

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

[R08-315]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 4, Professional Practices; 6, Permits and Distribution of Drugs
Section numbers: R4-23-405, R4-23-604, R4-23-616 (Sections may be added, deleted, or modified as necessary.)

2. Subject matter of the proposed rule:

House Bill 2020 was passed by the 48th Legislature and signed by the governor on April 11, 2008. The legislation removes the requirement in A.R.S. § 32-1961(A) that a person must be a pharmacist to manufacture a drug in Arizona and adds an exception in A.R.S. § 32-1921(A)(4) that allows a person who is not a pharmacist and holds the required permit issued by the Board to manufacture a drug in Arizona. The proposed rulemaking will amend R4-23-405 (Change of Responsibility) and R4-23-604 (Resident Drug Manufacturer) to implement the statutory changes made in H.B. 2020 regarding who may manufacture a drug in Arizona. R4-23-405 will be amended to remove the requirement that a manufacturer must designate a pharmacist-in-charge. R4-23-604 will be amended to remove any pharmacist-in-charge requirements in the rule.

The Board staff discovered that R4-23-616 (Mechanical Counting Device for a Drug in Solid, Oral Dosage Form) does not indicate the time period that a pharmacy permittee must retain the records required by the rule. The Board intends to amend R4-23-616(B) by adding a record retention period of not less than two years. This two-year record retention period is identical to the record retention period required in R4-23-615 (Storage and Counting Device for a Drug in Solid, Oral Dosage Form), which was promulgated at the same time as R4-23-616 (Mechanical Counting Device for a Drug in Solid, Oral Dosage Form). The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and the Governor's Regulatory Review Council.

The agency docket number, if applicable:

R0811

3. A citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Dean Wright, Compliance Officer
Address: Board of Pharmacy
1700 W. Washington St., Suite 250
Phoenix, AZ 85007
Telephone: (602) 771-2744
Fax: (602) 771-2749
E-mail: dwright@azpharmacy.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m. Oral comments may be made at the Board office Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Board of Pharmacy
1700 W. Washington St., Suite 250
Phoenix, AZ 85007

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

6. A timetable for agency decisions or other action in the proceeding:

None

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF REVENUE
GENERAL ADMINISTRATION

[R08-296]

1. **Title and its heading:** 15, Revenue
Chapter and its heading: 10, Department of Revenue – General Administration
Article and its heading: 1, Appeal Procedures
Section number: R15-10-122
2. **The subject matter of the proposed rule:**
This rule relates to the Department of Revenue’s administrative hearing procedures. At the request of the Department’s Hearing Office, R15-10-122(A) is amended to allow the Hearing Office to use a recording device other than a tape recorder to record oral hearings and to make copies of recorded oral hearings.
The agency docket number:
08-10-01
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 14 A.A.R. 3745, October 3, 2008 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Rick Swenson, Tax Analyst
Address: Tax Policy and Research Division
Department of Revenue
1600 W. Monroe St.
Phoenix, AZ 85007
Telephone: (602) 716-6452
Fax: (602) 716-7995
E-mail: RSwenson@azdor.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
To be published in the Notice of Proposed Rulemaking
6. **A timetable for agency decisions or other action on the proceeding, if known:**
None

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION
OVERDIMENSIONAL PERMITS

[R08-316]

1. **Title and its heading:** 17, Transportation
Chapter and its heading: 6, Department of Transportation – Overdimensional Permits
Article and its heading: 1, General Provisions; 2, Permit Classes; 3, Safety Requirements; 4, Transport Restrictions; 5, Envelope Permit Special Provisions
Section numbers: R17-6-101, R17-6-102, Table 1, R17-6-103 through R17-6-113, R17-6-201 through R17-6-206, Table 2, R17-6-207 through R17-6-211, R17-6-301, R17-6-302, Ill. 1, R17-6-303, Ill. 2, R17-6-304, Ill. 4, R17-6-305 through R17-6-308, R17-6-401 through R17-6-411, Tables 3.01 through 3.09, Ill. 3, R17-6-412, Table 4, R17-6-413, Table 5, R17-6-414, and R17-6-501 through R17-6-505 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rules:**
The Arizona Department of Transportation engages in this rulemaking, in a combined effort with the Overdimensional Permit Council and other representatives of the regulated community, to ensure the effectiveness of its overdimensional permit rules in achieving statutory objectives under A.R.S. Title 28, Chapter 3, Articles 18 and 19. The Department anticipates amending the rules by the end of this year. The rule amendments are intended to correct any outdated information and statutory references, provide further clarification on existing processes to ensure the public safety, and ensure the rules are clear, concise, and understandable. In the near future, the Department and the Overdimensional Permit Council will publish additional notices to ensure that all interested parties are provided sufficient opportunity to participate in this rulemaking effort.

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3. A citation to all published notices relating to the proceeding:

None

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

Name: John Lindley, Administrative Rules Analyst
Address: Administrative Rules Unit
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 530M
Phoenix, AZ 85007
Telephone: (602) 712-8804
Fax: (602) 712-3081
E-mail: jlindley@azdot.gov

Please visit the ADOT web site to track the progress of these rules and any other agency rulemaking matters at www.azdot.gov/mvd/mvdrules/rules.asp.

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will accept written and oral comments on this rulemaking Monday through Friday, 8:00 a.m. to 5:00 p.m., with the exception of state holidays. Interested parties may provide comments to the analyst listed under item 4. Public hearings may be scheduled to provide a forum for interactive discussion with interested parties.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA STATE LOTTERY COMMISSION

[R08-307]

1. Title and its heading:

19, Alcohol, Horse and Dog Racing, Lottery, and Gaming

Chapter and its heading:

3, Arizona State Lottery Commission

Article and its heading:

2, Retailers

Section number:

R19-3-212 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

Article 2, Retailers, prescribes the requirements and procedures for Arizona retail businesses that sell Lottery game products. R19-3-212 will be amended as a result of statutory changes in the 2008 Legislative Session. Laws 2008, Ch. 287, § 2 revised the compensation to licensed sales agents from a range of 6.5%-7% to a range of 5.5%-8%. The Lottery is amending the rules to incorporate this statutory change.

3. A citation to all published notices relating to the proceeding:

None

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

Name: J. Art Macias Jr., Executive Director
Address: Arizona State Lottery
4740 E. University Drive
Phoenix, AZ 85034
Telephone: (480) 921-4505
Fax: (480) 921-4488
E-mail: amacias@azlottery.gov

or

Name: Pam DiNunzio
Address: Arizona State Lottery
4740 E. University Drive
Phoenix, AZ 85034
Telephone: (480) 921-4489
Fax: (480) 921-4488
E-mail: pdinunzio@azottery.gov

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5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written and oral comments will be accepted between 8:00 a.m. and 5:00 p.m., Monday through Friday (except state holidays) at the address listed in item 4. The date, time, and location of an oral proceeding on the rulemaking will be included in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined