

application, and ranking criteria used to evaluate the applications submitted;

(b) to review and rank pre-approved applications based on criteria set by the Committee under Section R64-4-7; and

(c) to make funding recommendations to the Commission.

(3) The Committee may designate different funding pools to ensure that similar projects are ranked against each other.

(4) The Commission may award grants based on the recommendations of the Committee.

(5) The Commission may delegate its duties under this rule to a Commission subcommittee.

R64-4-7. Criteria for Awarding Grants.

(1) The Committee shall adopt ranking criteria.

(2) The Committee may consider the following in adopting ranking criteria:

(a) how closely proposed projects meets the Agricultural Water Optimization Program goals listed in Section R64-4-3;

(b) who will benefit from the project;

(c) the type of project;

(d) funding sources of the project;

(e) matching funds available for the project;

(f) depletion reduction that will result from the project;

(g) diversion reduction that will result from the project;

(h) the quantity of water diversion and depletion reduction that will be accomplished with the project and the benefits derived from the reduction;

(i) how the water savings will be quantified;

(j) whether the project area has baseline water use data available;

(k) the projected project cost per acre;

(l) whether the project is located in a water right groundwater Critical Management Area;

(m) when the applicant will be ready to begin construction on the project; and

(n) the water quality benefits of the project.

(3) Ranking criteria adopted by the Committee may prioritize projects that lead to greater depletion reduction.

(4) If federal funding has been appropriated for the Agricultural Water Optimization Program, ranking criteria adopted by the Committee shall require that federal funding be awarded prior to state funding.

R64-4-8. Contracting and Project Requirements.

(1) Following a grant award by the Commission, the department shall work with each grantee to determine whether there are other funding sources available to fund the project and assist grantees in identifying sources and securing additional funding.

(2) Before receiving funds, grantees shall:

(a) enter into a contract with the department that includes the following:

(i) the expectations for the grantee;

(ii) the life expectancy of the project;

(iii) the process to certify completion of the project;

(iv) any applicable project design; and

(v) metering and reporting requirements consistent with rules established by DWRi, including specifications for the type of meter to be installed;

(b) file any necessary change application with DWRi;

(c) if applicable, obtain a final order from the State Engineer approving the change application; and

(d) if applicable, demonstrate how they will comply with the requirements of the final order.

(3) Before project implementation, grantees shall submit a Utah State Historical Preservation Office Cultural Resource Review report to the program manager pursuant to Section 9-8a-404. No payment reimbursement will be processed until the program manager has received the report.

(4) The department may issue a notice to proceed to a grantee before project construction.

(5) During the life of the project, the department shall:

(a) monitor grant related activities; and

(b) certify project completion.

(6) The program manager may conduct on-site or virtual project "spot checks" at any time during the life of the project.

(7) Projects may be evaluated through the U.S. Environmental Protection Agency's Spreadsheet Tool for Implementing Pollutant Loads module (STEPL) or Pollutant Load Estimation Tool (PLET), photo monitoring, or other monitoring depending on the type of project.

R64-4-9. Reporting Requirements.

(1) For three years after construction of a project is completed, grantees shall submit reports to the program manager at least annually, or more often if requested in writing by the program manager.

(2) Failure to submit the required reporting may result in a requirement to return Agricultural Water Optimization Program funds, or ineligibility to receive funds in the future.

KEY: agriculture, water optimization, grants

Date of Last Change: ~~July 31, 2023~~ 2023

Authorizing, and Implemented or Interpreted Law: ~~[4-18-105]73-10g-205; 73-10g-206~~

NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R152-63	Filing ID: 55795

Agency Information

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

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

General Information

2. Rule or section catchline:

R152-63. Utah Social Media Regulation Act Rule

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

This rule is being enacted as required by S.B. 152, passed in the 2023 General Session, codified as Title 13, Chapter 63, Utah Social Media Regulation Act.

4. Summary of the new rule or change:

This rule:

- 1) establishes the process or means by which a social media company may verify a person's age in accordance with Section 13-63-102;
- 2) establishes the acceptable forms and methods of identification used to verify a person's age and a parent's or guardian's identity; establishes requirements for providing confirmation that information provided by a person seeking age verification has been received;
- 3) establishes processes and means by which a social media company may confirm a parent or guardian has provided consent for a minor to open or use an account; establishes requirements for retaining, protecting, and securely disposing any information obtained by a social media company or its agent as a result of compliance with Title 13, Chapter 63, Utah Social Media Regulation Act;
- 4) establishes requirements detailing acceptable use, retention, protection, and secure disposition of any information obtained by a social media company or its agent as a result of compliance with Title 13, Chapter 63, Utah Social Media Regulation Act; and
- 5) establishes geographical requirements applicable to an agent that processes information related to a verification requirement in accordance with Section 13-63-102.

Fiscal Information

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

A) State budget:

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

B) Local governments:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Citation Information

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

Subsection 13-2-5(1)	Section 13-63-102	
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the

agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 02/05/2024

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

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

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

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

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

Agency Authorization Information

Agency head or designee and title:	Katherine S. Hass, Division Director	Date:	09/22/2023
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R152. Commerce, Consumer Protection.

R152-63. Utah Social Media Regulation Act Rule.

R152-63-1. Purpose.

The purpose of this rule is to:

(1) establish the process or means by which a social media company may verify a person's age in accordance with Section 13-63-102;

(2) establish acceptable forms or methods of identification used to verify:

(a) a person's age; and

(b) a parent's or guardian's consent;

(3) establish requirements for providing confirmation that information provided by a person seeking age verification has been received;

(4) establish processes or means by which a social media company may confirm a parent or guardian has provided consent for a minor to open or use an account;

(5) establish requirements detailing acceptable use, retention, protection, and secure disposition of any information obtained by a social media company or its agent as a result of compliance with Title 13, Chapter 63, Utah Social Media Regulation Act;

(6) establish geographical requirements applicable to an agent that processes information related to a verification requirement in accordance with Section 13-63-102; and

(7) aid the division's administration and enforcement of Title 13, Chapter 63, Utah Social Media Regulation Act.

R152-63-2. Authority.

This rule is promulgated in accordance with Subsections 13-2-5(1) and 13-63-102(4).

R152-63-3. Definitions.

(1) "Acceptable forms or methods of identification" include:

(a) validating and verifying mobile telephone subscriber information;

(b) using dynamic knowledge-based authentication consistent with the method approved by the Federal Trade Commission in accordance with 16 CFR 312.12(a);

(c) estimating a current account holder's age based on the date a Utah account holder created the account;

(d) checking a current or prospective account holder's social security number's last four digits against a third-party database of personal information;

(e) using a digital credential that has been established using a method described by Subsection R152-63-3(1)(f) or (g);

(f) estimating a current or prospective account holder's age using facial characterization or analysis; and

(g) matching a current or prospective account holder's verified government-issued identification;

(i) to a live webcam photo or video of the person; or

(ii) to the person who is physically present.

(2) "Age verification process" means using one or more of the acceptable forms or methods of identification described in Subsection R152-63-3(1).

(3) "Social media company" means the same as it is defined by Subsection 13-63-101(9), and includes the social media company's agent.

R152-63-4. Age Verification.

(1) A social media company shall use an age verification process that accurately identifies whether a current or prospective Utah account holder is not a minor.

(2) A social media company shall proactively identify any Utah minor account holder who the social media company's age verification process incorrectly determines is not a minor.

(3) A social media company that identifies a Utah minor account holder in accordance with Subsection R152-63-4(2) shall:

(a) suspend the Utah minor account holder's account until it obtains the Utah minor account holder's parent's or guardian's consent in accordance with Subsection 13-63-102(1) and Section R152-63-6; or

(b) terminate the Utah minor account holder's account.

R152-63-5. Confirming Receipt of Age Verification Information.

(1) A social media company shall, within 72 hours of receiving age verification information from a person who seeks to verify age in accordance with Section 13-63-102, provide written confirmation to the person using electronic communication.

(2) A written confirmation provided in accordance with Subsection R152-63-5(1) shall include:

(a) a description of the age verification information the social media company collected;

(b) the method the social media company used to verify the person's age;

(c) the date the age verification information was received;

(d) whether age was verified by using the information; and

(e) the date when the company will delete the age verification information in accordance with Section R152-63-7.

R152-63-6. Confirming Parent or Guardian Consent.

(1) A social media company shall, taking into consideration available technology that is reasonably calculated to ensure that the person providing consent is the minor's parent or guardian, make reasonable efforts to confirm a parent's or guardian's consent for a minor to open or use a social media account by:

(a) using a method that complies with 16 CFR 312.5(b)(2) or (3), or has been approved by the Federal Trade Commission in accordance with 16 CFR 312.12(a); and

(b) obtaining a written attestation from the parent or guardian that they are the minor's legal guardian.

(2) A social media company shall provide a reasonable method by which a Utah minor account holder's parent or guardian may:

(a) revoke the parent's or guardian's prior consent allowing a minor to use a social media account; and

(b) report that a Utah minor account holder's account was obtained without a parent's or guardian's consent.

(3) Upon receiving a request described by Subsection R152-63-6(2)(a) or (b) from a Utah minor account holder's parent or guardian, a social media company shall promptly provide written confirmation to the parent or guardian using electronic communication that:

(a) the request was received; and

(b) describes any action taken by the social media company in response to the request.

R152-63-7. Age and Identity Verification Data -- Permitted Use, Retention, Protection, and Disposal.

(1) A social media company may not collect more than the least amount of data reasonably necessary to comply with Sections 13-63-102, R152-63-4, and R152-63-6.

(2) Data collected by a social media company to comply with Sections 13-63-102, R152-63-4, and R152-63-6 shall be:

(a) maintained in accordance with the security practices described by Subsection 13-61-302(2), and not transferred to a third party as defined by Subsection 13-61-101(35);

(b) segregated from all data the social media company maintains in its normal course of business;

(c) deleted by permanently and completely erasing the collected data as quickly as possible, but no more than 45 days after the social media company or its agent:

(i) completes the age verification process;

(ii) uses the data to verify parental consent;

(iii) determines a current or prospective Utah account holder failed to meet the verification requirements within the required time period; or

(iv) determines parental consent was denied; and

(d) used only to comply with Sections 13-63-102, R152-63-4, and R152-63-6, and for no other purpose.

(3) A social media company may extend the 45-day deadline identified in Subsection R152-63-7(2) by up to an additional 45 days:

(a) one time per verification;

(b) if the extension is reasonably necessary in accordance with Subsection 13-61-203(2)(b); and

(c) the social media complies with Subsection 13-61-203(2)(c).

(4) A social media company or its agent shall create a record related to each Utah account holder describing:

(a) the date it completed the age verification process and verified parental consent for the account if the account holder is a minor;

(b) the type of data collected to verify the Utah account holder's age and to verify parental consent; and

(c) the date it deleted data collected to comply with Sections 13-63-102, R152-63-4, and R152-63-6.

(5) A person who seeks to verify their account may, in accordance with Section 13-61-202, request that their data be deleted before the verification process is completed.

(6) A social media company shall comply with a consumer's request to delete in accordance with Section 13-61-203,

(7) Data collected by a social media company to comply with Sections 13-63-102, R152-63-4, or R152-63-6 may not be stored, maintained, transferred, or processed outside the United States of America.

R152-63-8. Geographical Requirement Applicable to Agent.

A third-party agent that processes verification requirements in accordance with Sections 13-63-102, R152-63-4, and R152-63-6 shall maintain its principal place of business in the United States of America.

KEY: social media, age verification, parental consent

Date of Last Change: 2024

Authorizing, and Implemented or Interpreted Law: 13-2-5(1); 13-63-102

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R357-29	Filing ID: 55838

Agency Information

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

General Information

2. Rule or section catchline:
R357-29. Rural County Grant Program Rule

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

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no new aggregate anticipated cost or savings to the state budget.
This rule filing is merely updating the office's procedures for the second year of funding from the program.
B) Local governments:
There is no new aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.
Participation in the program is optional.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no new aggregate anticipated cost or savings to small businesses because this proposed amendment does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed rule changes do not have a fiscal impact on non-small businesses, nor will a service be required of them to implement the amendments.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There is no new aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed amendment does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.