

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 10. DEPARTMENT OF ADMINISTRATION RISK MANAGEMENT SECTION

[R06-190]

PREAMBLE

- | | |
|---|--|
| <u>1. Sections Affected</u>
R2-10-108 | <u>Rulemaking Action</u>
Amend |
|---|--|
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 41-621
Implementing statute: A.R.S. § 41-621
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 12 A.A.R. 1786, May 26, 2006
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Julie Cruse, Administrative Manager Risk Management Section
Address:	Arizona Department of Administration 100 N. 15th Ave., 3rd Floor, Suite 301 Phoenix, AZ 85007
Telephone:	(602) 542-1492
Fax:	(602) 542-1473
Name:	Rob Smook Rules Administrator
Address:	Arizona Department of Administration 1501 W. Madison Phoenix, AZ 85007
Telephone:	(602) 542-6161
Fax:	(602) 542-3125
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
The subject matter of R2-10-108 is to clarify the components of what an agency response/action plan should include for losses in excess of \$150,000 and makes other changes to the rule. The opportunistic portion of the rule is already in rule (R2-10-205B), the essence B is addressed R2-10-205. The original intent of the workers' compensation reporting portion of the rule has been met and no longer needs to be in rule.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
The agency did not utilize a study for evaluating or justifying the rulemaking.

Notices of Proposed Rulemaking

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

A. Identification of Rule

Title 2, Chapter 10, Article 1, "Coverage and Claims Procedure"

B. Background and Summary

The proposed rule amendment for R2-10-108 removes the deductible of 20% (not to exceed \$10,000) for any workers' compensation claim not reported to Risk Management within 10 days of first report to a supervisor or other agency representative. The same deductible is also removed for agencies that do not report at least 75% of industrial injury or illnesses within 2 days of first report to a supervisor or agency representative. Risk Management continues to encourage agencies to report industrial injuries and illnesses on a timely basis, but removes any financial penalty to an agency. Risk Management has removed the deductible of up to \$10,000 on each claim identified as having the most significant opportunity for loss prevention actions. The Loss Prevention Unit will continue to work with agencies to identify exposures and assist with loss prevention plans targeting these exposures, but removes any financial penalty to an agency.

C. Entities Directly Impacted

All state agencies could be impacted by these changes. Small business and consumers are not impacted by these rules.

D. Potential Costs and Benefits

There will be no change in cost to the agencies for this change.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Julie Cruse, Administrative Manager
Address: Arizona Department of Administration – Risk Management Section
100 N. 15th Ave., 3rd Floor, Suite 301
Phoenix, AZ 85007
Telephone: (602) 542-1492
Fax: (602) 542-1473

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department has scheduled the following oral proceeding to obtain oral comment on the proposed rulemaking for A.A.C. 10, Article 1:

Date: July 20, 2006
Time: 1:00 p.m.
Location: 100 N. 15th Ave., 3rd Floor, Room 300
Phoenix, AZ 85007
Nature: Oral Proceeding

Written comments on the proposed rulemaking or the preliminary economic, small business, and consumer impact summary may be submitted to the individual in item #9 until the close of record at 5:00 p.m. on July 27, 2006.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION

**CHAPTER 10. DEPARTMENT OF ADMINISTRATION
RISK MANAGEMENT SECTION**

ARTICLE 1. COVERAGE AND CLAIMS PROCEDURE

Section

R2-10-108. Deductibles and Waivers

ARTICLE 1. COVERAGE AND CLAIMS PROCEDURE

R2-10-108. Deductibles and Waivers

- ~~A. Liability Agency Claim Settlement or Judgment More Than \$150,000. judgments and claim settlements.~~
- ~~1. The Department shall charge each agency a deductible of not more than \$10,000 on each court judgment of \$150,000 or more and on each claim settlement or judgment approved for payment of \$150,000.00. settlement by the joint legislative budget committee under JLBC rule 14, State Liability Claims, April 25, 1997, which is incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments.~~
 - ~~2. RM shall waive the deductible if the agency provides a response to RM containing a plan of action to be taken to eliminate or limit similar future risk of liability to the state, and:
 - ~~a. The plan of action is submitted as supportive detail to the agency's official JLBC rule 14 response, or is provided to RM within 60 days of the judgment or settlement date of the agency's notification of claim approval or payment. The response plan must include the following: :
 - ~~i. Findings outlining the cause or causes of the claim;~~
 - ~~ii. Actions that will be implemented to prevent recurrence of similar losses or claims;~~
 - ~~iii. Development of action items and timelines for completion;~~
 - ~~iv. Appointment of an agency contact to act as a liaison for all matters relating to the plan.~~~~
 - ~~b. RM approves the plan of action as reasonable and effective; and~~
 - ~~c. The agency implements the plan within 30 days of RM approval, and the agency provides periodic brief monthly status reports as outlined in the approved Agency Response/Action Plan on the essential elements of the plan's implementation.~~~~
 - ~~3. If the agency fails to comply with all the conditions outlined in subsection (A)(2), RM shall charge a deductible of \$10,000 on the subject judgment or claim as well as each subsequent claim resulting from that cause or exposure until the agency fully complies with subsection (A)(2).~~
- ~~B. RM may waive any deductible to any agency for just cause. Just cause may exist when the application of a deductible is not warranted due to the circumstances of the claim, or is in the best interest of the state. Workers' compensation claims.~~
- ~~1. Beginning January 1, 1999, RM shall charge each agency a deductible on each workers' compensation claim the agency fails to report to RM within 10 days after an employee notifies the employee's supervisor or other agency representative of an injury. The deductible amount of the claim shall be equal to 20% of the total claim, not to exceed \$10,000.~~
 - ~~2. RM shall waive the deductible on all of the agency's workers' compensation claims reported after the 10-day period, except those identified in subsection (C) if the agency meets the following criteria:
 - ~~a. In calendar year 1998, the agency reports 50% of all occurrences of industrial injury or illness within 2 days of being reported by an employee to the employee's supervisor or other agency representative. To make this computation RM shall use a rolling 12-month average and apply the deductible to claims filed during the individual months of 1999.~~
 - ~~b. In calendar year 1999, the agency reports 66% of all occurrences of industrial injury or illness within 2 days of being reported by an employee to the employee's supervisor or other agency representative. To make this computation RM shall use a rolling 12-month average, and apply the deductible to claims filed during the individual months of 2000.~~
 - ~~c. In calendar year 2000, and all years forward, the agency reports 75% of all occurrences of industrial injury or illness within 2 days of being reported by an employee to the employee's supervisor, or other agency representative. To make this computation RM shall use a rolling 12-month average, and apply the deductible to claims filed during the individual months of 2001 and all years forward.~~~~
- ~~C. Loss prevention opportunities.~~

Notices of Proposed Rulemaking

1. RM shall charge each agency a deductible of not more than \$10,000 on each claim resulting from the exposure that RM and the agency identify and agree has the most significant opportunity for reduction through loss prevention actions (significant exposure). Each year the agency and RM shall identify and agree upon the most significant exposure to be selected under this plan.
 2. RM shall waive all deductibles against an agency, except those stated in subsections (A) and (B) under the following conditions:
 - a. The agency prepares a plan approved by its agency head to address the significant exposure with specific loss prevention actions;
 - b. The agency submits the plan to RM for review by October 31 for the current fiscal year;
 - c. RM approves the plan as reasonable and effective;
 - d. The agency implements the plan; and
 - e. The agency submits a brief report to RM on a quarterly basis describing the progress on the implementation of the plan.
 3. If the agency fails to meet all of the conditions in subsection (C)(2), RM shall charge a deductible of not more than \$10,000 on each claim resulting from the significant exposure until the agency meets all conditions in subsection (C)(2).
- D.** If a dispute arises between RM and the agency pertaining to this Section, 1 or more meetings shall be held at progressively upward, incremental Department of Administration management levels until the agency and RM reach a solution.
- E.** RM may waive any deductible to any agency for just cause. Just cause exists when the application of a deductible is not warranted due to the circumstances of the claim, or is in the best interest of the state.

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

**CHAPTER 9. DEPARTMENT OF AGRICULTURE
AGRICULTURAL COUNCILS AND COMMISSIONS**

[R06-187]

PREAMBLE

1. **Sections Affected** **Rulemaking Action**
R3-9-205 New Section
2. **The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 3-584
Implementing statute: A.R.S. § 3-584(C)(1)
3. **A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 11 A.A.R. 2797, July 29, 2005
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Rebecca Nichols, Rules Analyst
Address: Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: rmichols@azda.gov
5. **An explanation of the rule, including the agency's reasons for initiating the rule:**
This rulemaking codifies the process under which the Arizona Grain Research and Promotion Council (AGRPC) will conduct grantmaking. The AGRPC received an exemption from Chapter 24 of the A.R.S. that applies to the solicitation of grants statute: A.R.S. § 41-2701 *et seq.*

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

- A. *The Arizona Grain Research and Promotion Council and the Arizona Department of Agriculture.*
The AGRPC and the Department will incur modest expenses related to educating the regulated community on the new Sections.
- B. *Political Subdivision.*
Other than the AGRPC and the Department, the Office of Administrative Hearings may be affected by this rule-making if a hearing is requested.
- C. *Businesses Directly Affected by the Rulemaking.*
Grain producers, grower-shippers, handlers, seed breeders, researchers and universities are the beneficiaries of Grants programs developed by the AGRPC.
The regulated community the AGRPC serves, as well as the AGRPC itself, will be beneficially affected by the use of this Grant rule.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Rebecca Nichols, Rules Analyst
Address: Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: rmichols@azda.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding is not scheduled for these proposed rules. To request an oral proceeding or to submit comments, please contact the rules analyst listed in item #4 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except legal holidays. If a request for an oral proceeding is not made, the public record for this rulemaking will close 30 days after publication of this notice.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 3. AGRICULTURE

**CHAPTER 9. DEPARTMENT OF AGRICULTURE
AGRICULTURAL COUNCILS AND COMMISSIONS**

ARTICLE 2. ARIZONA GRAIN RESEARCH AND PROMOTION COUNCIL

Section
R3-9-205. Grants

ARTICLE 2. ARIZONA GRAIN RESEARCH AND PROMOTION COUNCIL

R3-9-205. Grants

A. Definitions.

1. "AGRPC" means the Arizona Grain Research and Promotion Council.
2. "Authorized signature" means the signature of an individual authorized to receive funds on behalf of the applicant and responsible for the execution of the applicant's project.
3. "Awardee" means a successful applicant to whom the AGRPC awards grant funds for research on a specific project.
4. "Grant" means an award of financial support to an applicant according to A.R.S. § 3-584(B) and (C)(5).
5. "Grant award agreement" means a document advising the applicant of the amount of money awarded following receipt by the AGRPC of the applicant's signed acceptance.

B. Grant application process.

1. The AGRPC shall award grants according to the competitive grant solicitation requirements of this Article.
2. The AGRPC shall post the grant application and manual on the AGRPC's web site at least four weeks before the due date of a grant application.
3. The AGRPC shall ensure that the grant application manual contains the following items:
 - a. Grant topics related to AGRPC programs specified by A.R.S. § 3-584(B).
 - b. A statement that the information contained in an application is not confidential.
 - c. A statement that the AGRPC funding source is primarily from assessments on the seed of barley and wheat of all classes produced in Arizona for use as food, feed or seed or produced for any industrial or commercial use;
 - d. An application form including sections about the description of the grant project, scope of work to be performed, an authorized signature line, and a sample budget form;
 - e. A statement that the applicant shall not include overhead expenses in the budget for the proposed project;
 - f. The criteria that the AGRPC shall use to evaluate an application;
 - g. The date and time by which the applicant shall submit an application;
 - h. The anticipated date of the AGRPC award;
 - i. A copy of the AGRPC grant solicitation rules; and
 - j. Any other information necessary for the grant application.
4. The AGRPC shall not consider an application received by the AGRPC after the due date and time.

C. Criteria. The AGRPC shall consider the following when reviewing a grant application and deciding whether to award AGRPC funds:

1. The applicant's successful completion of prior research projects;
2. The extent to which the proposed project identifies solutions to current issues facing the grain industry;
3. The extent to which the proposed project addresses future issues facing the grain industry;
4. The extent to which the proposed project addresses the findings of any industry surveys conducted within the previous year;
5. The appropriateness of the budget request in achieving the project objectives;
6. The appropriateness of the proposal time-frame to the stated project objectives; and
7. Relevant experience and qualifications of the applicant.

D. Public participation.

1. The AGRPC shall make all applications available for public inspection by the business day following the application due date.
2. Before awarding a grant, the AGRPC shall discuss and evaluate grant applications and proposed projects at a meeting conducted under A.R.S. § 38-431 et seq.

E. Evaluation of grant applications.

1. The AGRPC may allow applicants to make oral or written presentations at the public meeting if time, applicant availability, and meeting space permit.
2. The AGRPC may modify an applicant's proposed project in awarding funding.
3. The AGRPC shall notify an applicant in writing of the AGRPC's decision to fund, modify, or deny funding for a proposed project within 10 business days of the AGRPC decision. The AGRPC shall notify applicants by the U.S. Postal Service, commercial delivery, electronic mail, or fax.

F. Awards and project monitoring.

1. Before releasing grant funds, the AGRPC shall execute a grant award agreement with the awardee. The awardee shall agree to accept the grant's legal requirements and conditions and authorize the AGRPC to monitor the progress of the project by signing a grant award agreement.
2. The AGRPC shall pay no more than 50% of the grant in the initial payment to the awardee.
3. During the term of the project, the awardee shall inform the AGRPC of changes to the awardee's address, telephone number, or other contact information.

Notices of Proposed Rulemaking

Implementing statutes: A.R.S. §§ 36-302, 36-321, 36-323, 36-325, 36-325.01, 36-326, 36-327, 36-329, 36-330, 36-330.01, and 36-331

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 11 A.A.R. 2449, July 1, 2005

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
1740 W. Adams St., Suite 202
Phoenix, AZ 85007-3233
Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

or

Name: Patricia Adams, Office Chief
Address: Arizona Department of Health Services
Office of Vital Records
1818 W. Adams
Phoenix, AZ 85007-3233
Telephone: (602) 364-1225
Fax: (602) 364-1257
E-mail: adamsp@azdhs.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

A.R.S. Title 36, Chapter 3, Vital Records and Public Health Statistics, was added by Laws 2004, Ch. 117, § 8, effective August 25, 2004, to replace A.R.S. Title 36, Chapter 3, Vital Statistics, which was repealed at the same time. The Chapter was first adopted effective January 1, 1968, and was repealed because it did not reflect current Department policy or practice for filing and registering death certificates. Implementing rules for A.R.S. Title 36, Chapter 3, are in 9 A.A.C. 19, Department of Health Services, Vital Records and Statistics. A.R.S. § 36-302 establishes the Director of the Department of Health Services as the state registrar of vital records and requires the state registrar to implement, organize, operate, and maintain a statewide system of vital records. In calendar year 2005, the Department's Office of Vital Records registered 96,555 births and 46,818 deaths. In FY 2005, there were 198,624 birth certificates and 259,190 death certificates issued under the statewide system of vital records.

A.R.S. Title 36, Chapter 3, Article 3, contains statutory requirements for death registration and authorizes 9 A.A.C. 19, Article 3, Duties of Persons Responsible for Death Records; Post-mortem Procedures. Laws 2004, Ch. 117, § 8, effective August 25, 2004, also established the Vital Records Electronic Systems Fund consisting of 40 percent of the monies collected for searches, copies of registered certificates, certified copies of registered certificates, amending registered certificates, and correcting certificates. The Vital Records Electronic Systems Fund is being used to support a vital records automation system that allows medical certifiers, funeral establishments, and local registrars to directly enter information into the system.

This rulemaking repeals the requirements for death certificates currently in 9 A.A.C. 19, Article 3, amends and adopts definitions in 9 A.A.C. 19, Article 1, and adopts new requirements for death registration in 9 A.A.C. 19, Article 3. The new requirements reflect Department policy and practice requirements for death certificates according to current statutory authority and consistent with automation requirements and the National Center for Health Statistics guidelines for reporting and registering deaths and fetal deaths.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

No studies were reviewed.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The preliminary summary of the economic, small business, and consumer impact:

Annual costs/revenue changes are designated as minimal when less than \$10,000, moderate when between \$10,000 and \$50,000, and substantial when greater than \$50,000.

Cost bearers

State registrar, local registrars and deputy local registrars

The state registrar, local registrars, and deputy local registrars will incur costs to revise forms and processes to comply with the requirements established in the rules.

Hospitals, nursing care institutions, and hospice inpatient facilities

R9-19-301 requires a human release form with specific information to accompany human remains moved from a hospital, nursing care institution, or hospice inpatient facility. Currently, most hospitals have a form that is completed for the release of human remains. There will be a minimal increase in costs for these hospitals to revise the current form to be consistent with the requirements. Hospitals that currently do not have a form will incur minimal costs for developing a form and staff training for completing the form. Nursing care institutions and hospice inpatient facilities will incur minimal costs for developing a form and staff training for completing the form.

Funeral establishments and responsible persons

A funeral establishment or responsible person will incur minimal costs to comply with R9-19-301(D), which requires the submission of a copy of a human remains release form to the local registrar or deputy local registrar of the registration district where the deceased individual died within 24 hours after removing the human remains from a hospital, nursing care institution, or hospice inpatient facility.

Under the previous rules, human remains could not be removed from a registration district until a disposition-transit permit for the human remains was obtained by the funeral establishment or responsible person. Information pertaining to the cause and manner of death is required before a disposition-transit permit is issued. Sometimes the information pertaining to the cause and manner of death is not readily available and the human remains have to be stored in the registration district where death occurred until the information is available. Because the rule allows human remains to be removed from a registration district without a disposition-transit permit, some funeral homes may experience a loss in business because families will no longer have to pay a funeral home to store human remains until a disposition-transit permit can be obtained before removing the human remains from the registration district.

Beneficiaries

Medical certifiers

R9-19-311(C) provides a benefit to medical certifiers allowing a medical certifier to amend a medical certification of death without a medical examiner's approval.

Hospitals, nursing care institutions, and hospice inpatient facilities

Because R9-19-302 no longer requires a disposition-transit permit before removing human remains from a registration district, hospitals, nursing care institutions, and hospice inpatient facilities will benefit because funeral establishments and responsible persons can remove human remains from the hospital, nursing care institution, or hospice inpatient facility in a more timely manner.

Medical examiners

R9-19-301 requires a human remains release form that contains a list of the circumstances in A.R.S. § 11-593(A) and whether notification required in A.R.S. § 11-593 was made. This will help to ensure that a death under the circumstances in A.R.S. § 11-593(A) will be referred to the medical examiner so that the medical examiner can determine the manner of death and whether an investigation into the cause of death or a referral to the local law enforcement agency because of foul play is necessary.

County health departments

R9-19-301 requires a human remains release form for removing a deceased individual's human remains from a hospital, nursing care institution, or hospice inpatient facility that contains specific information including the deceased individual's most recent diagnosis and whether the deceased individual had been diagnosed with or suspected of having a communicable illness that may present a threat to public health. The individual who removes the human remains is required to submit the form to the local registrar or deputy local registrar within 24 hours of removing the human remains. The local registrar or deputy local registrar shares that information with the county epidemiologists who review the information to determine if there is a pattern to the diagnoses or diseases being reported that may present a threat to public health requiring follow-up action. Requiring the submission of the information within 24 hours of removing the human remains which is before the medical certification of death is submitted allows any necessary follow-up action such as further investigation or quarantine to be initiated in a more timely manner.

Funeral establishments and responsible persons

R9-19-301, which requires a list of the circumstances in A.R.S. § 11-593(A) and whether notification required in A.R.S. § 11-593 was made on the human remains release, will benefit funeral establishments and responsible persons by helping to ensure that a death under the circumstances in A.R.S. § 11-593(A) will be referred to the medical examiner and not inadvertently released to a funeral establishment or responsible person.

Notices of Proposed Rulemaking

Funeral establishments and responsible persons will benefit from R9-19-302, which no longer requires a disposition-transit permit before removing human remains from a registration district.

Persons in charge of a place of final disposition

Funeral establishments, responsible persons, and persons in charge of a place of final disposition will no longer incur costs associated with mailing a copy of the disposition-transit permit or disinterment-reinterment permit to the State Registrar as required in the repealed R9-19-325 and R9-19-331.

Persons in charge of a place of final disposition will benefit from the clarification of record maintenance requirement in R9-19-314. According to the rules being repealed, persons in charge of a place of final disposition were required to maintain copies of disposition-transit permits and disinterment-reinterment permits but the rule did not include how long the copies were required to be maintained. The rule now establishes 5 years as the length of time the records are required to be maintained which is consistent with the requirements for cemetery record retention in A.R.S. Title 32, Ch.20, Art. 6 and crematory record retention in A.R.S. § 32-1399.

General public

Families of deceased individuals will benefit from not having to obtain a disposition-transit permit or pay to store the deceased individual's human remains before removing the deceased individual's human remains from a registration district.

The general public will benefit from R9-19-301 that requires a list of the circumstances in A.R.S. § 11-593(A) and whether notification required in A.R.S. § 11-593 was made because it helps to ensure that a death under the circumstances in A.R.S. § 11-593(A) will be referred to the medical examiner. The medical examiner will then be able to determine the manner of death and if any follow-up action such as further investigation or referral to the local law enforcement agency is necessary to protect public health and welfare. If there is a threat to public health and safety, a more timely referral to the medical examiner could provide for more immediate action.

R9-19-301 also requires that a human remains release form for removing a deceased individual's human remains from a hospital, nursing care institution, or hospice inpatient facility contains specific information including the deceased individual's most recent diagnosis and whether the deceased individual had been diagnosed with or was suspected of having a communicable illness that may present a threat to public health. The individual who removes the human remains is required to submit the form to the local registrar or deputy local registrar within 24 hours of removing the human remains. Requiring the submission of the information before the medical certification of death allows any necessary follow-up action such as further investigation or quarantine to be initiated in a more timely manner providing better public health protection.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
1740 W. Adams St., Suite 202
Phoenix, AZ 85007-3233
Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

or

Name: Patricia Adams, Office Chief
Address: Arizona Department of Health Services
Office of Vital Records
1818 W. Adams
Phoenix, AZ 85007-3233
Telephone: (602) 364-1225
Fax: (602) 364-1257
E-mail: adamsp@azdhs.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: July 19, 2006
Time: 1:00 p.m.
Location: 150 N. 18th Ave., Conf. Room 540A
Phoenix, AZ 85007

Date: July 25, 2006
Time: 10:30 a.m.
Location: 400 W. Congress, Room 222
Tucson, AZ 85701

Date: July 26, 2006
Time: 1:00 p.m.
Location: 3000 N. 4th St., Suite 5
Flagstaff, AZ 86004

Close of record: 5:00 p.m., July 26, 2006

A person may submit written comments on the proposed rules or the preliminary summary of the economic, small business, and consumer impact no later than 5:00 p.m., July 26, 2006, to the individuals listed in items #4 and #9. Persons with a disability may request reasonable accommodations by contacting Valerie Grina at grinav@azdhs.gov or (602) 364-2580. Requests should be made as early as possible to allow sufficient time to arrange for the accommodation.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

R9-19-303(A)(5)(a) includes the following incorporation by reference:

Physicians' Handbook on Medical Certification, DHHS Publication No. (PHS) 2003-1108, published by the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics available at http://www.cdc.gov/nchs/data/misc/hb_cod.pdf or from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371964, Pittsburgh, PA 15250-7964

R9-19-303(A)(5)(b) includes the following incorporation by reference:

Medical Examiners' and Coroners' Handbook on Death Registration and Fetal Death Reporting, DHHS Publication No. (PHS) 2003-1110 published by the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, available at http://www.cdc.gov/nchs/data/misc/hb_me.pdf or from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371964, Pittsburgh, PA 15250-7964

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 19. DEPARTMENT OF HEALTH SERVICES
VITAL RECORDS AND STATISTICS**

ARTICLE 1. ADMINISTRATIVE ORGANIZATION, DUTIES AND PROCEDURES

Section

R9-19-101. ~~Expired~~ Definitions

**ARTICLE 3. ~~DUTIES OF PERSONS RESPONSIBLE FOR DEATH RECORDS; POST-MORTEM PROCEDURES-~~
VITAL RECORDS FOR DEATH**

Section

- R9-19-301. ~~Completion of medical cause of death and manner of death sections of death certificate~~ Human Remains Release Form
- R9-19-302. ~~Registration of a fetal death certificate and reporting of abortifacient acts~~ Disposition-transit Permits
- R9-19-303. ~~Expired~~ Medical Certification of Death
- R9-19-304. ~~Expired~~ Death Certificate
- R9-19-305. ~~Expired~~ Delayed Death Certificate
- R9-19-306. ~~Expired~~ Fetal Death Certificate
- R9-19-307. ~~Requirements for delayed death certificates~~ Delayed Fetal Death Certificate
- R9-19-308. ~~Exception~~ Certificate of Birth Resulting in Stillbirth
- R9-19-309. ~~Supporting statements~~ Validation of Information
- R9-19-310. ~~Supplementary certificates of cause of death; medical personnel who may initiate changes on death certificates~~ Correcting a Death Certificate or a Fetal Death Certificate
- R9-19-311. ~~Expired~~ Amending a Death Certificate or a Fetal Death Certificate
- R9-19-312. Transporting Human Remains into the State for Final Disposition
- R9-19-313. Disinterment-reinterment Permit
- R9-19-314. Duties of Persons in Charge of Place of Final Disposition
- R9-19-316. Responsibilities of persons in charge of cemeteries or crematories Repealed
- R9-19-317. Requirements for preparation and filing of disposal-transit permits Repealed
- R9-19-318. Disposal-transit permit required Repealed
- R9-19-320. Bodies from out-of-state Repealed
- R9-19-325. Transmittal procedures for permit Repealed
- R9-19-329. Requirements for preparation and filing of the disinterment permit Repealed
- R9-19-331. Transmittal procedures for a disinterment permit Repealed
- R9-19-332. Responsibility for keeping disinterment records Repealed
- R9-19-334. Multiple disinterments Repealed
- R9-19-335. ~~Disposition by means of cremation~~ Repealed

ARTICLE 1. ADMINISTRATIVE ORGANIZATION, DUTIES AND PROCEDURES

R9-19-101. Expired Definitions

1. "Anatomical gift" has the same meaning as in A.R.S. § 36-841.
2. "Delivery" means the complete expulsion or extraction of a product of human conception from its mother.
3. "Document" or "documented" means in written, photographic, electronic, or other permanent form.
4. "Electronic signature" has the same meaning as in A.R.S. § 44-7002.
5. "Facility" has the same meaning as "facilities" in A.R.S. § 36-401.
6. "Funeral director" has the same meaning as in A.R.S. § 32-1301.
7. "Hospital" has the same meaning as in A.A.C. R9-10-101.
8. "Injury" means damage to a human body caused by an external source as determined by a medical examiner or tribal law enforcement authority.
9. "Inpatient" means an individual who is receiving services in a facility as an inpatient as determined by the facility.
10. "Inpatient hospice facility" has the same meaning as in "hospice inpatient facility" in A.A.C. R9-10-801.
11. "Medical certification" means confirmation of a cause of death.
12. "Medical certifier" means a physician, registered nurse practitioner, medical examiner, or tribal law enforcement authority authorized to sign a medical certification of death as prescribed in A.R.S. § 36-325.
13. "National Provider Number" means a standard unique identifier for a health care provider assigned by the Centers for Medicare & Medicaid Services.
14. "Nursing care institution" has the same meaning as in A.R.S. § 36-401.
15. "Organ procurement organization" has the same meaning as in A.R.S. § 36-841.
16. "Outpatient" means an individual who is receiving services from a facility but is not an inpatient as determined by the facility.
17. "Part" has the same meaning as in A.R.S. § 36-841.
18. "Registered nurse practitioner" has the same meaning as "nurse practitioner" in A.R.S. § 36-301.
19. "Residence" means an address or location at which an individual lives.

20. "Signature" means:
 - a. The first and last name of an individual written with his or her own hand as a form of identification or authorization, or
 - b. An electronic signature.
21. "Tribal community" means a tract of land held by an Indian tribe recognized and eligible for funding and services from the U.S. Bureau of Indian Affairs.
22. "Transportation" means the use of an animal or vehicle for conveyance or travel from one place to another.

**ARTICLE 3. ~~DUTIES OF PERSONS RESPONSIBLE FOR DEATH RECORDS; POST-MORTEM PROCEDURES~~
VITAL RECORDS FOR DEATH**

R9-19-301. ~~Completion of medical cause of death and manner of death sections of death certificate~~ Human Remains Release Form

- ~~A.~~ The physician who treated a patient or was in charge of the patient's care for the illness or condition which resulted in death shall complete and sign the medical certification of cause of death promptly so that funeral arrangements may be made. The entries shall be legibly written using only terms in accepted medical usage. Indefinite or obsolete terms which denote only symptoms of a disease or conditions resulting from a disease shall be sufficient grounds for the local registrar to refuse to accept the certificate and not issue a disposal transit permit. Statements of cause of death which are clearly illogical, confusingly written, expressed in abbreviations or "shorthand" shall not be accepted.
- ~~1.~~ Part I of the medical statement of cause of death shall contain only the disease sequence, injury, or other trauma which directly resulted in the person's death. The immediate cause of death shall be written on line A. If there are antecedent causes, they shall be written on lines B and C, with the intermediate cause on line B and the underlying cause on line C. The underlying cause shall be the last cause listed. If there is no intermediate cause, then the underlying cause shall be entered on line B. In instances where the immediate cause and the underlying cause are synonymous, only the one entry is necessary.
 - ~~2.~~ Part II of the medical statement of the cause of death shall contain diseases, injuries or other factors of significant medical or statistical importance not directly related to the cause of death. In those cases where the physician cannot be certain, best judgment shall be exercised in assigning entries to Part I or Part II of the medical statement of cause of death.
- ~~B.~~ When a physician cannot certify within 72 hours after the time of death as to the cause of death pending the results of a post-mortem examination, laboratory tests or other factors beyond the physician's control, the physician shall enter "pending further examination" on the death certificate and sign it. Such certificate shall be acceptable for the local registrar to issue a disposal transit permit. No later than ten days after the date of death, the physician shall forward a supplementary certificate of cause of death to the State Registrar. Such certificate shall be completed in accordance with R9-19-310 et seq.
- ~~C.~~ When the medical examiner cannot complete and sign the death certificate within 72 hours, the words "pending further investigation" shall be entered on the death certificate the certificate shall be signed. A death certificate so completed shall be valid for the local registrar to issue a disposal transit permit, but possession of the permit shall not relieve the funeral director from obtaining full release from the medical examiner before final disposition of the body. Under no circumstances shall a body under the medical examiner's jurisdiction be cremated or removed from the state until both the medical cause and the manner of death have been determined or the medical examiner has otherwise released the body for such disposition. In the latter instance, a written statement from the medical examiner authorizing disposition of the body shall be delivered to the local registrar before a disposal transit permit will be issued.
- ~~D.~~ When the medical examiner cannot certify the medical cause and manner of death within the time set forth in subsection (C) of this rule, a supplementary certificate of cause of death shall be completed and filed with the Department as soon as possible, but no later than 20 days after the date of death. Such certificate shall be completed in accordance with R9-19-310 et seq. and shall set forth both the medical cause and manner of death and contain such other information as required by law, these rules or forms supplied by the State Registrar.
- A. Except as provided in subsection (B), a form required by A.R.S. § 36-326(C) to accompany a deceased individual's human remains moved from a hospital, nursing care institution, or hospice inpatient facility shall include:
1. The name and street address of the hospital, nursing care institution, or hospice inpatient facility;
 2. The deceased individual's:
 - a. Name;
 - b. Date of birth; and
 - c. Social security number or, if the deceased individual's social security number is not available, the deceased individual's patient identification number;
 3. The date and time of the death;

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4. The name and telephone number of the physician or registered nurse practitioner expected to sign the medical certification of death;
 5. The name, telephone number, and relationship to the deceased individual of the individual authorizing the hospital, nursing care institution, or inpatient hospice facility to release the human remains;
 6. A list of the circumstances in A.R.S. § 11-593(A);
 7. Whether the notification required in A.R.S. § 11-593 was made;
 8. The most recent diagnosis in the deceased individual's medical record;
 9. If the deceased individual's human remains are being released to a funeral establishment or a person authorized to receive the deceased individual's communicable disease related information under A.R.S. § 36-664, whether the deceased individual had been diagnosed with or was suspected of having, as stated in the deceased individual's medical record at the time of death:
 - a. Infectious tuberculosis;
 - b. Human immunodeficiency virus;
 - c. Creutzfeldt-Jakob disease;
 - d. Hepatitis B;
 - e. Hepatitis C, or
 - f. Rabies; and
 10. For a death that occurs in a hospital, if the deceased individual's human remains have been accepted for donation by an organ procurement organization under A.R.S. Title 36, Chapter 7, Article 3, and the person authorized in A.R.S. § 36-843 has not made or declined to make an anatomical gift, whether the organ procurement organization has been notified that the deceased individual's human remains are being removed from the hospital; and
 11. The name and signature of the individual representing the hospital, nursing care institution, or hospice inpatient facility who released the human remains.
- B.** A form required by A.R.S. § 36-326(C) to accompany human remains from a fetal death moved from a hospital, nursing care institution, or hospice inpatient facility shall include:
1. The name and street address of the hospital, nursing care institution, or hospice inpatient facility;
 2. The name of the mother;
 3. The date of delivery;
 4. The estimated gestational age or, if unknown, the weight of the human remains;
 5. The name and telephone number of the parent authorizing the hospital, nursing care institution, or inpatient hospice facility to release the human remains;
 6. A list of the circumstances in A.R.S. § 11-593(A);
 7. Whether the notification required in A.R.S. § 11-593 was made;
 8. For a fetal death that occurs in a hospital, if the human remains have been accepted for donation by an organ procurement organization under A.R.S. Title 36, Chapter 7, Article 3, and the person authorized in A.R.S. § 36-843 has not made or declined to make an anatomical gift, whether the organ procurement organization has been notified that the human remains are being removed from the hospital; and
 9. The name and signature of the individual representing the hospital, nursing care institution, or hospice inpatient facility who released the human remains.
- C.** An individual who removes human remains from a hospital, nursing care institution, or hospice inpatient facility shall sign and date the human remains release form required in subsection (A) when the individual removes the human remains from the hospital, nursing care institution, or hospice inpatient facility.
- D.** The individual in subsection (C) who removes human remains shall submit a copy of the human remains release form in subsection (A) to the local registrar or deputy local registrar of the registration district where the deceased individual died within 24 hours after removing the human remains from a hospital, nursing care institution, or hospice inpatient facility.
- R9-19-302. ~~Registration of a fetal death certificate and reporting of abortifacient acts~~-Disposition-transit Permits**
- A.** ~~For purposes of preparing fetal death certificates, if the gestation period is uncertain or unknown, a certificate should be filed if the fetus weighs 350 grams or more. Any abortifacient act resulting in a fetal death when the length of gestation is more than 20 weeks shall also require the filing of a fetal death certificate.~~
- B.** ~~A termination of pregnancy report shall be prepared by the attending physician and filed directly with the State Registrar reporting any fetal death due to an abortifacient act for which a fetal death certificate is not required. Such reports shall be confidential and disclosable by the Department only in aggregate form for statistical or research purposes. No personally identifiable patient information or information relating to any physician, hospital, clinic or other institution shall be released for any purpose. The termination of pregnancy report shall be prepared on forms prescribed and furnished by the State Registrar.~~
- C.** ~~Each hospital and outpatient treatment center in the state shall submit a monthly report to the State Registrar showing:~~
1. ~~All registrable fetal deaths occurring in that facility in accordance with R9-10-201; and~~
 2. ~~The total number of abortifacient acts performed in that facility. If no registrable fetal deaths or abortifacient acts occurred~~

in the facility during the month, no report need be sent.

- D.** The monthly reports required by this rule shall be confidential and disclosable by the Department only in aggregate form for statistical or research purposes. No personally identifiable patient information or information relating to any physician, hospital, clinic or other institution shall be released for any purposes.
- E.** When a registrable death occurs outside a hospital and is not attended by a physician, the medical examiner shall sign the fetal death certificate.
- F.** When a fetal death certificate has not been registered within one year from the date of occurrence, the certificate shall be filed directly with the State Registrar. Local registrars receiving such certificates shall forward them immediately to the State Registrar and shall not enter them in the local registers.
- A.** A funeral establishment or responsible person shall obtain a disposition-transit permit for a deceased individual's human remains before a final disposition listed in subsection(B)(5) of the human remains.
 - 1. A disposition-transit-permit may list more than one final disposition.
 - 2. A disposition-transit permit issued by any deputy local registrar, local registrar, or the state registrar is valid for each final disposition listed on the disposition-transit permit of the human remains in any registration district in the state or, if listed on the disposition-transit permit, for removal from the state.
 - 3. A crematory shall not accept human remains for cremation unless the accompanying disposition-transit permit specifies cremation as a final disposition.
- B.** Except as provided in subsection (D), a funeral establishment or responsible person shall submit the following information to the local registrar or deputy local registrar of the county where the death occurred or the state registrar to obtain a disposition-transit permit for a deceased individual's human remains:
 - 1. The deceased individual's name, sex, and date of birth;
 - 2. The date of death;
 - 3. The town or city, county, and state where the death occurred;
 - 4. The cause of death as listed on the deceased individual's medical certification of death;
 - 5. The anticipated final disposition of the human remains including one or more of the following:
 - a. Burial.
 - b. Entombment.
 - c. Anatomical gift of the human remains not including a part.
 - d. Cremation.
 - e. Removal from the state, and
 - f. Other final disposition of the human remains;
 - 6. If an anticipated final disposition is anatomical gift not including a part, another anticipated final disposition other than removal from the state;
 - 7. If an anticipated final disposition is removal from the state:
 - a. Whether removal from the state includes removal from the United States, and
 - b. Another anticipated final disposition other than anatomical gift not including a part;
 - 8. If an anticipated final disposition of the human remains is another means of final disposition, a description of the anticipated final disposition;
 - 9. If applicable, the name of the funeral establishment; and
 - 10. The name of the funeral director or responsible person in charge of the final disposition of the human remains.
- C.** If cremation is listed as an anticipated final disposition for a deceased individual's human remains, a local registrar, deputy local registrar, or the state registrar shall obtain an approval for cremation from the medical examiner of the county where the deceased individual's death occurred before issuing a disposition-transit permit.
- D.** To obtain a disposition-transit permit for human remains from a fetal death, a funeral establishment or responsible person shall submit the following information to the local registrar or deputy local registrar of the county where the fetal death occurred or the state registrar:
 - 1. The name of the mother;
 - 2. The date of delivery;
 - 3. The gestational age of the product of human conception or, if the gestational age is unknown, the weight of the product of human conception;
 - 4. Whether the anticipated final disposition is hospital or abortion clinic disposition;
 - 5. If the anticipated final disposition is not hospital or abortion clinic disposition, the anticipated final disposition of the human remains including one or more of the following:
 - a. Burial.
 - b. Entombment.
 - c. Anatomical gift of the human remains not including a part.
 - d. Cremation.
 - e. Removal from the state, and
 - f. Other final disposition of the human remains;

6. If an anticipated final disposition is anatomical gift not including a part, another anticipated final disposition other than removal from the state;
7. If an anticipated final disposition is removal from the state:
 - a. Whether removal from the state includes removal from the United States, and
 - b. Another anticipated final disposition other than anatomical gift not including a part;
8. If an anticipated final disposition of the human remains is another means of final disposition, a description of the anticipated final disposition;
9. If applicable, the name of the funeral establishment; and
10. The name of the funeral director or responsible person in charge of the final disposition of the human remains.
- E.** If cremation is listed as an anticipated final disposition for human remains from a fetal death with a gestational age of 20 weeks or more, or if the gestational age is unknown, a weight of 350 grams or more, a local registrar, deputy local registrar, or the state registrar shall obtain an approval for cremation from the medical examiner of the county where the fetal death occurred before issuing a disposition-transit permit.
- F.** A local registrar, deputy local registrar, or the state registrar shall not issue a disposition-transit permit for a deceased individual if a medical certification of death for the deceased individual required in R9-19-303 has not been submitted to the local registrar of the county where the death occurred.

R9-19-303. ~~Expired~~ Medical Certification of Death

- A.** A medical certifier shall complete and submit a medical certification of a deceased individual's death to the local registrar of the county where the death occurred or the state registrar as soon as possible and no more than 72 hours after the death that includes:
 1. The name of the deceased individual;
 2. The name, title, address, and license number of the medical certifier;
 3. The date the medical certifier signed the medical certification of death;
 4. The date and time of death;
 5. Except as provided in subsection (C), the condition leading to the immediate cause of death including the underlying cause of death, using the standards from:
 - a. For a medical certifier other than a medical examiner, the Physicians' Handbook on Medical Certification, DHHS Publication No. (PHS) 2003-1108, published by the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, incorporated by reference, on file with the Department, and including no future editions or amendments, available at http://www.cdc.gov/nchs/data/misc/hb_cod.pdf or from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371964, Pittsburgh, PA 15250-7964; or
 - b. For a medical examiner, the Medical Examiners' and Coroners' Handbook on Death Registration and Fetal Death Reporting, DHHS Publication No. (PHS) 2003-1110 published by the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, incorporated by reference, on file with the Department, and including no future editions or amendments, available at http://www.cdc.gov/nchs/data/misc/hb_me.pdf or from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371964, Pittsburgh, PA 15250-7964;
 6. For each cause or condition in subsection (A)(5), the length of time from the onset of the cause or condition to the time of death;
 7. Any other conditions contributing to the death;
 8. Whether tobacco use contributed to the cause of death;
 9. If the deceased individual was female, whether:
 - a. The deceased individual was pregnant within the last year;
 - b. The deceased individual was pregnant at the time of death;
 - c. The deceased individual was not pregnant at the time of death, but pregnant within 42 days of death;
 - d. The deceased individual was not pregnant at the time of death, but pregnant 43 days to one year before death; or
 - e. It is unknown whether the deceased individual was pregnant within the past year;
 10. Whether an autopsy was performed on the deceased individual; and
 11. Whether the notification required in A.R.S. § 11-593 was made.
- B.** If a medical examiner determined the cause of death, in addition to the information in subsection (A), the medical examiner shall submit the following information as determined by the medical examiner:
 1. If the manner of death is pending investigation;
 2. If the manner of death is not pending investigation, whether the death was due to:
 - a. Natural causes,
 - b. An accident,
 - c. Suicide,
 - d. Homicide, or

- e. An undetermined cause;
3. If the death was as a result of an injury:
 - a. The date and time of the injury.
 - b. The type of location where the injury occurred.
 - c. The address of the location where the injury occurred.
 - d. Whether the injury occurred while the deceased individual was working or at the deceased individual's work-place, and
 - e. A description of how the injury occurred; and
4. If the death was caused by a transportation accident whether the deceased individual at the time of the transportation accident was:
 - a. The driver or operator of the transportation vehicle.
 - b. A passenger in the transportation vehicle.
 - c. A pedestrian, or
 - d. Involved in another activity affected by the transportation accident.
- C. When a medical examiner cannot determine the cause of death for the medical certification of a deceased individual's death within 72 hours of the deceased individual's death, the medical examiner shall:
 1. Enter the word "pending" for the cause of death for the medical certification and submit the medical certification of death as required in subsection (A); and
 2. Upon determination of the cause of death, submit an amendment according to R9-19-310 that includes the cause of death using the standards from the Medical Examiners' and Coroners' Handbook on Death Registration and Fetal Death Reporting, DHHS Publication No. (PHS) 2003-1110, incorporated by reference in subsection (A)(5)(b).
- D. A medical certifier shall sign the completed medical certification of a deceased individual's death as follows:
 1. If the medical certifier is a physician or a registered nurse practitioner, the medical certifier shall sign a statement attesting that, to the best of the medical certifier's knowledge, death occurred due to the cause and manner stated.
 2. If the medical certifier is a physician or a registered nurse practitioner who also pronounced the death of the deceased individual, the medical certifier shall sign a statement attesting that, to the best of the medical certifier's knowledge, death occurred at the time, date, and place, and due to the cause and manner stated.
 3. If the medical certifier is a medical examiner or a tribal law enforcement authority, the medical certifier shall sign a statement attesting that, to the best of the medical certifier's knowledge, death occurred due to the cause and manner stated.

R9-19-304. Expired-Death Certificate

- A. A responsible person or a representative of a funeral establishment who is responsible for the final disposition of a deceased individual's human remains shall submit the following information to a local registrar, a deputy local registrar, or the state registrar within seven days of the deceased individual's death:
 1. The deceased individual's name and sex;
 2. The date of the deceased individual's death;
 3. The place of death including:
 - a. The county.
 - b. Town or city, and
 - c. Zip code;
 4. If death was pronounced in a hospital, whether the deceased individual was:
 - a. An inpatient,
 - b. An outpatient, or
 - c. Dead on arrival at the hospital;
 5. If death was pronounced somewhere other than a hospital, whether death was pronounced at:
 - a. A residence.
 - b. An inpatient hospice facility.
 - c. A nursing care institution, or
 - d. Another location;
 6. If death was pronounced at another location, a description of the location;
 7. If death was pronounced:
 - a. In a health care institution, the facility name and National Provider Number; or
 - b. In a location other than a health care institution, the street address of the location;
 8. The deceased individual's race;
 9. Whether the deceased individual was of Hispanic origin and if the deceased individual was of Hispanic origin, what type of Hispanic origin;
 10. Whether the deceased individual was ever in the U.S. Armed Forces;
 11. The deceased individual's date of birth;

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12. The deceased individual's age:
 - a. If the deceased individual was 1 or more years old, in years since last birthday anniversary;
 - b. If the deceased individual was 1 or more days old but less than 1 year old, in months and days; or
 - c. If the deceased individual was less than 1 day old, in hours and minutes;
 13. The deceased individual's marital status at the time of death;
 14. The name of the deceased individual's surviving spouse, if applicable, and if the surviving spouse is a wife, the wife's last name before her first marriage;
 15. The state and city of the deceased individual's birth or if the birth did not happen in the United States, the name of the country where the birth occurred;
 16. The name of the country that the deceased individual was a citizen of;
 17. The deceased individual's Social Security Number;
 18. The deceased individual's usual occupation;
 19. The type of business or industry that the deceased individual usually worked in;
 20. The address including the street address, town or city, zip code, and county of the deceased individual's usual residence;
 21. Whether the deceased individual lived within city limits;
 22. Whether the deceased individual resided in a tribal community at the time of death;
 23. If the deceased individual resided in a tribal community at the time of death, the name of the tribal community;
 24. How long the deceased individual resided in Arizona before the deceased individual's death;
 25. The highest educational grade completed by the deceased individual;
 26. The first, middle, and last name of the deceased individual's father;
 27. The first, middle, and last name before first marriage of the deceased individual's mother;
 28. The following information about the individual providing information about the deceased individual:
 - a. The individual's name;
 - b. Relationship to the deceased individual; and
 - c. The individual's address including street address, city or town, state, and zip code;
 29. The anticipated final disposition of the human remains including one or more of the following:
 - a. Burial;
 - b. Entombment;
 - c. Anatomical gift of the human remains not including a part;
 - d. Cremation;
 - e. Removal from the state, and
 - f. Other final disposition of the human remains;
 30. If an anticipated final disposition is anatomical gift not including a part, another anticipated final disposition other than removal from the state;
 31. If an anticipated final disposition is removal from the state:
 - a. Whether removal from the state includes removal from the United States, and
 - b. Another anticipated final disposition other than anatomical gift not including a part;
 32. If an anticipated final disposition of the human remains is another means of final disposition, a description of the anticipated final disposition;
 33. If applicable, the name of the funeral establishment;
 34. The name of the funeral director or responsible person in charge of the final disposition of the human remains; and
 35. If the anticipated final disposition is cremation, an approval to cremate the human remains signed by the medical examiner of the county where the death occurred.
- B.** The responsible person or representative of a funeral establishment responsible for submitting the information in subsection (A) to a local registrar, deputy local registrar, or the state registrar shall:
1. Maintain a copy of the evidentiary document used to collect the information for 10 years from the date on the evidentiary document, and
 2. Provide a copy of the evidentiary document to the state registrar for review within 48 hours from the time of the state registrar's request.

R9-19-305. ~~Expired~~ Delayed Death Certificate

If a deceased individual's death occurs in this state and is not registered within one year after the date of the deceased individual's death, a local registrar, deputy local registrar, or the state registrar shall register the death certificate as a delayed death certificate upon receipt of:

1. If the information is being submitted by a medical examiner or a tribal law enforcement authority:
 - a. A medical certification of the deceased individual's death as required R9-19-303, and
 - b. The information for a death certificate required in R9-19-304(A); or
2. If the information is not being submitted by a medical examiner:

- a. The information in subsection (1), and
- b. A notarized statement that the information submitted is true and correct that contains the circumstances of the delay; or
3. A court order.

R9-19-306. ~~Expired-Fetal Death Certificate~~

- A.** A hospital, abortion clinic, physician, or midwife shall submit the following information to the state registrar within seven days of the fetal death, if the fetal death occurs after a gestational period of 20 completed weeks or if the product of human conception weighs more than 350 grams:
1. First, middle, and last name of deceased, if applicable;
 2. The deceased's sex;
 3. Plurality of delivery;
 4. If plurality is greater than one, the deceased's order of birth;
 5. Date of delivery;
 6. Hour of delivery;
 7. Address where delivery occurred including street address, city or town, ZIP code, and county;
 8. If delivery occurred:
 - a. At home:
 - i. Whether the delivery was planned to occur at home; and
 - ii. The street address, city or town, state, and ZIP code of the home; or
 - b. Not at home:
 - i. Type of facility where delivery occurred;
 - ii. ZIP code where delivery occurred; and
 - iii. The facility's National Provider Number;
 9. Estimation of the deceased's gestational age;
 10. Weight in grams of the deceased at delivery;
 11. Whether:
 - a. The deceased was dead at first assessment with no ongoing labor;
 - b. The deceased was dead at first assessment with ongoing labor;
 - c. The deceased died during labor after first assessment, or
 - d. It is unknown when the deceased died;
 12. The following information about the deceased's father:
 - a. First, middle, and last name;
 - b. Race;
 - c. Whether the father is of Hispanic origin and if the father is of Hispanic origin, what type of Hispanic origin;
 - d. Date of birth;
 - e. State, territory, or foreign country where father was born; and
 - f. Highest degree or level of education completed by the father at the time of the deceased's delivery;
 13. The following information about the deceased's mother:
 - a. First, middle, and last name before first marriage;
 - b. Race;
 - c. Whether the mother is of Hispanic origin and if the mother is of Hispanic origin, what type of Hispanic origin;
 - d. Date of birth;
 - e. State, territory, or foreign country where the mother was born;
 - f. Street address, apartment number if applicable, city or town, state, and county of mother's usual residence;
 - g. Highest degree or level of education completed by the mother at the time of the deceased's delivery;
 - h. Whether the mother's usual residence is inside city limits;
 - i. Date last normal menses began;
 - j. Whether the mother received prenatal care;
 - k. If the mother received prenatal care:
 - i. Date of first prenatal care visit;
 - ii. Date of last prenatal care visit; and
 - iii. Total number of prenatal visits for this pregnancy;
 - l. Whether the prenatal record was available for completion of the fetal death report;
 - m. Whether the mother was married at the time of delivery;
 - n. The number of previous live births;
 - o. The number of other pregnancy outcomes not including this delivery;
 - p. If applicable:
 - i. The date of the last live birth, and

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- ii. The date of the last other pregnancy outcome;
 - q. Whether the mother was transferred for medical reasons before delivery;
 - r. If the mother was transferred, the name of the facility that the mother was transferred from;
 - s. Whether the mother received WIC food for herself during this pregnancy;
 - t. Whether any of the following occurred 24 hours before delivery or within 24 hours after delivery:
 - i. Maternal transfusion.
 - ii. Third or fourth degree perineal laceration.
 - iii. Ruptured uterus.
 - iv. Unplanned hysterectomy.
 - v. Admission to intensive care unit, or
 - vi. Unplanned operating room procedure following delivery;
 - u. Whether the mother had been diagnosed with any of the following infections during this pregnancy:
 - i. Gonorrhea.
 - ii. Syphilis.
 - iii. Chlamydia.
 - iv. Listeria.
 - v. Group B streptococcus.
 - vi. Cytomegalovirus.
 - vii. Parvovirus, or
 - viii. Toxoplasmosis.
 - v. Whether the mother had been diagnosed with any other infection during pregnancy and the name of the infection;
 - w. Risk factors present in this pregnancy;
 - x. Whether the mother smoked before or during pregnancy;
 - y. If the mother smoked before or during pregnancy, how many cigarettes did she smoke per day:
 - i. Three months before the pregnancy.
 - ii. The first trimester of the pregnancy.
 - iii. The second trimester of the pregnancy, and
 - iv. The last trimester of the pregnancy;
 - z. The mother's height in inches;
 - aa. The mother's weight:
 - i. Prepregnancy or at first prenatal visit, and
 - ii. At delivery;
 - bb. Whether labor was induced;
 - cc. Whether labor was augmented;
 - dd. Whether there was a non-vertex presentation;
 - ee. Whether steroids were administered for fetal lung maturation before delivery;
 - ff. Whether antibiotics were administered to the mother during labor;
 - gg. Whether there was moderate or heavy meconium staining of the amniotic fluid;
 - hh. Whether an epidural or spinal anesthesia was administered to the mother during labor;
 - ii. A chronology of the mother's labor and delivery;
 - jj. Whether delivery was attempted:
 - i. With forceps, or
 - ii. Vacuum extraction;
 - kk. The fetal presentation at delivery;
 - ll. Final route and method of delivery;
 - mm. If a cesarean delivery, whether a trial of labor was attempted;
 - nn. If applicable, how many previous cesarean deliveries did the mother have; and
 - oo. Whether the mother had a hysterotomy or a hysterectomy;
 - 14. Any congenital anomalies of the deceased;
 - 15. Whether an autopsy was planned or performed;
 - 16. Whether a histological placental examination was performed;
 - 17. Whether autopsy or histological placental examination results were used in determining the cause of the fetal death;
 - 18. Whether the placenta appearance was normal or abnormal;
 - 19. A description of the fetal appearance at delivery;
 - 20. Any cause or condition that contributed to the fetal death;
 - 21. Any additional cause or condition of significant medical importance;
 - 22. The name, National Provider Number and professional credential of the individual attending the delivery;
 - 23. The name and title of the individual completing the information;

24. The principal source of payment for the delivery;
 25. The anticipated final disposition of the human remains including one or more of the following:
 - a. Hospital or abortion clinic disposition,
 - b. Burial,
 - c. Entombment,
 - d. Anatomical gift of the human remains not including a part,
 - e. Cremation,
 - f. Removal from the state, and
 - g. Other final disposition of the human remains; and
 26. If an anticipated final disposition is anatomical gift not including a part, another anticipated final disposition other than removal from the state; and
 27. If an anticipated final disposition is removal from the state:
 - a. Whether removal from the state includes removal from the United States, and
 - b. Another anticipated final disposition other than anatomical gift not including a part,
- B.** The hospital, abortion clinic, physician, or midwife responsible for submitting the information in subsection (A) to a local registrar, deputy local registrar, or the state registrar shall:
1. Maintain a copy of the evidentiary document used to collect the information for 10 years from the date on the evidentiary document, and
 2. Provide a copy of the evidentiary document to the state registrar for review within 48 hours from the time of the state registrar's request.

R9-19-307. ~~Requirements for delayed death certificates~~ Delayed Fetal Death Certificate

- ~~A.~~ A delayed death or delayed fetal death certificate shall be prepared on the form in use at the time the certificate is filed and shall be filed directly with the State Registrar in all cases. The authorized fee shall be paid at the time the applicant files the certificate. The certificate shall contain the following information:
1. Full name of deceased, sex, race, age at time of death and place of residence at time of death;
 2. The place of death and date of death or approximate date if the actual date is not known;
 3. The medical cause of death insofar as can be determined and whether death was due to accident, suicide, homicide or natural causes; and
 4. Manner of final disposition of body and place where buried, cremated or reinterred.
- B.** The State Registrar shall require sworn statements from individuals or certified abstracts of any records which, in the judgment of the State Registrar, are necessary to support the information shown on the certificate itself. A summary statement of documentary evidence shall be written on the certificate together with a notation that it has been reviewed by the State Registrar. The notation "delayed death registration" or "delayed fetal death registration" shall be entered in a prominent place on the certificate.

If a fetal death occurs in this state and is not registered within one year after the date of the fetal death, a local registrar, deputy local registrar, or the state registrar shall register the fetal death certificate as a delayed fetal death certificate upon receipt of:

1. If the information is being submitted by a medical examiner or a tribal law enforcement authority, the information in R9-19-306(A);
2. If the information is not being submitted by a medical examiner:
 - a. The information in subsection (1), and
 - b. A notarized statement that the information submitted is true and correct that contains the circumstances of the delay; or
3. A court order.

R9-19-308. ~~Exception~~ Certificate of Birth Resulting in Stillbirth

~~Late death and delayed death registration procedures shall not be used in cases where bodies of missing persons are discovered, regardless of the elapsed time between discovery and date of presumed death. For the purposes of the death or fetal death certificate, the date of death shall be considered as the date the remains were initially found and the death certificate shall be so marked. The date of presumed death shall be written on the certificate or on a supplementary report as additional information. Upon request by the parent or parents of a stillborn child, the state registrar shall provide the parent or parents with a certificate of birth resulting in stillbirth if the fetal death occurred after a gestational period of at least 20 weeks.~~

R9-19-309. ~~Supporting statements~~ Validation of Information

~~The State Registrar shall require sworn statements from individuals or abstracts of any records which, in the judgment of the State Registrar, are necessary to support the information shown on a death certificate.~~

If a local registrar, deputy local registrar, or the state registrar determines that information submitted for a death certificate or fetal death certificate or an amendment to a death certificate or fetal death certificate may not be valid or accurate, the local registrar, deputy local registrar, or state registrar may require an affidavit or an evidentiary document that is necessary, as determined by the local registrar, deputy local registrar, or state registrar, to validate the information. If the required affidavit

or evidentiary document is not submitted, the local registrar, deputy local registrar, or state registrar shall not register or amend the certificate.

R9-19-310. ~~Supplementary certificates of cause of death; medical personnel who may initiate changes on death certificate~~ Correcting a Death Certificate or a Fetal Death Certificate

- A.** ~~No changes, additions or deletions of information on a death certificate which alter the medical cause of death or the manner and circumstances of death shall be permitted unless entered on a supplementary certificate of cause of death. The supplementary certificate shall be attached to and made a part of the original certificate. Appropriate notation shall be made on the original certificate as to what changes were made and upon what evidence.~~
- B.** ~~A request for a change as to the medical cause of death shall be considered only if it originates with one of the following:~~
 - 1. ~~The physician who originally signed the death certificate;~~
 - 2. ~~A pathologist who has performed a post-mortem examination and as a result of such examination has found reason to change the cause of death as previously listed. Such request shall be with the knowledge and consent of the physician who originally signed the death certificate; or~~
 - 3. ~~A supervising physician of a county, state or federal hospital responsible for and acting on behalf of junior staff physicians who regularly see and treat patients under the jurisdiction of that institution.~~
- C.** ~~Changes as to the manner and circumstances of death on a death certificate shall originate with the medical examiner who initially signed the death certificate or another medical examiner authorized by law and having access to the official files of the case and shall be entered on a supplementary certificate of cause of death.~~
- D.** ~~The medical examiner shall submit a signed, supplementary certificate of cause of death for changes under the following circumstances:~~
 - 1. ~~When changes are made in the medical statement of the cause of death because of additional information gained through an autopsy;~~
 - 2. ~~Where the medical examiner was not able to indicate the manner and circumstances of death on the original death certificate because information on the medical cause of death was not initially available; or~~
 - 3. ~~When the results of a court proceeding, findings of an inquest or other delayed source of information indicates to the medical examiner the need for a change as to the manner or circumstances of death.~~
- E.** ~~Changes in the medical cause of death shall be certified by the medical examiner.~~

A person requesting a correction to a deceased individual's death certificate or fetal death certificate shall submit a documented request to correct that includes:

- 1. The deceased individual's name and sex;
- 2. The state file number, if known;
- 3. The date, for correcting a:
 - a. Death certificate, of the deceased individual's death; or
 - b. Fetal death certificate or a certificate of birth resulting in stillbirth, of the delivery;
- 4. The specific information on the certificate to be corrected;
- 5. A statement attesting to the validity and accuracy of the submitted correction signed by the person submitting the request for correction; and
- 6. An evidentiary document that demonstrates the validity of the submitted correction.

R9-19-311. ~~Expired~~ Amending a Death Certificate or a Fetal Death Certificate

- A.** A request to amend any of the information in R9-19-303(A)(2) through (A)(11) on a deceased individual's death certificate is signed by the:
 - 1. Medical certifier who originally signed the death certificate, or
 - 2. Medical examiner of the county where the death occurred.
- B.** A request to amend any of the information in R9-19-303(B) on a death certificate is signed by the medical examiner of the county where death occurred.
- C.** A medical certifier requesting an amendment to any of the information on the death certificate in R9-19-303 shall submit a documented request to amend that includes:
 - 1. The deceased individual's name and sex;
 - 2. The state file number, if known;
 - 3. The date:
 - a. For amending a death certificate, of the deceased individual's death; or
 - b. For amending a fetal death certificate, of the delivery;
 - 4. The specific information on the certificate to be amended including the information to be deleted and the information to be added; and
 - 5. A statement attesting to the validity and accuracy of the submitted amendment signed by the medical certifier.
- D.** A person requesting an amendment to a deceased individual's death certificate or fetal death certificate shall submit a documented request to amend that includes:

1. The deceased individual's name and sex;
 2. The state file number, if known;
 3. The date:
 - a. For amending a death certificate, of the deceased individual's death; or
 - b. For amending a fetal death certificate, of the delivery;
 4. The specific information on the certificate to be amended including the information to be deleted and the information to be added; and
 5. An affidavit, signed by the person submitting the request for amendment, attesting to the validity and accuracy of the submitted amendment.
- E.** If a person submitting a documented request for an amendment to a deceased individual's death certificate is not the individual listed on the death certificate as the individual who provided the information about the deceased individual, a local registrar, deputy local registrar, or the state registrar shall provide notification of the request for an amendment of the deceased individual's death certificate to the individual who provided the information about the deceased individual. The local registrar, deputy local registrar, or state registrar may request evidentiary documents from the person submitting the request and the person who provided information about the deceased individual to determine the validity and accuracy of the requested amendment and the information on the deceased individual's death certificate.
- F.** A local registrar, deputy local registrar or the state registrar shall amend a death certificate or fetal death certificate based on a:
1. Request for amendment, if the local registrar, deputy local registrar or state registrar determines that the request for amendment is valid and accurate; or
 2. Court order.

R9-19-312. Transporting Humans Remains into the State for Final Disposition

- A.** A person transporting a deceased individual's human remains into Arizona from outside of the state shall submit a disposition-transit permit or death certificate issued by the state where the deceased individual's death occurred or the human remains were previously interred that contains the cause of death and the information required in R9-19-302 to the local registrar or deputy local registrar of the registration district where final disposition of the human remains in Arizona are anticipated or the state registrar.
- B.** Upon receipt of a disposition-transit permit or death certificate issued by another state that contains the cause of death and the information required in R9-19-302, a local registrar, deputy local registrar, or the state registrar shall issue a disposition-transit permit using the information on the other state's disposition-transit permit or death certificate. If the human remains were previously disinterred, the local registrar, deputy local registrar, or state registrar shall document "disinterred" on the disposition-transit permit.

R9-19-313. Disinterment-reinterment Permit

- A.** Except as provided in A.R.S. § 36-327(B), before a person disinters a deceased individual's human remains, the person shall:
1. Obtain:
 - a. Written authorization for the disinterment from the deceased individual's family member or members who have the highest priority according to A.R.S. § 36-327(A), or
 - b. A court order authorizing the disinterment; and
 2. Submit the following information to a local registrar, deputy local registrar or the state registrar to obtain a disinterment-reinterment permit:
 - a. The name, age, sex, and race of the deceased individual;
 - b. The date and place of death;
 - c. The name of the cemetery or the location where the human remains are buried;
 - d. The name of the funeral director in charge of the disinterment;
 - e. If applicable, the name or names of the family member or members who authorized the disinterment as required in subsection (A)(1)(a);
 - f. The name of the cemetery or the location where it is anticipated that the human remains will be reinterred or the crematory where the humans remains will be cremated; and
 - g. If applicable, a copy of the court order required in subsection (A)(1)(b).
- B.** The funeral director who is in charge of the disinterment shall:
1. Maintain a copy of the written authorization or court order for 10 years from the date on the evidentiary document, and
 2. Provide a copy of the written authorization or court order to the state registrar for review within 48 hours from the time of the state registrar's request.

R9-19-314. Duties of Persons in Charge of Place of Final Disposition

A person in charge of a place of final disposition in this state shall:

1. Maintain a copy of the following documents at the place of final disposition for five years after the issue date on the document:
 - a. The disposition-transit permit for each final disposition of human remains, and
 - b. The disinterment-reinterment permit for each disinterment or reinterment of human remains; and
2. Provide a copy of the document to the state registrar for review within 48 hours from the time of the state registrar's request.

R9-19-316. Responsibilities of persons in charge of cemeteries or crematories Repealed

- ~~A. The manager of every regularly organized cemetery or crematory shall keep a record of all interments or cremations occurring in such establishment. Such records shall show the name of the deceased, the date and place of death and the name and address of the funeral director in charge. Such records shall be subject to inspection by the State Registrar or authorized representative.~~
- ~~B. No cemetery shall permit the interment or cremation of a body unless accompanied by a properly completed disposal-transit permit.~~
- ~~C. No crematory shall permit the cremation of a body unless accompanied by a properly completed disposal-transit permit.~~

R9-19-317. Requirements for preparation and filing of disposal-transit permits Repealed

~~The disposal-transit permit shall contain the following information and be fully completed before filing:~~

1. ~~The name, sex, age and race of the deceased; the date and place of death; the manner of disposition and the funeral establishment responsible for final disposition;~~
2. ~~The cause of death if the body is to be shipped by commercial or common carrier or is to be moved out of the state, except as otherwise provided in this Article when released for disposition by the medical examiner. The cause of death shall also be specified if the person died from any of the communicable diseases enumerated in R9-19-313;~~
3. ~~The signature of the funeral director and the local registrar;~~
4. ~~The location of interment or other disposition and the signature of the person in charge of the location of interment or other place of disposition.~~

R9-19-318. Disposal-transit permit required Repealed

~~The body of a person who has died or is found dead in Arizona, including a fetus which has completed the 20th week of gestation, shall not be buried, deposited in a vault, cremated, held more than three days after death or removed from the registration district where death occurred without a funeral director or person acting in such capacity first obtaining a disposal-transit permit from the local registrar of that district. An appropriate death or fetal death certificate shall be filed with the local registrar before the disposal-transit permit shall be issued, except as provided in R9-19-319, R9-19-322, R9-19-323 and R9-19-324(B).~~

1. ~~A disposal-transit permit issued by any local registrar shall be valid for disposition of the remains in any registration district of this state or for removal outside the state.~~
2. ~~A crematory shall not accept a body or fetus for cremation unless the accompanying disposal-transit permit and the certificate specifically authorize cremation.~~
3. ~~Under no circumstances shall a body or fetus be cremated or transported out of the state unless accompanied by a properly completed disposal-transit permit authorizing such action. A death certificate shall be filed before the permit can be issued.~~
4. ~~If at the time of death the decedent was infected with a disease listed in R9-19-313, the local registrar shall notify the state and local health authorities before issuing a disposal-transit permit.~~
5. ~~No fee shall be collected for issuing a disposal-transit permit.~~

R9-19-320. Bodies from out-of-state Repealed

~~When a body is transported into Arizona from outside of the state, the local registrar of the district where the body is to be buried shall issue a new disposal-transit permit noting the place where death occurred, the type of final disposition and the place where shipment originated. If the remains are disinterred remains, that fact shall also be indicated by entering "disinterred remains" on the disposal-transit permit. The permit from the state of origin shall be mailed promptly to the Department. Bodies thus brought into the state shall not be held longer than three days without reissuance of a disposal-transit permit.~~

R9-19-325. Transmittal procedures for permit Repealed

~~The disposal-transit permit shall consist of four copies. The "transit copy" shall accompany the body to the place of burial or other disposition. The "local registrar copy" shall be retained by the local registrar issuing the permit. The "transport copy" shall be retained for the transportation company's use. The "state copy" shall be immediately mailed by the funeral director to the State Registrar where it shall serve as official notification that a death has occurred. Upon final disposition, the person in charge of the cemetery or crematory shall enter the appropriate signature on the transit copy and mail it to the State Registrar within ten days. When interment is in a place where there is no person in charge, the funeral director handling the interment shall write across the permit "no person in charge," sign his name and mail the permit to the State Registrar within ten days.~~

Local registrars shall retain file copies of disposal-transit permits for two years from the date of issue.

R9-19-329. Requirements for preparation and filing of the disinterment permit Repealed

The disinterment permit, required by R9-19-328, shall contain the following information:

1. The name, age, sex and race of the deceased; the date and place of death and the location where buried; name of funeral director or person in charge of the disinterment;
2. The signature of the family member or other person granting permission for the disinterment;
3. The signature of the manager of the cemetery or other location from which the remains are removed. If there is no person in charge, the funeral director shall write across this space "no person in charge" and sign his name; and
4. The signature of the manager of the cemetery or other location where the remains are reinterred. If there is no person in charge, the funeral director shall write across this space "no person in charge" and sign his name.

R9-19-331. Transmittal procedures for a disinterment permit Repealed

The disinterment permit shall consist of three copies. The original shall accompany the remains to the place of reinterment or other disposition. The second copy shall be retained by the funeral director and the third copy shall be retained by the issuing registrar. When reinterment is complete, the person in charge of the cemetery or the funeral director shall enter the appropriate endorsement on the original and mail it to the State Registrar within ten days. Local registrars and funeral directors shall retain file copies of disinterment permits for at least two years from the date of issue.

R9-19-332. Responsibility for keeping disinterment records Repealed

The manager of every regularly organized cemetery shall keep a record of disinterments and reinterments which occur in the cemetery. Such records shall show the name of the deceased, the date and place of death, the cemetery to which removed or the cemetery from which received and the name of the funeral director. Such records shall be subject to inspection by authorized representatives of the State Registrar upon request.

R9-19-334. Multiple disinterments Repealed

Where several graves at one location are to be moved to another location, only one disinterment permit shall be required. However, a list showing the identification of each person insofar as known shall be attached to and made a part of the permit. If the permission of survivors cannot be obtained or if other exigencies outweigh this consideration, the Superior Court of the county wherein the graves are located may issue an order for their removal, which shall be authority to obtain a disinterment permit. In the event the graves lie in more than one county, only one order for removal need be obtained.

R9-19-335. Disposition by means of cremation Repealed

- A. Except as otherwise provided in R9-19-314, no remains shall be cremated except in a facility established solely for the purpose of cremating dead human bodies.
- B. A local registrar shall not issue a disposal-transit permit authorizing cremation unless the funeral director has secured and presented the medical examiner's certification as required by A.R.S. § 11-599.
- C. A casket shall not be required to cremate human remains.
- D. Cremated remains may be disposed of in any manner which does not violate existing federal, tribal, state, county, or municipal laws, rules or ordinances, or rights of others.

NOTICE OF PROPOSED RULEMAKING

TITLE 15. REVENUE

**CHAPTER 5. DEPARTMENT OF REVENUE
TRANSACTION PRIVILEGE AND USE TAX SECTION**

[R06-189]

PREAMBLE

1. Sections Affected

R15-5-101
R15-5-103
R15-5-104
R15-5-105
R15-5-106
R15-5-110
R15-5-111
R15-5-113

Rulemaking Action

Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend

Notices of Proposed Rulemaking

R15-5-2309 Amend
R15-5-2313 Amend
R15-5-2314 Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 42-1005

Implementing statutes: A.R.S. § 42-5061; A.R.S. § 42-5151; A.R.S. § 42-5155

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 12 A.A.R. 2044, June 9, 2006

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Dan Jensen, Tax Analyst
Address: Tax Policy and Research Division
Arizona Department of Revenue
1600 W. Monroe, Room 810
Phoenix, AZ 85007

Telephone: (602) 716-6377

Fax: (602) 716-7995

E-mail: DJensen@azdor.gov

Please visit the ADOR web site to track the progress of these rules and other agency rulemaking matters at www.azdor.gov/tra/draftdoc.htm.

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The following rulemaking is pursuant to changes recommended in the latest five-year review report of the rules in Chapter 5 of Title 15 applicable to transaction privilege taxes imposed under the retail classification. The Department is amending these rules to conform to current rulewriting standards and to delete unnecessary language. Some of the rules inappropriately use the passive voice, use inaccurate verbiage, or are unclear. Language in these rules is also deleted because it does not clarify the applicable statutes.

Three use tax rules are also amended for the some of the same reasons. These three rules are substantially similar to three of the retail rules contained in this rulemaking.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

There should be little to no economic impact associated with amending these rules. The changes are intended to clarify the rules and make them more readable for taxpayers. The changes eliminate the passive voice, delete unnecessary language, or clarify existing ambiguities. For businesses and individuals subject to either use tax or transaction privilege tax under the retail classification, these changes may increase compliance and reduce error in reporting their tax liability. The increased clarity will also help businesses that provide services and need clarification understanding if and when they may be subject to transaction privilege tax. The Department may see a slight increase or decrease in revenues collected due to the increased clarity of these rules.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Dan Jensen, Tax Analyst
Address: Tax Policy and Research Division
Arizona Department of Revenue
1600 W. Monroe, Room 810
Phoenix, AZ 85007

Telephone: (602) 716-6377

Fax: (602) 716-7995

E-mail: DJensen@azdor.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No oral proceeding is scheduled. Under A.R.S. § 41-1023(C), an oral proceeding will be scheduled if a written request is submitted to the person identified in item #4 within 30 days after publication of this notice.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 15. REVENUE

CHAPTER 5. DEPARTMENT OF REVENUE
TRANSACTION PRIVILEGE AND USE TAX SECTION

ARTICLE 1. RETAIL CLASSIFICATION

Section

- R15-5-101. Sales for Resale or Lease
- R15-5-103. Sale of Business Enterprises
- R15-5-104. Service Businesses
- R15-5-105. Services in Connection with Retail Sales
- R15-5-106. Finance Charges in Connection with Retail Sales
- R15-5-110. Lease-purchase Agreements
- R15-5-111. Consignment Sales
- R15-5-113. Sales by Trustees, Receivers, and Assignees

ARTICLE 23. USE TAX

Section

- R15-5-2309. Exemptions -- Purchase for Resale of Lease
- R15-5-2313. Lease-Purchase Agreements
- R15-5-2314. Purchase from Trustees, Receivers, and Assignees

ARTICLE 1. RETAIL CLASSIFICATION

R15-5-101. Sales for Resale or Lease

- A.** Gross receipts from the ~~sales~~ sale of tangible personal property to be resold by the purchaser in the ordinary course of business are not ~~taxable~~ subject to tax under the retail classification.
- B.** Gross receipts from the ~~sales~~ sale of tangible personal property to be leased ~~out~~ by a person in the business of leasing such personal property are not ~~taxable~~ subject to tax under the retail classification.
- C.** Gross receipts from the sale of tangible personal property to a lessor of real property are subject to tax if:
 - 1. ~~Gross receipts from the sale of tangible personal property to a lessor of real property are taxable if the~~ The tangible personal property is incorporated into, or leased in conjunction with, the real property, and
 - 2. The rental of the tangible personal property is not separately stated as part of the real property lease transaction.
- ~~**C.D.** Gross receipts from the sale of repair or replacement parts for tangible personal property which that is to be leased out by a person engaged in the business of leasing such tangible personal property are not taxable subject to tax under the retail classification.~~
- ~~**D.** The seller may establish the deduction for a sale for resale or lease by obtaining documentation from the purchaser pursuant to statutory provisions and to R15-5-2214.~~

R15-5-103. Sale of Business Enterprises

Gross receipts from the sale of a business as a going concern ~~shall~~ are not be taxable subject to tax if the sale is for the business as an operating enterprise.

R15-5-104. Service Businesses

- A.** Gross receipts from the ~~sales~~ sale of tangible personal property to a person engaged in a professional or personal service

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occupation or business are ~~taxable~~ subject to tax if the tangible personal property is used or consumed in the performance of the service or is sold only as an inconsequential element of the nontaxable service provided.

- B. Gross receipts from the sale of tangible personal property, by a person engaged in a professional or personal service occupation or business, ~~shall are not be taxable~~ subject to tax if the property is sold only as an inconsequential element of the nontaxable service provided.
- C. Sales of tangible personal property ~~shall be considered~~ are inconsequential elements of the service if:
 - 1. The purchase price of the tangible personal property to the person rendering the services represents less than 15% of the charge, billing, or statement rendered to the purchaser in connection with the transaction;
 - 2. At the time of the sale, the tangible personal property transferred is not in a form ~~which that~~ is subject to retail sale; and
 - 3. The charge for the tangible personal property is not separately stated on the invoice.
- D. A person engaged in both a retail business and a service business shall keep records of purchases of tangible personal property sufficient to establish whether the property was resold as a taxable retail sale.

R15-5-105. Services in Connection with Retail Sales

~~A charge in connection with a retail sale is taxable~~ Gross Receipts from services rendered in addition to selling tangible personal property at retail are subject to tax unless the charge for service is shown separately on the sales invoice and records.

R15-5-106. Finance Charges in Connection with Retail Sales

Gross receipts from finance, carrying charges, or interest charges incurred in connection with a retail sale of tangible personal property ~~shall are not be taxable~~ subject to tax if:

- 1. The charges are separately stated as part of the sales transaction; and
- 2. The charges result from the sale of such property on credit or under an installment contract.

R15-5-110. Lease-purchase Agreements

- A. Gross income derived from the leasing of tangible personal property under a lease-purchase agreement ~~shall be is~~ taxable subject to tax under the personal property rental classification.
- B. Payments received after the conversion from a lease to a purchase are ~~taxable~~ subject to tax under the retail classification.
- C. Gross receipts from the sale of tangible personal property ~~shall~~ include conversion charges paid or incurred at the time the lease is converted to a purchase.

R15-5-111. Consignment Sales

- A. The following definitions apply for purposes of this rule:
 - 1. "Consignee" ~~is means~~ means the party ~~which that~~ is in the business of selling tangible personal property belonging to a "consignor."²
 - 2. "Consignor" ~~is means~~ means the party with the legal right to contract the services of the consignee to sell tangible personal property on behalf of the consignor.
- B. Gross receipts from consignment sales are subject to tax under the retail classification.
- C. A consignee shall obtain a transaction privilege tax license prior to ~~engaging in the business of~~ making consignment sales.

R15-5-113. Sales by Trustees, Receivers, and Assignees

- A. Gross receipts from the sale of tangible personal property by a trustee, receiver, or assignee ~~shall be are~~ taxable subject to tax if the sale of the property in the hands of the owner would ~~have been be~~ taxable subject to tax.
- B. Gross receipts from the sale of tangible personal property by a trustee, receiver, or assignee ~~shall are not be taxable~~ subject to tax if the sale of the property in the hand of the owner would ~~have been exempt not be~~ subject to tax.

ARTICLE 23. USE TAX

R15-5-2309. Exemptions -- Purchases for Resale or Lease

- A. Purchases of tangible personal property from a retailer for resale in the ordinary course of the purchaser's business ~~shall are not be~~ subject to the use tax.
- B. Purchases of tangible personal property from a retailer for subsequent leasing or renting in the ordinary course of the purchaser's business ~~shall are not be~~ subject to the use tax.

R15-5-2313. Lease-purchase Agreements

- A. Purchase payments made after conversion from a lease to a purchase of tangible personal property ~~shall be are~~ subject to the use tax unless the lease-purchase transaction is subject to ~~the~~ transaction privilege tax.
- B. The purchase price of tangible personal property ~~shall include~~ includes conversion charges paid or incurred at the time the lease is converted to a purchase.

R15-5-2314. Purchases from Trustees, Receivers, and Assignees

- A. Tangible personal property purchased for storage, use, or consumption in Arizona from a trustee, receiver, or assignee

~~shall be~~ is subject to use tax if the purchase of the tangible personal property in the hands of the owner would ~~have been~~ be subject to ~~the~~ use tax.

- B.** Tangible personal property purchased for storage, use, or consumption in Arizona from a trustee, receiver, or assignee ~~shall is~~ is not be subject to ~~the~~ use tax if the purchase of the property from the owner would ~~have been exempt~~ not be subject to use tax.