to the Division of [~~Disease Control and Prevention~~]Population Health Informatics Program, if applicable.

(E) The Department incorporates by reference version 1.3 of the Utah Electronic Laboratory Reporting Specifications for Communicable Diseases, that identifies individual laboratory tests that shall be reported to the Department by electronic reporting entities.

(F) For additional information on this process, refer to https://health.utah.gov/phaccess/public/elr/ or contact the Division of Population Health Informatics Program by phone (801-538-6191) or email (edx@utah.gov).

(ii) Electronic case reporting is an authorized method of reporting to the Department. For additional information on this process, contact the Division of Population Health Informatics Program by phone (801-538-6191) or email (edx@utah.gov).

(A) Entities reporting via electronic case reporting may send any clinical information for an encounter that meets criteria for reporting to public health.

(3) Syndromic reporting criteria is as follows:

Entities reporting syndromes or conditions identified in Subsection R386-702-3(8) shall report as soon as practicable using a schedule approved by the Department.

For information on reporting syndromic data, refer to https://health.utah.gov/phaccess/public/SS/ or contact the Division of Population Health Informatics Program by phone (801-538-6191) or email (edx@utah.gov).

R386-702-7. Required Information.

(1) Entities shall include the following information when reporting events specified in Subsections R386-702-3(2) through R386-702-3(6) to public health:

(a) Patient information:

(i) full name;

(ii) date of birth;

(iii) address, including street address, city, state, and zip code;

(iv) telephone number;

(v) gender;

(vi) race and ethnicity;

(vii) date of onset;

(viii) hospitalization status and date of admission; and

(ix) pregnancy status and estimated due date.

(b) Diagnostic information:

(i) name of the diagnostic facility;

(ii) address, including street address, city, state, and zip code; of the diagnostic facility;

(iii) telephone number of the diagnostic facility;

(iv) full name of the ordering or diagnosing health care provider;

(v) address, including street address, city, state, and zip code; of the ordering or diagnosing health care provider; and

(vi) telephone number of the ordering or diagnosing health care provider.

(c) Reporter information:

(i) full name of the person reporting;

(ii) name of the facility reporting; and

(iii) telephone number of the person or facility reporting.

(d) Laboratory testing information:

(i) name of the laboratory performing the test;

(ii) the laboratory's name for, or description of, the test;

(iii) specimen source;

(iv) specimen collection date;

(v) testing results;

(vi) laboratory test date;

(vii) test reference range; and

(viii) test status including preliminary, final, amended, or corrected.

(2) Entities shall submit reports that are clearly legible and do not contain any internal codes or abbreviations to the Department.

(3) Entities submitting or forwarding a specimen for testing using a laboratory test identified in the Utah Electronic Laboratory Reporting Specifications for Communicable Diseases shall include the patient's full name, date of birth, gender, race, ethnicity, address, and telephone number, so that the performing laboratory can report results to the appropriate public health agency.

(a) If the patient's address is not known by the submitting or forwarding entity, the submitting or forwarding entity shall provide the performing laboratory with the name and address of the facility where the specimen originated.

(4) Entities shall reference http://health.utah.gov/epi/reporting, or contact the Department at (801) 538-6191, for additional reporting specifications, including technical documents, reporting forms, and protocols.

(5) Full reporting of relevant patient information is authorized when reporting events listed in Subsection R386-702-3(8) to public health.

(a) Entities shall include in reports at least the following information, if known:

(i) name of the facility;

(ii) a patient identifier;

(iii) date of visit;

(iv) time of visit;

(v) patient's age;

(vi) patient's gender;

(vii) zip code of patient's residence;

(viii) chief complaint, reason for visit, or diagnosis; and

(ix) whether the patient was admitted to the hospital.

R386-702-8. Confidentiality of Reports.

(1) Reports required by this rule are confidential and are not open to public inspection. Information collected pursuant to this rule shall not be released or made public, except as provided by Sections [~~26-6-27~~]26B-7-217 and 26B-7-220. Penalties for violation of confidentiality are prescribed in Section [~~26-6-29~~]26B-7-219.

(2) Nothing in this rule precludes the discussion of case information with an attending clinician or public health workers.

(3) The Department or local health department shall disclose communicable disease-related information regarding the person who was assisted to the medical provider of a Good Samaritan when that medical provider submits a request to the Department or local health department.

(a) The request must include:

(i) information regarding the occurrence of the accident, fire, or other life-threatening emergency;

(ii) a description of the exposure risk to the Good Samaritan; and

(iii) contact information for the Good Samaritan and their medical provider.

(b) The Department or local health department will ensure that the disclosed information:

(i) includes enough detail to allow for appropriate education and follow-up to the Good Samaritan; and

(ii) ensures confidentiality is maintained for the person who was aided.

(c) No identifying information will be shared with the Good Samaritan or their medical provider regarding the person who was assisted. The Good Samaritan shall receive written information warning them that information regarding the person who was assisted is protected by state law.

R386-702-9. Non-Compliance with Reporting Regulations.

(1) Any person who violates Rule R386-702 may be [~~assessed a~~]subject to penalty or sanction as provided in Sections [~~26-23-6~~]26B-7-219 and 26B-7-316.

(2) Willful non-compliance may result in the Department working with other agencies to incur penalties that may include loss of accreditation or licensure.

(3) Records maintained by reporting entities are subject to review by Department personnel to assure the completeness and accuracy of reporting.

(4) If public health conducts a surveillance project, such as assessing the completeness of case finding or assessing another measure of data quality, the Department may, at its discretion, waive any penalties for participating entities if cases are found that were not originally reported for whatever reason.

R386-702-10. Information Necessary for Public Health Investigation and Surveillance.

(1) Reporting entities shall provide the Department or local health department with any records or other materials requested by public health that are necessary to conduct a thorough investigation.

(a) Subsection (1) includes medical records, additional laboratory testing results, treatment and vaccination history, clinical material, or contact information for cases, suspect cases, or persons potentially exposed.

(b) The Department or local health department shall be granted on-site access to a facility, when such access is critical to a public health investigation.

R386-702-11. General Measures for the Control of Communicable Diseases.

(1) The local health department shall maintain reportable disease records as needed to enforce Chapter [~~6~~]7 of the Health and Human Services Code and this rule, or as requested by the Utah Department of Health and Human Services.

(2) General control measures for reportable diseases are as follows:

(a) The local health department shall, when an unusual or rare disease occurs in any part of the state or when any disease becomes so prevalent as to endanger the state as a whole, contact the Office of Communicable Diseases, Utah Department of Health and Human Services for assistance, and shall cooperate with the representatives of the Utah Department of Health and Human Services.

(b) The local health department shall investigate and control the causes of epidemic, infectious, communicable, and other disease affecting the public health. The local health department shall also provide for the detection, reporting, prevention, and control of communicable, infectious, and acute diseases that are dangerous or important or that may affect the public health. The local health department may require physical examination and measures to be performed as necessary to protect the health of others.

(c) If, in the opinion of the local health officer it is necessary or advisable to protect the public's health that any person shall be kept from contact with the public, the local health officer shall establish, maintain, and enforce involuntary treatment, isolation, and quarantine as provided by Section [~~26-6-4~~]26B-7-204. Control measures shall be specific to the known or suspected disease agent. Guidance is available from the Office of Communicable Diseases, Utah Department of Health and Human Services, or official reference listed in Section R386-702-18.

(d) The local health department shall take action and measures as may be necessary within Section [~~26-6-4, Title 26, Chapter 6b Communicable Diseases - Treatment, Isolation, and Quarantine - Procedures~~]26B-7-204 Involuntary examination, treatment, isolation, and quarantine, and this rule, to prevent the spread of any communicable disease, infectious agent, or any other condition that pose a public health hazard. Action shall be initiated upon discovery of a case or upon receipt of notification or report of any disease.

(e) A case; suspected case; carrier; contact; other person; or entity, including a facility, hotel, or other organization, shall, upon request of a public health authority, promptly cooperate during:

(i) an investigation of the circumstances or cause of a case, suspected case, outbreak, or suspected outbreak.

(ii) the carrying out of measures for prevention, suppression, and control of a public health hazard, including procedures of restriction, isolation, and quarantine.

(5) Control measures for public food handlers and places where food or drink products are handled or processed are as follows:

A person known to be infected with a communicable disease that can be transmitted by food or drink products, or who is suspected of being infected with such a disease, may not engage in the commercial handling of food or drink products, or be employed on any premises handling those types of products, unless those products are packaged off-site and remain in a closed container until purchased for consumption, until the person is determined by the local health department to be free of communicable disease, or incapable of transmitting the infection.

If a case, carrier, or suspected case of a disease that can be conveyed by food or drink products is found at any place where food or drink products are handled or offered for sale, or if a disease is found or suspected to have been transmitted by these food or drink products, the local health department may immediately prohibit the sale, or removal of drink and other food products from the premises. Sale or distribution of food or drink products from the premises may be resumed when measures have been taken to eliminate the threat to health from the product and its processing[~~, as prescribed by Rule R392-100~~].

If a local health department finds it is not able to completely comply with this rule, the local health officer or their representative shall request the assistance of the Utah Department of Health and Human Services. In such circumstances, the local health department shall provide required information to the Office of Communicable Diseases. If the local health officer fails to comply with this rule, the Utah Department of Health and Human Services shall take action necessary to enforce this rule.

Laboratory analyses that are necessary to identify the causative agents of reportable diseases or to determine adequacy of treatment of patients with a disease shall be ordered by the physician or other health care provider to be performed in or referred to a laboratory holding a valid certificate under the Clinical Laboratory Improvement Amendments of 1988.

R386-702-12. Special Measures for Control of Rabies.

(1) Rationale of treatment is as follows:

A physician must evaluate individually each exposure to possible rabies infection. The physician shall also consult with local or state public health officials if questions arise about the need for rabies prophylaxis.

(2) Management of biting animals is as follows:

(a) A healthy dog, cat, or ferret that bites a person shall be confined and observed at least daily for ten days from the date of bite, regardless of vaccination status, as specified by local animal control ordinances. It is recommended that rabies vaccine not be administered during the observation period. Such animals shall be evaluated by a veterinarian at the first sign of illness during confinement. A veterinarian or animal control officer shall immediately report any illness in the animal to the local health department. If signs suggestive of rabies develop, a veterinarian or animal control officer shall direct that the animal be euthanized, its head removed, and the head shipped under refrigeration, not frozen, for examination of the brain by a laboratory approved by the Utah Department of Health and Human Services.

(b) If the dog, cat, or ferret shows no signs of rabies or illness during the ten day period, the veterinarian or animal control officer shall direct that the unvaccinated animal be vaccinated against rabies at the owner's expense before release to the owner. If a veterinarian is not available, the animal may be released, but the owner shall have the animal vaccinated within 72 hours of release. If the dog, cat, or ferret was appropriately vaccinated against rabies before the incident, the animal may be released from confinement after the 10-day observation period with no further restrictions.

(c) Any stray or unwanted dog, cat, or ferret that bites a person may be euthanized immediately by a veterinarian or animal control officer, if permitted by local ordinance, and the head submitted, as described in Subsection R386-702-12(2)(a), for rabies examination. If the brain is negative by fluorescent-antibody examination for rabies, one can assume that the saliva contained no virus, and the person bitten need not be treated.

(d) Wild animals include raccoons, skunks, coyotes, foxes, bats, the offspring of wild animals crossbred to domestic dogs and

cats, and any carnivorous animal other than a domestic dog, cat, or ferret.

(e) Signs of rabies in wild animals cannot be interpreted reliably. If a wild animal bites or scratches a person, the person or attending medical personnel shall notify an animal control or law enforcement officer. A veterinarian, animal control officer or representative of the Division of Wildlife Resources shall kill the animal at once, without unnecessary damage to the head, and submit the brain, as described in Subsection R386-702-12(2)(a), for examination for evidence of rabies. If the brain is negative by fluorescent-antibody examination for rabies, one can assume that the saliva contained no virus, and the person bitten need not be treated.

(f) Rabbits, opossums, squirrels, chipmunks, rats, and mice are rarely infected and their bites rarely, if ever, call for rabies prophylaxis or testing. Unusual exposures to any animal should be reported to the local health department or the Office of Communicable Diseases, Utah Department of Health and Human Services.

(g) When rare, valuable, captive wild animals maintained in zoological parks approved by the United States Department of Agriculture or research institutions, as defined by Section [~~26-26-1~~]26B-1-236, bite or scratch a human, the Office of Communicable Diseases, Utah Department of Health and Human Services shall be notified. Subsection R386-702-12(2)(e) may be waived by the Office of Communicable Diseases, Utah Department of Health and Human Services if zoological park operators or research institution managers can demonstrate that the following rabies control measures are established:

(i) Employees who work with the animal have received preexposure rabies immunization.

(ii) The person bitten by the animal voluntarily agrees to accept post-exposure rabies immunization provided by the zoological park or research facility.

(iii) The director of the zoological park or research facility shall direct that the biting animal be held in complete quarantine for a minimum of four months for dogs and cats, and six months for ferrets. Quarantine requires that the animal be prohibited from direct contact with other animals or humans.

(h) Any animal bitten or scratched by a wild, carnivorous animal or a bat that is not available for testing shall be regarded as having been exposed to rabies. The animal shall be placed in a strict quarantine for four months for dogs and cats, or six months for ferrets.

(i) For maximum protection of the public health, unvaccinated dogs, cats, and ferrets bitten or scratched by a confirmed or suspected rabid animal shall be euthanized immediately by a veterinarian or animal control officer. If the owner is unwilling to have the animal euthanized, the local health officer shall order that the animal be held in strict isolation in a municipal or county animal shelter or a veterinary medical facility approved by the local health department, at the owner's expense, for at least four months for dogs and cats, and six months for ferrets. The animal shall be vaccinated one month before being released. If any illness suggestive of rabies develops in the animal, the veterinarian or animal control officer shall immediately report the illness to the local health department and the veterinarian or animal control officer shall direct that the animal be euthanized and the head shall be handled as described in Subsection R386-702-12(2)(a).

(j) Dogs, cats, and ferrets that are currently vaccinated and are bitten by rabid animals, shall be revaccinated immediately by a veterinarian and confined and observed by the animal's owner for 45 days. If any illness suggestive of rabies develops in the animal, the owner shall report immediately to the local health department and the animal shall be euthanized by a veterinarian or animal control officer and the head shall be handled as described in Subsection R386-702-12(2)(a).

(k) Livestock exposed to a rabid animal and currently vaccinated with a vaccine approved by the United States Department of Agriculture for that species shall be revaccinated immediately by a veterinarian and observed by the owner for 45 days. Unvaccinated livestock shall be slaughtered immediately. If the owner is unwilling to have the animal slaughtered, the animal shall be kept under close observation by the owner for six months.

(l) Unvaccinated animals other than dogs, cats, ferrets, and livestock bitten by a confirmed or suspected rabid animal shall be euthanized immediately by a veterinarian or animal control officer.

(3) Testing fees at the Utah Public Health Laboratory are as follows:

(a) Animals being submitted to UPHL for rabies testing must follow criteria defined in The Compendium of Animal Rabies Prevention and Control to be eligible for testing without a fee. Testing of animals that fit this criteria will be eligible for a waived fee for testing. Testing of animals that do not meet this criteria will incur a testing fee as set forth by UPHL.

(b) The following situations will not incur a rabies testing fee if testing is ordered for them through UPHL:

(i) Any bat in an instance where a person or animal has had an exposure, or reasonable probability of exposure, including known bat bites, exposure to bat saliva, a bat found in a room with a sleeping person or unattended child, or a bat found near a child or mentally impaired or intoxicated person.

(ii) Dogs, cats, or ferrets, regardless of rabies vaccination status, if signs suggestive of rabies are documented in them.

(iii) Wild mammals and hybrids that expose persons, pets, or livestock, including skunks, foxes, coyotes, and raccoons, may be tested.

(iv) Livestock may be tested if signs suggestive of rabies are documented.

(v) [~~U~~]DHHS Office of Communicable Diseases staff are available to discuss additional situations that may warrant testing at (801) 538-6191.

(c) The following situations will incur a $95 testing fee if testing is ordered for them through UPHL:

(i) Any dog, cat, or ferret, with unknown or undocumented vaccination history that exposes a person, if signs suggestive of rabies are not documented, or if the animal has not been confined and observed for at least 10 days.

(ii) Dogs, cats, and ferrets: currently vaccinated animals that expose a person, if signs suggestive of rabies are not documented, or animals have not been confined and observed for at least 10 days.

(iii) Regardless of rabies vaccination status, a healthy dog, cat, or ferret that has not exposed a person.

(iv) Small rodents including rats, mice, squirrels, chipmunks, voles, or moles; and lagomorphs including rabbits and hares.

(v) Incomplete paperwork accompanying the sample will also result in a fee for testing; a thorough description of the situation must be included with each sample submission.

(vi) [~~U~~]DHHS Office of Communicable Diseases staff are available to discuss additional situations that may not warrant testing at (801) 538-6191.

(d) If the submitting party feels they are charged inappropriately for rabies testing, they may send a letter describing

the situation and requesting a waiver for fees to the: Utah Department of Health and Human Services, Office of Communicable Diseases, P.O. Box 142104, Salt Lake City, UT 84114, attention: Zoonotic Diseases Epidemiologist. Information may be submitted electronically via email to: epi@utah.gov, with a note in the subject line "Attention: Zoonotic Diseases Epidemiologist."

(i) The submitting party has 30 days from receipt of the testing fee invoice to file an appeal. The letter must include copies of the original paperwork that was submitted, and a copy of the invoice received, for a waiver to be considered.

(ii) [~~U~~]DHHS and UPHL have 30 days to review information after receipt of an appeal request to make an official decision and notify the submitter.

(iii) [~~U~~]DHHS Office of Communicable Diseases staff are available to discuss questions about testing fees and the appeal process at (801) 538-6191.

(4) Measures for standardized rabies control practices are as follows:

(a) Humans requiring either pre- or post-exposure rabies prophylaxis shall be treated in accordance with the recommendations of the U.S. Public Health Service Immunization Practices Advisory Committee, as incorporated by reference in Subsection R386-702-18(2). A copy of the recommendations shall be made available to licensed medical personnel, upon request to the Office of Communicable Diseases, Utah Department of Health and Human Services.

(b) A physician or other health care provider that administers rabies vaccine shall immediately report serious systemic neuroparalytic or anaphylactic reactions to rabies vaccine through the Vaccine Adverse Event Reporting System (VAERS).

(c) The Compendium of Animal Rabies Prevention and Control, as incorporated by reference in Subsection R386-702-18(5), is the reference document for animal vaccine use.

(d) A county, city, town, or other political subdivision that requires licensure of animals shall also require rabies vaccination as a prerequisite to obtaining a license.

(e) Animal rabies vaccinations are valid only if performed by or under the direction of a licensed veterinarian in accordance with The Compendium of Animal Rabies Prevention and Control.

(f) Agencies and veterinarians administering vaccine shall document each vaccination on the National Association of State Public Health Veterinarians (NASPHV) form number 51, Rabies Vaccination Certificate, that can be obtained from vaccine manufacturers. The agency or veterinarian shall provide a copy of the report to the animal's owner. Computer-generated forms containing the same information are also acceptable.

(g) Animal rabies vaccines may be sold or otherwise provided only to licensed veterinarians or veterinary biologic supply firms. Animal rabies vaccine may be purchased by the Utah Department of Health and Human Services and the Utah Department of Agriculture and Food.

(5) Measures to prevent or control rabies outbreaks are as follows:

(a) The most important single factor in preventing human rabies is the maintenance of high levels of immunity in the pet dog, cat, and ferret populations through vaccination. Vaccination requirements include:

(i) any dog, cat, and ferret in Utah should be immunized against rabies by a licensed veterinarian; and

(ii) local governments should establish effective programs to ensure vaccination of any dogs, cats, and ferrets and to remove strays and unwanted animals.

(b) If the Utah Department of Health and Human Services determines that a rabies outbreak is present in an area of the state, the Utah Department of Health and Human Services may require that:

(i) any dog, cat, and ferret in that area and adjacent areas be vaccinated or revaccinated against rabies as appropriate for each animal's age;

(ii) any such animal be kept under the control of its owner at all times until the Utah Department of Health and Human Services declares the outbreak to be resolved;

(iii) an owner who does not have an animal vaccinated or revaccinated surrender the animal for confinement and possible destruction; and

(iv) such animals found at-large be confined and possibly destroyed.

R386-702-13. Special Measures for Control of Typhoid.

Because typhoid control measures depend largely on sanitary precautions and other health measures designed to protect the public, the local health department shall investigate each case of typhoid and strictly manage the infected individual according to the following:

(1) Standard precautions are required for cases during hospitalization. Use contact precautions for diapered or incontinent patients during illness. Hospital care is desirable during acute illness. Release of the patient from supervision by the local health department shall be based on three or more negative cultures of feces, and of urine in patients with schistosomiasis, taken at least 24 hours apart. Cultures must have been taken at least 48 hours after antibiotic therapy has ended and not earlier than one month after onset of illness as specified in Subsection R386-702-13(6). If any of these cultures is positive, repeat cultures at intervals of one month during the 12-month period following onset until at least three consecutive negative cultures are obtained as specified in Subsection R386-702-13(6). The patient shall be restricted from food handling, child care, and from providing patient care during the period of supervision by the local health department.

(2) Administration of typhoid vaccine is recommended for household members of known typhoid carriers. Household and close contacts of a carrier shall be restricted from food handling, child care, and patient care until two consecutive negative stool specimens, taken at least 24 hours apart, are submitted, or when approval is granted by the local health officer according to local jurisdiction.

(3) If a laboratory or physician identifies a carrier of typhoid, the attending physician shall immediately report the details of the case by telephone to the local health department or the Office of Communicable Diseases, Utah Department of Health and Human Services using the process described in Section R386-702-6. Each infected individual shall submit to the supervision of the local health department. Carriers are prohibited from food handling, child care, and patient care until released in accordance with Subsection R386-702-13(4)(a) or R386-702-13(4)(b). Reports and orders of supervision shall be kept confidential and may be released only as allowed by Subsection [~~26-6-27~~]26B-7-217(2)(c).

(a) Any person who harbors typhoid bacilli for three but less than 12 months after onset is defined as a convalescent carrier. Release from occupational and food handling restrictions may be granted at any time from three to 12 months after onset, as specified in Subsection R386-702-13(6).

(b) Any person who continues to excrete typhoid bacilli for more than 12 months after onset of typhoid is a chronic carrier. Any person who gives no history of having had typhoid or who had the

disease more than one year previously, and whose feces or urine are found to contain typhoid bacilli is also a chronic carrier.

(c) If typhoid bacilli are isolated from surgically removed tissues, organs, including the gallbladder or kidney, or from draining lesions such as osteomyelitis, the attending physician shall report the case to the local health department or the Office of Communicable Diseases, Utah Department of Health and Human Services. If the person continues to excrete typhoid bacilli for more than 12 months, the person is a chronic carrier and may be released after satisfying the criteria for chronic carriers in Subsection R386-702-13(6).

(4) The local health department shall report typhoid carriers to the Office of Communicable Diseases, and shall:

(a) require the necessary laboratory tests for release;

(b) issue written instructions to the carrier; and

(c) supervise the carrier.

(6) Requirements for Release of Convalescent and Chronic Carriers: The local health officer or their representative may release a convalescent or chronic carrier from occupational and food handling restrictions only if at least one of the following conditions is satisfied:

(a) for carriers without schistosomiasis, three consecutive negative cultures obtained from fecal specimens authenticated by the attending physician, hospital personnel, laboratory personnel, or local health department staff taken at least one month apart and at least 48 hours after antibiotic therapy has stopped;

(b) for carriers with schistosomiasis, three consecutive negative cultures obtained from both fecal and urine specimens authenticated by the attending physician, hospital personnel, laboratory personnel, or local health department staff taken at least one month apart and at least 48 hours after antibiotic therapy has stopped;

(c) the local health officer or their representative determine that additional treatment such as cholecystectomy or nephrectomy has terminated the carrier state; or

(d) the local health officer or their representative determines the carrier no longer presents a risk to public health according to the evaluation of other factors.

R386-702-14. Special Measures for the Control of Ophthalmia Neonatorum.

(1) Every physician or midwife practicing obstetrics or midwifery shall, within three hours of the birth of a child, instill or cause to be instilled in each eye of such newborn[~~1% silver nitrate solution contained in wax ampules, or tetracycline ophthalmic preparations or~~] 0.5% ophthalmic erythromycin ointment[~~ophthalmic preparations, as these are the only antibiotics of currently proven efficacy in preventing~~] to prevent the development of ophthalmia neonatorum.

(2) If this ointment is not available due to a disruption in distribution or manufacturing, a physician or midwife shall apply or cause to be administered an alternative treatment to infants at risk for exposure to N. gonorrhoeae included in the Centers for Disease Control and Prevention Sexually Transmitted Infections Treatment Guidelines, incorporated by reference within this rule.[~~The value of irrigation of the eyes with normal saline or distilled water is unknown and not recommended.~~]

R386-702-15. Special Measures for the Control of HIV/AIDS.

If an individual is tested and found to have an HIV infection, the Department or local health department shall provide partner services, linkage-to-care activities, and promote retention to HIV care.

(1) Definitions:

(a) "Partner" is defined as any individual, including a spouse, who has shared needles, syringes, or drug paraphernalia or who has had sexual contact with an HIV infected individual.

(b) "Spouse" is defined as any individual who is the marriage partner of that person at any time within the ten-year period before the diagnosis of HIV infection.

(c) "Linkage to care" is defined by a reported CD4+ T-Lymphocyte test or HIV viral load determination within three months of HIV positive diagnosis.

(d) "Retention to care" is defined by a reported CD4+ T-Lymphocyte test or HIV viral load determination once within a 12-month period.

(3) Partner services include:

(a) confidential partner notification within 30 days of receiving a positive HIV result or when relevant additional information is found to aide in an investigation or case management;

(b) prevention counseling;

(c) testing for HIV;

(d) providing recommendations for testing for other sexually transmitted diseases;

(e) providing recommendations for hepatitis screening and vaccination;

(f) treatment or linkage to medical care on an ongoing basis, as needed; and

(g) linkage or referral to other prevention services and support.

(4) Re-engagement to care includes:

(a) linkage to medical care, on an ongoing basis, as needed;

(b) linkage or referral to other prevention services and support;

(c) confidential partner notification, as needed;

(d) prevention counseling;

(e) providing recommendations for testing for other sexually transmitted diseases;

(f) providing recommendations for hepatitis screening and vaccination;

(g) medication adherence counseling; and

(h) risk reduction counseling.

R386-702-16. Special Measures to Prevent Perinatal and Person-to-Person Transmission of Hepatitis B Infection.

(1) A licensed healthcare provider who provides prenatal care shall routinely test each pregnant woman for hepatitis B surface antigen (HBsAg) at an early prenatal care visit. This section does not apply if the pregnant woman, after being informed of the possible consequences, objects to the test on the basis of religious or personal beliefs.

(2) The licensed healthcare provider who provides prenatal care shall repeat the HBsAg test during late pregnancy for those women who tested negative for HBsAg during early pregnancy, but who are at high risk based on:

(a) evidence of clinical hepatitis during pregnancy;

(b) injection drug use;

(c) occurrence during pregnancy or a history of a sexually transmitted disease;

(d) occurrence of hepatitis B in a household or close family contact; or

(e) the judgment of the healthcare provider.

(3) In addition to other reporting required by this rule, each positive HBsAg result detected in a pregnant woman shall be reported to the local health department or the Department, as

specified in Section [~~26-6-6~~]26B-7-206. That report shall indicate that the woman was pregnant at time of testing if that information is available to the reporting entity.

(4) A licensed healthcare provider who provides prenatal care shall document a woman's HBsAg test results, or the basis of the objection to the test, in the medical record for that patient.

(5) Every hospital and birthing facility shall develop a policy to assure that:

(a) when a pregnant woman is admitted for delivery, or for monitoring of pregnancy status, the result from a test for HBsAg performed on that woman during that pregnancy is available for review and documented in the hospital record;

(b) when a pregnant woman is admitted for delivery, if the woman's test result is not available to the hospital or birthing facility, the mother is tested for HBsAg as soon as possible, but before discharge from the hospital or birthing facility;

(c) if a pregnant woman who has not had prenatal care during that pregnancy is admitted for monitoring of pregnancy status only, and if the woman's test result is not available to the hospital or birthing facility, the mother is tested for HBsAg status before discharge from the hospital or birthing facility;

(d) positive HBsAg results identified by testing performed or documented during the hospital stay are reported as specified in this rule;

(e) infants born to HBsAg positive mothers receive hepatitis B immune globulin (HBIG) and hepatitis B vaccine, administered at separate injection sites, within 12 hours of birth;

(f) infants born to mothers whose HBsAg status is unknown receive hepatitis B vaccine within 12 hours of birth, and if the infant is born preterm with birth weight less than 2,000 grams, that infant also receives HBIG within 12 hours;

(g) if at the time of birth the mother's HBsAg status is unknown and the HBsAg test result is later determined to be positive, that infant receives HBIG as soon as possible but within 7 days of birth; and

(h) hepatitis B immune globulin administration and birth dose hepatitis B vaccine status of infants born to mothers who are HBsAg positive are reported within 24 hours of delivery to the local health department and Utah Department of Health and Human Services Immunization Program at (801) 538-9450.

(6) Local health departments shall perform the following activities or assure that they are performed:

(a) Females between the ages of 12 and 50 years when an HBsAg positive test result is reported will be screened for pregnancy status within one week of receipt of that lab result.

(b) Infants born to HBsAg positive mothers complete the hepatitis B vaccine series as specified in the "Red Book: 2021-2024 Report of the Committee on Infectious Diseases" 32nd Edition. Elk Grove Village, IL, American Academy of Pediatrics; 2021.

(c) Children born to HBsAg positive mothers are tested for HBsAg and antibody against hepatitis B surface antigen (anti-HBs) at 9 to 12 months of age to monitor the success of therapy and identify cases of perinatal hepatitis B infection. Testing is done at least one month after the final dose of hepatitis B vaccine series is administered, and no earlier than 9 months of age. Children who test negative for HBsAg and do not demonstrate serological evidence of immunity against hepatitis B when tested as described in this subsection receive three additional vaccine doses and are retested as specified in the "Red Book: 2021-2024 Report of the Committee on Infectious Diseases" 32nd Edition. Elk Grove Village, IL, American Academy of Pediatrics; 2021.

(d) HBsAg positive mothers are advised regarding how to reduce their risk of transmitting hepatitis B to others.

(e) Household members and sex partners of HBsAg positive mothers are evaluated to determine susceptibility to hepatitis B infection and if determined to be susceptible, are offered or advised to obtain vaccination against hepatitis B. Identified acute hepatitis B cases shall be investigated by the local health department, and identified household and sexual contacts shall be advised to obtain vaccination against hepatitis B.

(7) Subsections (5) and (6) do not apply if the pregnant woman or the child's guardian, after being informed of the possible consequences, objects to any of the required procedures on the basis of religious or moral beliefs. The hospital or birthing facility shall document the basis of the objection.

(8) Prevention of transmission by individuals with chronic hepatitis B infection.

(a) The Department defines a chronic hepatitis B case as a person that is HBsAg positive, total antibody against hepatitis B core antigen (anti-HBc) positive, if performed, and IgM anti-HBc negative.

(b) An individual with chronic hepatitis B infection shall be advised regarding how to reduce the risk that the individual will transmit hepatitis B to others.

(c) Household members and sex partners of individuals with chronic hepatitis B infection shall be evaluated to determine susceptibility to hepatitis B infection, and if determined to be susceptible, shall be offered or advised to obtain vaccination against Hepatitis B.

R386-702-17. Public Health Emergency.

(1) Declaration of Emergency: With the Governor's and Executive Director's, or in the absence of the Executive Director, the Executive Director's designee, concurrence, the Department or a local health department may declare a public health emergency by issuing an order mandating reporting emergency illnesses or health conditions specified in Section R386-702-3 for a reasonable time.

(2) For purposes of an order issued under this section and during the public health emergency, the following definitions apply.

(a) "Emergency center" means:

(i) a health care facility licensed under [~~Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act~~]Title 26B, Chapter 2, Health Care Facility Licensing and Inspection, that operates an emergency department; or

(ii) a clinic that provides emergency or urgent health care to an average of 20 or more persons daily.

(b) "Encounter" means an instance of an individual presenting at the emergency center who satisfies the criteria in Subsection R386-702-3(2).

(c) "Diagnostic information" means an emergency center's records of individuals who present for emergency or urgent treatment, including the reason for the visit, chief complaint, results of diagnostic tests, presenting diagnosis, and final diagnosis, including diagnostic codes.

(3) The Department shall designate the fewest number of emergency centers as is practicable to obtain the necessary data to respond to the emergency.

(a) Designated emergency centers shall report using the process described in Section R386-702-6.

(b) An emergency center designated by the Department shall report the encounters to the Department by:

(i) allowing Department representatives or agents, including local health department representatives, to review its diagnostic information to identify encounters during the previous day;

(ii) reviewing its diagnostic information on encounters during the previous day and reporting all encounters by 9 a.m. the following day;

(iii) identifying encounters and submitting that information electronically to the Department, using a computerized analysis method, and reporting mechanism and schedule approved by the Department; or

(iv) by other arrangement approved by the Department.

(4) For purposes of epidemiological and statistical analysis, the emergency center shall report on encounters during the public health emergency that do not meet the definition for a reportable emergency illness or health condition. The report shall be made using the process described in Section R386-702-6 and shall include the following information for each such encounter:

(a) facility name;

(b) date of visit;

(c) time of visit;

(d) patient's age;

(e) patient's sex; and

(f) patient's zip code for patient's residence.

(5) If either the Department or a local health department collects identifying health information on an individual who is the subject of a report made mandatory under this section, it shall destroy that identifying information upon the earlier of its determination that the information is no longer necessary to carry out an investigation under this section or 180 days after the information was collected. However, the Department and local health departments shall retain identifiable information gathered under other sections of this rule or other legal authority.

(6) Reporting on encounters during the public health emergency does not relieve a reporting entity of its responsibility to report under other sections of this rule or other legal authority.

R386-702-18. Official References.

Treatment and management of individuals and animals who have or are suspected of having a communicable or infectious disease that must be reported pursuant to this rule shall comply with the following documents, that are incorporated by reference:

(1) American Public Health Association. "Control of Communicable Diseases Manual." 21st ed., Heymann, David L., editor, 2022;

(2) Centers for Disease Control and Prevention. "Human Rabies Prevention---United States, 2008: Recommendations of the Advisory Committee on Immunization Practices." Morbidity and Mortality Weekly Report. 57 (RR03) (2008):1-26, 28;

(3) National Association of State Public Health Veterinarians Committee. "Compendium of Animal Rabies Prevention and Control, 2016." Nasphv.org. National Association of State Public Health Veterinarians, 18 October 2016. Web. http://nasphv.org/Documents/NASPHVRabiesCompendium.pdf;

(4) American Academy of Pediatrics. "Red Book: 2021-2024 Report of the Committee on Infectious Diseases" 32nd Edition. Elk Grove Village, IL, American Academy of Pediatrics; 2021; and

(5) National Association of State Public Health Veterinarians Animal Contact Compendium Committee 2017. "Compendium of Measures to Prevent Disease Associated with Animals in Public Settings, 2017." Journal of the American Veterinary Medicine Association 243 (2017): 1269-292.

KEY: communicable diseases, quarantines, rabies, rules and procedures
Date of Last Change: February 12, 2024
Notice of Continuation: March 10, 2021
Authorizing, and Implemented or Interpreted Law: [~~26-6-3; 26-23b;~~]26B-1-202; 26B-7-202; 26B-7-207; 26B-7-316 through 26B-7-324

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:	**R23-3**	**Filing ID: 55131**
Effective Date:	**02/07/2024**	

Agency Information

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

General Information

2. Rule catchline:
R23-3. Planning, Programming, Request for Capital Development Projects and Operation and Maintenance Reporting for State Owned Facilities

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 63A-5b-501(2)(b) authorizes rulemaking to implement planning. Subsection 63A-5b-502(3) authorizes rulemaking to implement programming. Subsection 63A-5b-402(3) requires rulemaking to implement capital development project requests. Subsection 63A-5b-702(2) requires rulemaking to implement operation and maintenance reporting for state-owned facilities.
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 were received on this rule in the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule facilitates the Division of Facilities Construction and Management's planning and programming responsibilities through rulemaking as authorized by statute and complies with statutory requirements for rulemaking with respect to capital development project requests and operation and maintenance reporting for state-owned facilities. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	James R. Russell, Director	**Date:**	02/07/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R23-29**	**Filing ID: 55150**
Effective Date:	**02/07/2024**	

Agency Information

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

General Information

2. Rule catchline:
R23-29. Categorical Delegation of Project Management
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 63A-5b-604(4) authorizes the Division of Facilities Construction and Management (DFCM) to engage in rulemaking to delegate control over design, construction, and all other aspects of any project to entities of state government on a categorical basis for projects within a particular dollar range and a particular project type.
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 on this rule in the last five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary so that DFCM may: 1) impose the terms and conditions on categorical delegation that DFCM considers necessary or advisable to protect the interests of the state; 2) provide for the revocation of the delegation on a categorical basis and for DFCM to assume control of the design, construction, or other aspect of a category of delegated projects or a specific delegated project if DFCM considers revocation of the delegation and assumption of control to be necessary to protect the interests of the state; 3) require that a categorical delegation be renewed by DFCM on an annual basis; and 4) require DFCM's oversight of delegated projects. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	James R. Russell, Director	**Date:**	02/07/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R131-13**	**Filing ID: 50218**
Effective Date:	**02/05/2024**	

Agency Information

1. Department:	Capitol Preservation Board (State)		
Agency:	Administration		
Room number:	120 State Capitol		
Building:	State Capitol Building		
Street address:	350 N State Street		
City, state and zip:	Salt Lake City, UT 84114		
Mailing address:	PO Box 142110		
City, state and zip:	Salt Lake City, UT 84114-2110		
Contact persons:			
Name:	**Phone:**	**Email:**	
Dana Jones	801-538-1189	danajones@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R131-130. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 63C-9-403(6) explicitly requires this rule with several other agencies to: 1) establish the requirements and procedures a contractor and a subcontractor shall follow to demonstrate compliance with this section, including audits and penalties; and 2) establish a website on which shall be post the commercially equivalent benchmark, for the qualified health coverage identified in Subsection (1)(e), that is provided by the Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Subsection 63C-9-403(6) continues to require this rule. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Dana Jones, Executive Director	**Date:**	02/05/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R277-308**	**Filing ID: 53321**
Effective Date:	**02/05/2024**	

Agency Information

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

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

General Information

2. Rule catchline:
R277-308. New Educator Induction and Mentoring
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board. Subsection 53E-3-401(4) allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law. Section 53E-6-201 gives the Board power to issue licenses.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no public comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it establishes the requirements for induction of new educators. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	**Date:**	02/05/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R277-471**	**Filing ID: 55198**
Effective Date:	**02/05/2024**	

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state and zip:	Salt Lake City, UT 84111

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

General Information

2. Rule catchline:
R277-471. School Construction Oversight, Inspections, Training and Reporting
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board. Subsection 53E-3-401(4) allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law. Subsection 53E-3-401(8)(ii) permits the Board to withhold state funds from an education entity for non-compliance with the education code or administrative rules. Section 53E-3-706 requires the Superintendent to enforce Title 53E, Chapter 3, Part 7, School Construction. Section 53E-3-707 requires the Board to adopt a school construction manual.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no public comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it provides specific provisions for the oversight of permanent or temporary public school construction and renovation, and identifies the responsibilities of a Local Education Agency (LEA) governing board in the school construction process. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	**Date:**	02/05/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R277-486**	**Filing ID: 50457**
Effective Date:	**02/05/2024**	

Agency Information

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

General Information

2. Rule catchline:
R277-486. Professional Staff Cost 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:
This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board. Subsection 53E-3-401(4) allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law. Subsection 53F-2-305(2) authorizes the Board to make a rule requiring a certain percentage of a Local Education Agency's (LEA's) professional staff to be licensed in the area the teacher teaches to receive full funding under the state statutory formula.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no public comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it outlines the eligibility requirements for a Local Education Agency (LEA) to receive Weighted Pupil Units (WPUs) for professional staff including the acceptable experience and training an LEA's staff should have. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	**Date:**	02/05/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R277-910**	**Filing ID: 53389**
Effective Date:	**02/05/2024**	

Agency Information

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

General Information

2. Rule catchline:
R277-910. Underage Drinking and Substance Abuse Prevention 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:
This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board. Subsection 53E-3-401(4) allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law. Section 53G-10-406 directs the Board to establish rules regarding a requirement that a Local Education Agency (LEA) offer the Underage Drinking and Substance Abuse Prevention Program each school year to each student in grade 4 or 5, grade 7 or 8, and grade 9 or 10 and the criteria for the board to use in selecting a provider for the Underage Drinking and Substance Abuse Prevention Program.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no public comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it establishes the criteria for selecting a provider for the Underage Drinking and Substance Abuse Prevention Program and general requirements of an LEA when offering the program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	**Date:**	02/05/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R277-912**	**Filing ID: 52970**
Effective Date:	**02/05/2024**	

Agency Information

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

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

General Information

2. Rule catchline:
R277-912. Law Enforcement Related Incident Reporting
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board. Subsection 53E-3-401(4) allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law. Section 53E-3-516 directs the Board to establish rules regarding a collaborative annual report meeting all the requirements of Subsection 53E-3-516(2).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no public comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it establishes criteria for Local Education Agency (LEA) reporting as required by Subsection 53E-3-516, including information about specific data to be contained in the report, the LEA reporting deadline, and the process an external entity must use to access data contained on the report form. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	**Date:**	02/05/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R307-511**	**Filing ID: 54502**
Effective Date:	**02/07/2024**	

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
Sheila Vance	801-536-4001	svance@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R307-511. Oil and Gas Industry: Associated Gas Flaring
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The statutory authorization for this rule falls under Subsection 19-2-104(1)(a). In January of 2018, the Air Quality Board adopted a series of oil and gas rules that allowed the source category's minor source permitting process to be streamlined. These rules require most of the oil and gas wells in the state to follow a set of rules instead of obtaining and complying with an approval order. As the rules have been implemented and applied, the Division of Air Quality (DAQ) learned that some oil and gas wells were unable to take advantage of this streamlined approach as the set of rules did not include the control of associated gas from some wells. This rule is necessary to require the flaring of associated gas in these oil and gas wells so they can utilize the permitting process.
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:
Rule R307-511 was a new rule in 2019, therefore, this is the first five-year review since it was made effective.

However, it should be noted that there was an amendment made to this rule in 2022. During this rulemaking, the public comment period was May 1, 2022, through May 31, 2022.

During this time, DAQ received a total of 25 public comments. DAQ responded to each comment submitted and these comments and a full summary of responses were included in the July 2022 Air Quality Board packet which is available to the public on the DAQ website at this link: https://deq.utah.gov/air-quality/july-6-2022-agenda-air-quality-board-meeting

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 requires the associated natural gas from operating wells to be controlled as is required for other equipment, such as storage vessels and dehydrators. It defines key terms, identifies the applicability, identifies flaring requirements, and establishes required recordkeeping. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, DAQ	**Date:**	02/05/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R380-300**	**Filing ID: 55664**
Effective Date:	**02/07/2024**	

Agency Information

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

General Information

2. Rule catchline:

R380-300. Employee Background Checks

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

Section 26B-1-211 authorizes the Department of Health and Human Services (DHHS) to write and enforce rules to govern background checks for DHHS employees.

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

There have been no comments received since the original filing of this rule. This five-year review and filing is intended to ensure this rule remains in continual effect for statutory compliance.

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

There have been no comments or recommendations for substantive changes to this rule since its original filing. Statute requires background checks for DHHS employees and volunteers, and this rule ensures there is no lapse in the DHHS' ability to perform background checks for staff, contracted employees, and volunteers. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	02/07/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R392-101**	**Filing ID: 55884**
Effective Date:	**02/07/2024**	

Agency Information

1. Department:	Health and Human Services
Agency:	Population Health, Environmental Health
Room number:	Second Floor
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 142102
City, state and zip:	Salt Lake City, UT 84114-2102

Contact persons:		
Name:	**Phone:**	**Email:**
Karl Hartman	801-538-6191	khartman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R392-101. Food Safety Manager Certification
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Section 26B-7-410 and Subsections 26B-1-202(1) and 26B-1-202(26) to establish statewide uniform standards for certified food safety managers and implement Section 26B-7-412.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received since the previous five-year review filing.
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 statewide uniform standards for certified food safety managers. The FDA has recently published findings that demonstrate certified food safety managers are the most important frontline defense in a food establishment in the prevention of foodborne illness outbreaks. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	02/07/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R432-270**	**Filing ID: 55593**
Effective Date:	**02/07/2024**	

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

General Information

2. Rule catchline:
R432-270. Assisted Living Facilities
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26B-2-202 authorizes the Division of Health Care Licensing to write and enforce rules to govern licensure of health care facilities in Utah.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no comments received since the last five-year review and no recommended substantive changes from the Health Care Facility Rule Committee. This five-year review and filing is intended to ensure this rule remains in continual effect for statutory compliance.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
There have been no comments or recommendations for changes to this rule. Statute requires the Department of Health and Human Services to establish licensing and operational standards for assisted living facilities. This rule ensures there is no lapse in oversight of licensing and operational standards for assisted living facilities. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	02/07/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R590-170**	**Filing ID: 54481**
Effective Date:	**02/07/2024**	

Agency Information

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

General Information

2. Rule catchline:
R590-170. Fiduciary and Trust Account Obligations
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
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 Insurance (Department) has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule sets the minimum standards to be followed by licensees who hold an insurer's or insured's funds in a fiduciary capacity. It is critical that these minimum standards be maintained intact by this rule to protect the funds of the payee held in trust by the licensee. Trust violations continue to occur. The Department needs the standards set by this rule to regulate the marketplace. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	**Date:**	02/07/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R590-220**	**Filing ID: 55537**
Effective Date:	**02/07/2024**	

Agency Information

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

General Information

2. Rule catchline:
R590-220. Submission of Accident and Health Insurance Filings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the Insurance Commissioner to write rules to implement Title 31A, Insurance Code. Section 31A-2-201.1 authorizes the Insurance Commissioner to write rules regarding rates, forms, binders, and reports. Section 31A-2-202 authorizes the Insurance Commissioner to perform the duties imposed by Title 31A. Section 31A-2-212 authorizes the Insurance Commissioner to require insurers offering health insurance in Utah to comply with the federal Patient Protection and Affordable Care Act (PPACA) and administrative rules related to health benefit plans.

Section 31A-22-605 authorizes the Insurance Commissioner to write rules regarding the contents of policy provisions and minimum benefit standards; the content and format of the outline of provisions; the method of identifying policies and contracts; and rating practices.

Section 31A-22-620 authorizes the Insurance Commissioner to adopt rules to prohibit policy provisions that would be unjust, unfair, or unfairly discriminatory under a Medicare Supplement policy or certificate.

Section 31A-22-1404 authorizes the Insurance Commissioner to adopt rules to set and regulate standards for long-term care insurance.

Section 31A-22-2006 authorizes the Insurance Commissioner to adopt rules to set and regulate standards for limited long-term care insurance.

Section 31A-30-106 sets standards for health benefit plans for individuals in individual and small employer groups and requires carriers that offer health benefit plans to individuals to maintain, at the carrier's principal place of business, a description of their rating practices and renewal underwriting practices.

Section 31A-30-106.1 authorizes the Insurance Commissioner to write rules regarding rates and rating practices used by small employer carriers and rates charged for health benefit plans, as well as case characteristics used by small employer and individual carriers.

Section 31A-43-304 authorizes the Insurance Commissioner to write rules to regulate stop-loss insurance coverage.

Section 31A-45-103 authorizes the Insurance Commissioner to write rules to regulate standards for managed care contracts.

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 Insurance (Department) has received no written comments regarding this rule during the past five years.

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

This rule is important in requiring that the Department receive policy rate and form information from insurers. Such information is necessary to make sure there is no unfair discrimination in the coverage that health insurers provide and the rates they charge. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	**Date:**	02/07/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R590-225**	**Filing ID: 55044**
Effective Date:	**02/07/2024**	

Agency Information

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

General Information

2. Rule catchline:

R590-225. Submission of Property and Casualty Rate and Form Filings

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

Section 31A-2-201 authorizes the Insurance Commissioner to write rules to implement Title 31A, Insurance Code.

Section 31A-2-201.1 authorizes the Insurance Commissioner to write rules with specific requirements for filing forms, rates, binders, and reports to the Department of Insurance (Department).

Section 31A-2-202 authorizes the Insurance Commissioner to prescribe forms to gather information or use the NAIC annual statement forms to gather basic financial data and market regulation analysis.

Section 31A-19a-203 authorizes the Insurance Commissioner to write rules to prescribe procedures for submitting rate filings electronically.

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 amended this rule in 2023 and received a comment from industry requesting refinement of the definitions of "compliant" and "licensee."

The Department determined that a change to "compliant" was warranted and made the change; however, the Department determined that "licensee" was properly defined and declined to make further changes.

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 important as it gives detailed instructions on how a filer must file rates, rules, binders, and forms as required by Utah statute. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	**Date:**	02/07/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R590-252**	**Filing ID: 55234**
Effective Date:	**02/07/2024**	

Agency Information

1. Department:	Insurance
Agency:	Administration
Room number:	Suite 2300
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W
City, state and zip:	Taylorsville, UT 84129
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901
Contact persons:	

Name:	**Phone:**	**Email:**
Steve Gooch	801-957-9322	sgooch@utah.gov

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

General Information

2. Rule catchline:

R590-252. Use of Senior-Specific Certifications and Professional 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:

Section 31A-2-201 authorizes the Insurance Commissioner to write rules to implement Title 31A, Insurance Code.

Section 31A-23a-402 authorizes the Insurance Commissioner to define, by rule, unfair methods of competition, and unfair or deceptive acts or practices in the business of insurance.

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 Insurance (Department) has received no written comments regarding this rule during the past five years.

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

This rule sets forth standards to protect consumers from misleading and deceptive marketing practices with respect to the use of senior-specific certifications and professional designations in the solicitation, sale or purchase of, or advice made in connection with, an annuity, accident and health, or life insurance product. Seniors are often the focus of unfair methods of competition and deceptive acts or practices in the sale of insurance. This rule helps the Department regulate against these practices. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	**Date:**	02/07/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R698-4**	**Filing ID: 54036**
Effective Date:	**02/12/2024**	

Agency Information

1. Department:	Public Safety
Agency:	Administration
Building:	Calvin Rampton Complex
Street address:	4501 S 2700 W, 1st Floor

City, state and zip:	Salt Lake City, UT 84119-5994	
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 catchline:
R698-4. Certification of a Private Law Enforcement Agency of an Institution of Higher Education
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Section 53-19-103, which requires the Department of Public Safety (Department) to make rules establishing: 1) the forms and process to apply for certification of a private law enforcement agency; 2) methods for the commissioner, the Department, or the division to obtain, review, use, and protect, any and all records of, or directly related to, a private law enforcement agency; 3) requirements for the conduct of a formal hearing under Part 3, Enforcement, including requirements for proceedings, discovery, subpoenas, and witnesses; 4) requirements for verifying compliance with the terms of probation; 5) audit procedures; 6) requirements for the contents of a policies and procedures manual of a private law enforcement agency; and 7) requirements for the operation of a private law enforcement agency.
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 were received during and since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is authorized under Section 53-19-103, and is necessary to establish required forms for certification, method for the Department to obtain, review, use, and protect records of a law enforcement agency, requirements for the conduct of a formal hearing, requirements for verifying compliance with terms of probation, audit procedures, requirements for content of policy and procedures manuals for private law enforcement agencies, and requirements for the operation of a private law enforcement agency. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jess L. Anderson, Commissioner	**Date:**	02/11/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R722-920**	**Filing ID: 51940**
Effective Date:	**02/11/2024**	

Agency Information

1. Department:	Public Safety	
Agency:	Criminal Investigations and Technical Services, Criminal Identification	
Room number:	Suite 1300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	**Phone:**	**Email:**
Kim Gibb	801-556-8198	kgibb@utah.gov
Nicole Borgeson	801-281-5072	nshepherd@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R722-920. Cold Case Database
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 53-10-115, which requires the Department of Public Safety to adopt rules to specify the information to be collected and maintained in the database, and what information may be accessed by the public.

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 were received during and since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required under Section 53-10-115 and is necessary to specify the information to be collected and maintained in the cold case database, and what information may be accessed by the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jason Ricks, BCI Division Director	**Date:**	02/11/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R728-502**	**Filing ID: 51943**
Effective Date:	**02/11/2024**	

Agency Information

1. Department:	Public Safety	
Agency:	Peace Officer Standards and Training	
Street address:	410 W 9800 S	
City, state and zip:	Sandy, UT 84070	
Contact persons:		
Name:	**Phone:**	**Email:**
Marcus Yockey	801-965-4275	myockey@agutah.gov
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 catchline:
R728-502. Procedure for POST Instructor Certification
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Subsection 53-6-105(1)(k), which provides that the Director of Peace Officer Standards and Training (POST) shall, with the advice of the council, make rules necessary to administer Title 53, Chapter 6.
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 were received during and since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required under Subsection 53-6-105(i)(k) and is necessary in order to provide guidelines for the certification of training instructors, and to establish standards for the revocation of POST instructor certification pursuant to Section 53-6-105(1)(c). Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Travis Rees, POST Director	**Date:**	02/11/2024

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	**R926-13**	**Filing ID: 52134**
Effective Date:	**02/02/2024**	

Agency Information

1. Department:	Transportation	
Agency:	Program Development	
Room number:	First Floor Administration Suite	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state and zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact persons:		
Name:	**Phone:**	**Email:**
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

Leif Elder	801-580-8296	lelder@utah.gov

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

General Information

2. Rule catchline:

R923-13. Designated Scenic Byways

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

This rule is required by Subsection 72-4-303(4)(e).

The purpose of this rule is:
1) to identify specific highways currently designated as state scenic byways;
2) to define the limits of the individual scenic byways for all purposes related to that designation; and
3) to identify the specific state scenic byways within the state of Utah currently having also been designated by the National Scenic Byways Program of the Federal Highway Administration as either National Scenic Byways or All-American Roads.

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 has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

This rule is required by Subsection 72-4-303(4)(e), which is in effect. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	**Date:**	02/02/2024

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.

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

Conservation Commission
No. 56204 (New Rule) R64-5: Temporary Water Shortage Emergency Loan Program
Published: 12/01/2023
Effective: 02/05/2024

Plant Industry
No. 56171 (Amendment) R68-29: Quality Assurance Testing on Cannabis
Published: 12/01/2023
Effective: 02/05/2024

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

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

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

Education
Administration
No. 56254 (New Rule) R277-126: Utah Fits All Scholarship
Published: 01/01/2024
Effective: 02/07/2024

No. 56255 (Amendment) R277-925: Effective Teachers in High Poverty Schools Incentive Program
Published: 01/01/2024
Effective: 02/07/2024

Environmental Quality
Air Quality
No. 56123 (Amendment) R307-110: General Requirements: State Implementation Plan
Published: 11/15/2023
Effective: 02/07/2024

No. 56124 (Amendment) R307-415-6g: Permits: Operating Permit Requirements
Published: 11/15/2023
Effective: 02/07/2024

Health and Human Services
Administration
No. 55993 (Repeal and Reenact) R380-20: Government Records Access and Management
Published: 11/15/2023
Effective: 02/12/2024

No. 55970 (Amendment) R380-42: Open and Public Meetings Act Electronic Meetings
Published: 11/15/2023
Effective: 02/12/2024

No. 56059 (Amendment) R380-50: Local Health Department Funding Allocation Formula
Published: 12/01/2023
Effective: 02/07/2024

No. 56006 (Repeal) R380-77: Coordination of Patient Identification and Validation Services
Published: 11/15/2023
Effective: 02/07/2024

No. 56055 (New Rule) R380-808: Fatality Review Act
Published: 11/15/2023
Effective: 02/07/2024

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

Family Health, Children with Special Health Care Needs
No. 56061 (Amendment) R398-4: Cytomegalovirus Public Health Initiative
Published: 11/15/2023
Effective: 02/07/2024

Integrated Healthcare
No. 56007 (Amendment) R414-70: Medical Supplies, Durable Medical Equipment, and Prosthetic Devices
Published: 11/15/2023
Effective: 02/12/2024

No. 55968 (Amendment) R414-508: Requirements for Transfer of Bed Licenses
Published: 11/15/2023
Effective: 02/12/2024

No. 56116 (Amendment) R414-511: Medicaid Accountable Care Organization Incentives to Appropriately Use Emergency Room Services
Published: 11/15/2023
Effective: 02/12/2024

No. 55965 (Amendment) R414-514: Requirements for Moratorium Exception
Published: 11/15/2023
Effective: 02/07/2024

Family Health, Maternal and Child Health
No. 55924 (Amendment) R433-200: Pharmacist Hormonal Contraception Dispensing Authority
Published: 11/15/2023
Effective: 02/01/2024

Data, Systems and Evaluation, Vital Records and Statistics
No. 55963 (Amendment) R436-8: Authorization for Final Disposition of Deceased Persons
Published: 11/15/2023
Effective: 02/22/2024

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

Disease Control and Prevention, Laboratory Services
No. 55952 (Repeal) R438-13: Rules for the Certification of Institutions to Obtain Impounded Animals in the State of Utah
Published: 11/15/2023
Effective: 02/12/2024

Utah Public Health Laboratory Environmental Lab Certification Program
No. 56119 (Amendment) R444-1: Approval of Clinical Laboratories
Published: 11/15/2023
Effective: 02/22/2024

Administration (Human Services)
No. 56056 (Repeal) R495-808: Fatality Review Act
Published: 11/15/2023
Effective: 02/07/2024

No. 56057 (Repeal) R495-810: Government Records Access and Management Act
Published: 11/15/2023
Effective: 02/12/2024

No. 56214 (Repeal) R495-861: Requirements for Local Discretionary Social Services Block Grant Funds
Published: 12/15/2023
Effective: 02/07/2024

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

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

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

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

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

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

Higher Education (Utah Board of)
Administration
No. 56252 (New Rule) R765-264: Student Religious Accommodations.
Published: 01/01/2024
Effective: 02/14/2024

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wildlife Resources
No. 56245 (Amendment) R657-5: Harvest Reporting
Published: 01/01/2024
Effective: 02/07/2024

No. 56246 (Amendment) R657-38: Dedicated Hunter Program
Published: 01/01/2024
Effective: 02/07/2024

No. 56247 (Amendment) R657-42: Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents
Published: 01/01/2024
Effective: 02/07/2024

No. 56248 (Amendment) R657-43: Landowner Permits
Published: 01/01/2024
Effective: 02/07/2024

No. 56249 (Amendment) R657-62: Drawing Application Procedures
Published: 01/01/2024
Effective: 02/07/2024

Transportation
Motor Carrier
No. 56223 (Amendment) R909-1: Safety Regulations for Motor Carriers
Published: 01/01/2024
Effective: 02/07/2024

End of the Notices of Rule Effective Dates Section