

Senate Engrossed

State of Arizona  
Senate  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 21

# SENATE BILL 1065

AN ACT

AMENDING SECTIONS 36-132, 36-136 AND 49-104, ARIZONA REVISED STATUTES;  
RELATING TO THE DEPARTMENT OF HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-132, Arizona Revised Statutes, is amended to  
3 read:

4 36-132. Department of health services; functions; contracts

5 A. The department shall, in addition to other powers and duties vested  
6 in it by law:

7 1. Protect the health of the people of the state.

8 2. Promote the development, maintenance, efficiency and effectiveness  
9 of local health departments or districts of sufficient population and area  
10 that they can be sustained with reasonable economy and efficient  
11 administration, provide technical consultation and assistance to local health  
12 departments or districts, provide financial assistance to local health  
13 departments or districts and services which THAT meet minimum standards of  
14 personnel and performance and in accordance with a plan and budget submitted  
15 by the local health department or districts to the department for approval,  
16 and recommend the qualifications of all personnel.

17 3. Collect, preserve, tabulate and interpret all information required  
18 by law in reference to births, deaths and all vital facts, and obtain,  
19 collect and preserve information relating to the health of the people of the  
20 state and the prevention of diseases as may be useful in the discharge of  
21 functions of the department not in conflict with the provisions of chapter  
22 3 of this title, and sections 36-693, 36-694 and 39-122.

23 4. Operate such sanitariums, hospitals or other facilities assigned  
24 to the department by law or by the governor.

25 5. Conduct a statewide program of health education relevant to the  
26 powers and duties of the department, prepare educational materials and  
27 disseminate information as to conditions affecting health, including basic  
28 information for the promotion of good health on the part of individuals and  
29 communities, and prepare and disseminate technical information concerning  
30 public health to the health professions, local health officials and  
31 hospitals. In cooperation with the state department of education, prepare  
32 and disseminate materials and give technical assistance for the purpose of  
33 education of children in hygiene, sanitation and personal and public health,  
34 and provide consultation and assistance in community organization to  
35 counties, communities and groups of people.

36 6. Administer or supervise a program of public health nursing,  
37 prescribe the minimum qualifications of all public health nurses engaged in  
38 official public health work, and encourage and aid in coordinating local  
39 public health nursing services.

40 7. Encourage and aid in coordinating local programs concerning control  
41 of preventable diseases in accordance with statewide plans which THAT shall  
42 be formulated by the department.

43 8. Encourage and aid in coordinating local programs concerning  
44 maternal and child health, including midwifery, antepartum and postpartum  
45 care, infant and preschool health and the health of school children,

1 including special fields such as the prevention of blindness and conservation  
2 of sight and hearing.

3 9. Encourage and aid in the coordination of local programs concerning  
4 nutrition of the people of the state.

5 10. Encourage and aid in coordinating local programs concerning dental  
6 health, in cooperation with the Arizona dental association.

7 11. Establish and maintain adequate serological, bacteriological,  
8 parasitological, entomological and chemical laboratories with qualified  
9 assistants and facilities necessary for routine examinations and analyses and  
10 for investigations and research in matters affecting public health.

11 12. Supervise, inspect and enforce the rules concerning the operation  
12 of public bathing places and public and semipublic swimming pools adopted  
13 pursuant to section 36-136, subsection H, paragraph ¶ 10.

14 13. Take all actions necessary or appropriate to ensure that bottled  
15 water sold to the public and water used to process, store, handle, serve and  
16 transport food and drink are free from filth, disease-causing substances and  
17 organisms and unwholesome, poisonous, deleterious or other foreign  
18 substances. All state agencies and local health agencies involved with water  
19 quality shall provide to the department any assistance requested by the  
20 director to ensure that this paragraph is effectuated.

21 14. Enforce the state food, caustic alkali and acid laws in accordance  
22 with chapter 2, article 2 of this title, chapter 8, article 1 of this title  
23 and chapter 9, article 4 of this title, and collaborate in the enforcement  
24 of the federal food, drug and cosmetic act of 1938 (52 Stat. 1040; 21 United  
25 States Code sections 1 through 905).

26 15. Recruit and train personnel for state, local and district health  
27 departments.

28 16. Conduct continuing evaluation of state, local and district public  
29 health programs, study and appraise state health problems and develop broad  
30 plans for use by the department and for recommendation to other agencies,  
31 professions and local health departments for the best solution of these  
32 problems.

33 17. License and regulate health care institutions according to chapter  
34 4 of this title.

35 18. Issue or direct the issuance of licenses and permits required by  
36 law.

37 19. Participate in the state civil defense program and develop the  
38 necessary organization and facilities to meet wartime or other disasters.

39 20. Subject to the availability of funds, develop and administer  
40 programs in perinatal health care, including:

41 (a) Screening in early pregnancy for detecting high risk conditions.

42 (b) Comprehensive prenatal health care.

43 (c) Maternity, delivery and postpartum care.

44 (d) Perinatal consultation, including transportation of the pregnant  
45 woman to a perinatal care center when medically indicated.

1 (e) Perinatal education oriented toward professionals and consumers,  
2 focusing on early detection and adequate intervention to avert premature  
3 labor and delivery.

4 21. License and regulate the health and safety of group homes for the  
5 developmentally disabled. The department shall issue a license to an  
6 accredited facility for a period of the accreditation, except that no  
7 licensing period shall be longer than three years. The department is  
8 authorized to conduct an inspection of an accredited facility to ensure that  
9 the facility meets health and safety licensure standards. The results of the  
10 accreditation survey shall be public information. A copy of the final  
11 accreditation report shall be filed with the department of health services.  
12 For the purposes of this paragraph, "accredited" means accredited by a  
13 nationally recognized accreditation organization.

14 B. The department may accept from the state or federal government, or  
15 any agency of the state or federal government, and from private donors,  
16 trusts, foundations or eleemosynary corporations or organizations grants or  
17 donations for or in aid of the construction or maintenance of any program,  
18 project, research or facility authorized by this title, or in aid of the  
19 extension or enforcement of any program, project or facility authorized,  
20 regulated or prohibited by this title, and enter into contracts with the  
21 federal government, or an agency of the federal government, and with private  
22 donors, trusts, foundations or eleemosynary corporations or organizations,  
23 to carry out such purposes. All funds made available under the provisions  
24 of this section shall be considered special project grants. The department  
25 may also expend such funds to further applicable scientific research within  
26 this state.

27 C. The department, in establishing fees authorized by this section,  
28 shall comply with title 41, chapter 6. The department shall not set a fee  
29 at more than the department's cost of providing the service for which the fee  
30 is charged. State agencies are exempt from all fees imposed pursuant to this  
31 section.

32 D. The department may enter into contracts with organizations that  
33 perform nonrenal organ transplant operations and organizations that primarily  
34 assist in the management of end stage renal disease and related problems to  
35 provide, as payors of last resort, prescription medications necessary to  
36 supplement treatment and transportation to and from treatment facilities. The  
37 contracts may provide for department payment of administrative costs it  
38 specifically authorizes.

39 Sec. 2. Section 36-136, Arizona Revised Statutes, is amended to read:

40 36-136. Powers and duties of director; compensation of  
41 personnel

42 A. The director shall:

43 1. Be the executive officer of the department of health services and  
44 the state registrar of vital statistics but shall NOT receive no compensation  
45 for services as registrar.

1           2. Perform all duties necessary to carry out the functions and  
2 responsibilities of the department.

3           3. Prescribe the organization of the department. The director shall  
4 appoint or remove such personnel considered necessary for the efficient work  
5 of the department and shall prescribe the duties of all personnel. The  
6 director may abolish any office or position in the department that the  
7 director believes is unnecessary.

8           4. Administer and enforce the laws relating to health and sanitation  
9 and the rules of the department.

10          5. Provide for the examination of any premises if the director has  
11 reasonable cause to believe that on the premises there exists a violation of  
12 any health law or rule of the state.

13          6. Exercise general supervision over all matters relating to  
14 sanitation and health throughout the state. When in the opinion of the  
15 director it is necessary or advisable, a sanitary survey of the whole or of  
16 any part of the state shall be made. The director may enter upon, examine  
17 and survey any source and means of water supply, sewage disposal plant,  
18 sewerage system, prison, public or private place of detention, asylum,  
19 hospital, school, public building, private institution, factory, workshop,  
20 tenement, public washroom, public rest room, public toilet and toilet  
21 facility, public eating room and restaurant, dairy, milk plant or food  
22 manufacturing or processing plant, and any premises in which the director has  
23 reason to believe there exists a violation of any health law or rule of the  
24 state which THAT the director has the duty to administer.

25          7. Prepare sanitary and public health rules.

26          8. Perform other duties prescribed by law.

27          B. If the director has reasonable cause to believe that there exists  
28 a violation of any health law or rule of the state, the director may ~~make an~~  
29 ~~inspection of~~ INSPECT any person or property in transportation through the  
30 state, and of any car, boat, train, trailer, airplane or other vehicle in  
31 which such person or property is transported, and may enforce detention or  
32 disinfection as reasonably necessary for the public health if there exists  
33 a violation of any health law or rule.

34          C. The director may deputize, in writing, any qualified officer or  
35 employee in the department to do or perform in ON the director's ~~stead~~ BEHALF  
36 any act the director is by law empowered to do or charged with the  
37 responsibility of doing.

38          D. The director may delegate to a local health department or public  
39 health services district any functions, powers or duties which THAT the  
40 director believes can be competently, efficiently and properly performed by  
41 the health department or public health services district if:

42           1. The director or superintendent of the local health agency or public  
43 health services district is willing to accept such THE delegation and agrees  
44 to perform or exercise the functions, powers and duties conferred in  
45 accordance with the standards of performance established by the director.

1           2. Funds MONIES appropriated or otherwise made available to the  
2 department for distribution to or division among counties or public health  
3 services districts for local health work may be allocated or reallocated in  
4 a manner designed to assure the accomplishment of recognized local public  
5 health activities and delegated functions, powers and duties in accordance  
6 with applicable standards of performance. Whenever in the director's opinion  
7 there is cause, the director may terminate all or a part of any such  
8 delegation and may reallocate all or a part of any funds that may have been  
9 conditioned upon ON the further performance of the functions, powers or  
10 duties conferred.

11           E. The compensation of all personnel shall be as determined pursuant  
12 to section 38-611.

13           F. The director may make and amend rules necessary for the proper  
14 administration and enforcement of the laws relating to the public health.

15           G. Notwithstanding subsection H, paragraph 1 of this section, the  
16 director may define and prescribe emergency measures for detecting,  
17 reporting, preventing and controlling new communicable or infectious diseases  
18 or conditions if he THE DIRECTOR has reasonable cause to believe that a  
19 serious threat to public health and welfare exists and that the communicable  
20 disease advisory council established in section 36-136.03 has reviewed and  
21 approved the emergency measure. Emergency measures are effective for no  
22 longer than eighteen months.

23           H. The director shall, by rule:

24           1. Define and prescribe reasonably necessary measures for detecting,  
25 reporting, preventing and controlling communicable and preventable diseases.  
26 The rules shall declare certain diseases reportable and shall further  
27 establish minimum periods of isolation or quarantine and procedures and  
28 measures to institute isolation or quarantine, including the right to a  
29 hearing. The rules shall allow the director to institute isolation or  
30 quarantine before the completion of a hearing if he THE DIRECTOR determines  
31 that clear and convincing evidence exists that a person poses a substantial  
32 danger to another person or the community. The rules shall prescribe  
33 measures reasonably required to prevent the occurrence of, or to seek early  
34 detection and alleviation of, disability, insofar as possible, from  
35 communicable or preventable diseases. The rules shall include reasonably  
36 necessary measures to control animal diseases transmittable to man HUMANS.

37           2. Define and prescribe reasonably necessary measures, in addition to  
38 those prescribed by law, regarding the preparation, embalming, cremation,  
39 interment, disinterment and transportation of dead human bodies and the  
40 conduct of funerals, relating to and restricted to communicable diseases and  
41 regarding the removal, transportation, cremation, interment or disinterment  
42 of any dead human body.

43           3. Define and prescribe reasonably necessary procedures not  
44 inconsistent with law in regard to the use and accessibility of vital

1 records, delayed birth registration and the completion, change and amendment  
2 of vital records.

3 4. Except as relating to the beneficial use of wildlife meat by public  
4 institutions and charitable organizations pursuant to title 17, prescribe  
5 reasonably necessary measures to assure that all food, including meat and  
6 meat products sold at the retail level, or drink, other than milk and milk  
7 products, sold or distributed for human consumption is free from unwholesome,  
8 poisonous or other foreign substances and filth, insects or disease-causing  
9 organisms. The rules shall prescribe reasonably necessary measures governing  
10 the production, processing, labeling, storing, handling, serving and  
11 transportation of such food and drink. The rules shall prescribe minimum  
12 standards for the sanitary facilities and conditions which THAT shall be  
13 maintained in any plant, other than a meat packing plant, slaughterhouse or  
14 wholesale meat processing plant, and in any warehouse, restaurant or other  
15 premises and in any truck or other vehicle in which food or drink is  
16 produced, processed, stored, handled, served or transported. The rules shall  
17 provide for the inspection and licensing of premises and vehicles so used,  
18 and for abatement as public nuisances of any premises or vehicles which THAT  
19 do not comply with the rules and minimum standards.

20 5. Prescribe reasonably necessary measures to assure that all meat and  
21 meat products for human consumption handled at the retail level are delivered  
22 in a manner and from sources approved by the Arizona department of  
23 agriculture and are free from unwholesome, poisonous or other foreign  
24 substances and filth, insects or disease-causing organisms. The rules shall  
25 prescribe standards for sanitary facilities to be used in identity, storage,  
26 handling and sale of all meat and meat products sold at the retail level.

27 6. Prescribe reasonably necessary measures regarding production,  
28 processing, labeling, handling, serving and transportation of bottled water  
29 to assure that all bottled drinking water distributed for human consumption  
30 is free from unwholesome, poisonous, deleterious or other foreign substances  
31 and filth or disease-causing organisms. The rules shall prescribe minimum  
32 standards for the sanitary facilities and conditions which THAT shall be  
33 maintained at any source of water, bottling plant and truck or vehicle in  
34 which bottled water is produced, processed, stored or transported and shall  
35 provide for inspection and certification of bottled drinking water sources,  
36 plants, processes and transportation and for abatement as a public nuisance  
37 of any water supply, label, premises, equipment, process or vehicle which  
38 THAT does not comply with the minimum standards. The rules shall prescribe  
39 minimum standards for bacteriological, physical and chemical quality for  
40 bottled water and for the submission of samples at intervals prescribed in  
41 the standards.

42 7. Define and prescribe reasonably necessary measures governing ice  
43 production, handling, storing and distribution to assure that all ice sold  
44 or distributed for human consumption or for the preservation or storage of  
45 food for human consumption is free from unwholesome, poisonous, deleterious

1 or other foreign substances and filth or disease-causing organisms. The  
2 rules shall prescribe minimum standards for the sanitary facilities and  
3 conditions and the quality of ice which THAT shall be maintained at any ice  
4 plant, storage and truck or vehicle in which ice is produced, stored, handled  
5 or transported, and shall provide for inspection and licensing of the  
6 premises and vehicles, and for abatement as public nuisances of ice,  
7 premises, equipment, processes or vehicles which THAT do not comply with the  
8 minimum standards.

9 8. Define and prescribe reasonably necessary measures concerning  
10 sewage and excreta disposal, garbage and trash collection, storage and  
11 disposal, and water supply for recreational and summer camps, campgrounds,  
12 motels, tourist courts, trailer coach parks and hotels. The rules shall  
13 prescribe minimum standards for preparation of food in community kitchens,  
14 adequacy of excreta disposal, garbage and trash collection, storage and  
15 disposal and water supply for recreational and summer camps, campgrounds,  
16 motels, tourist courts, trailer coach parks and hotels and shall provide for  
17 inspection of such premises and for abatement as public nuisances of any  
18 premises or facilities which THAT do not comply with the rules.

19 9. Define and prescribe reasonably necessary measures concerning the  
20 sewage and excreta disposal, garbage and trash collection, storage and  
21 disposal, water supply and food preparation of all public schools. The rules  
22 shall prescribe minimum standards for sanitary conditions which THAT shall  
23 be maintained in any public school and shall provide for inspection of such  
24 premises and facilities and for abatement as public nuisances of any premises  
25 which THAT do not comply with the minimum standards.

26 ~~10. Define and prescribe reasonably necessary measures regarding sewage~~  
27 ~~and excreta disposal, garbage and trash collection, storage and disposal,~~  
28 ~~water supply and food preparation for all workshops and other places of~~  
29 ~~employment. The rules shall prescribe minimum standards for sanitary~~  
30 ~~conditions and facilities at workshops and other places of employment and~~  
31 ~~shall provide for inspection of such premises and for abatement as public~~  
32 ~~nuisances of any premises and facilities which do not comply with the minimum~~  
33 ~~standards.~~

34 ~~ii.~~ 10. Prescribe reasonably necessary measures to prevent pollution  
35 of water used in public or semipublic swimming pools and bathing places and  
36 to prevent deleterious health conditions at such places. The rules shall  
37 prescribe minimum standards for sanitary conditions which THAT shall be  
38 maintained at any public or semipublic swimming pool or bathing place and  
39 shall provide for inspection of such premises and for abatement as public  
40 nuisances of any premises and facilities which THAT do not comply with the  
41 minimum standards. The rules shall be developed in cooperation with the  
42 director of the department of environmental quality and shall be consistent  
43 with the rules adopted by the director of the department of environmental  
44 quality pursuant to section 49-104, subsection 8, paragraph 12.

1       ~~12.~~ 11. Define and prescribe reasonably necessary measures regarding  
2 minimum standards for the sanitary conditions and facilities which THAT shall  
3 be maintained in any public or semipublic building and shall provide for  
4 inspection of such premises and for abatement as public nuisances of any  
5 premises and facilities which THAT do not comply with the minimum standards.

6       ~~13.~~ 12. Define and prescribe reasonably necessary sanitary measures  
7 concerning sewage collection, treatment and disposal, putrescible waste  
8 collection, storage and disposal and rubbish, trash and manure collection,  
9 storage and disposal for all fertilizer manufacturing plants. The rules  
10 shall prescribe minimum standards for the sanitary conditions and facilities  
11 which THAT shall be maintained at any such plant and shall provide for  
12 inspection of such premises and for abatement as public nuisances of any  
13 premises and facilities which THAT do not comply with the minimum standards.

14       ~~14.~~ 13. Prescribe reasonably necessary measures to keep confidential  
15 information relating to diagnostic findings and treatment of patients, as  
16 well as information relating to contacts, suspects and associates of  
17 communicable disease patients. In no event shall such confidential  
18 information be made available for political or commercial purposes.

19       ~~15.~~ 14. Prescribe reasonably necessary measures regarding human  
20 immunodeficiency virus testing as a means to control the transmission of that  
21 virus, including the designation of anonymous test sites as dictated by  
22 current epidemiologic and scientific evidence.

23       I. The rules adopted under the authority conferred by this section  
24 shall be observed throughout the state and shall be enforced by each local  
25 board of health or public health services district, but this section does not  
26 limit the right of any local board of health or county board of supervisors  
27 to adopt ordinances and rules as authorized by law within its jurisdiction,  
28 provided that the ordinances and rules do not conflict with state law and are  
29 equal to or more restrictive than the rules of the director.

30       J. The powers and duties prescribed by this section do not apply in  
31 instances in which regulatory powers and duties relating to public health are  
32 vested by the legislature in any other state board, commission, agency or  
33 instrumentality, except that with regard to the regulation of meat and meat  
34 products, the department of health services and the Arizona department of  
35 agriculture within the area delegated to each shall adopt rules which THAT  
36 are not in conflict.

37       K. The director, in establishing fees authorized by this section,  
38 shall comply with title 41, chapter 6. The department shall not set a fee  
39 at more than the department's cost of providing the service for which the fee  
40 is charged. State agencies are exempt from all fees imposed pursuant to this  
41 section.

42       L. After consultation with the state superintendent of public  
43 instruction, the director shall prescribe the criteria the department shall  
44 use in deciding whether or not to notify a local school district that a pupil  
45 in the district has tested positive for the human immunodeficiency virus

1 antibody. The director shall prescribe the procedure by which the department  
2 shall notify a school district if, pursuant to these criteria, the department  
3 determines that notification is warranted in a particular situation. This  
4 procedure shall include a requirement that ~~prior to~~ BEFORE notification the  
5 department shall determine to its satisfaction that the district has an  
6 appropriate policy relating to nondiscrimination of the infected pupil and  
7 confidentiality of test results and that proper educational counseling has  
8 been or will be provided to staff and pupils.

9 Sec. 3. Section 49-104, Arizona Revised Statutes, is amended to read:  
10 49-104. Powers and duties of the department and director

11 A. The department shall:

12 1. Formulate policies, plans and programs to implement this title to  
13 protect the environment.

14 2. Stimulate and encourage all local, state, regional and federal  
15 governmental agencies and all private persons and enterprises that have  
16 similar and related objectives and purposes, cooperate with those agencies,  
17 persons and enterprises and correlate department plans, programs and  
18 operations with those of the agencies, persons and enterprises.

19 3. Conduct research on its own initiative or at the request of the  
20 governor, the legislature or state or local agencies pertaining to any  
21 department objectives.

22 4. Provide information and advice on request of any local, state or  
23 federal agencies and private persons and business enterprises on matters  
24 within the scope of the department.

25 5. Consult with and make recommendations to the governor and the  
26 legislature on all matters concerning department objectives.

27 6. Make annual reports to the governor and the legislature on its  
28 activities, its finances and the scope of its operations.

29 7. Promote and coordinate the management of air resources to assure  
30 their protection, enhancement and balanced utilization consistent with the  
31 environmental policy of this state.

32 8. Promote and coordinate the protection and enhancement of the  
33 quality of water resources consistent with the environmental policy of this  
34 state.

35 9. Encourage industrial, commercial, residential and community  
36 development which THAT maximizes environmental benefits and minimizes the  
37 effects of less desirable environmental conditions.

38 10. Assure the preservation and enhancement of natural beauty and  
39 man-made scenic qualities.

40 11. Provide for the prevention and abatement of all water and air  
41 pollution including that related to particulates, gases, dust, vapors, noise,  
42 radiation, odor, nutrients and heated liquids in accordance with article 3  
43 of this chapter and chapters 2 and 3 of this title.

1           12. Promote and recommend methods for the recovery, recycling and reuse  
2 or, if recycling is not possible, the disposal of solid wastes consistent  
3 with sound health, scenic and environmental quality policies.

4           13. Prevent pollution through the regulation of the storage, handling  
5 and transportation of solids, liquids and gases which THAT may cause or  
6 contribute to pollution.

7           14. Promote the restoration and reclamation of degraded or despoiled  
8 areas and natural resources.

9           15. Assist the department of health services in recruiting and training  
10 state, local and district health department personnel.

11           16. Participate in the state civil defense program and develop the  
12 necessary organization and facilities to meet wartime or other disasters.

13           17. Cooperate with the Arizona Mexico commission in the governor's  
14 office and with researchers at universities in this state to collect data on  
15 issues that are within the scope of the department's duties and that relate  
16 to quality of life, trade and economic development in this state in a manner  
17 that will help the Arizona Mexico commission to assess the economic  
18 competitiveness of this state and of the state of Sonora, Mexico.

19           B. The department, through the director, shall:

20           1. Contract for the services of outside advisers, consultants and  
21 aides reasonably necessary or desirable to enable the department to  
22 adequately perform its duties.

23           2. Contract and incur obligations reasonably necessary or desirable  
24 within the general scope of department activities and operations to enable  
25 the department to adequately perform its duties.

26           3. Utilize any medium of communication, publication and exhibition  
27 when disseminating information, advertising and publicity in any field of its  
28 purposes, objectives or duties.

29           4. Adopt procedural rules that are necessary to implement the  
30 authority granted under this title, but that are not inconsistent with other  
31 provisions of this title.

32           5. Contract with other agencies including laboratories in furthering  
33 any department program.

34           6. Use monies, facilities or services to provide matching  
35 contributions under federal or other programs which THAT further the  
36 objectives and programs of the department.

37           7. Accept gifts, grants, matching monies or direct payments from  
38 public or private agencies or private persons and enterprises for department  
39 services and publications and to conduct programs which THAT are consistent  
40 with the general purposes and objectives of this chapter. Monies received  
41 pursuant to this paragraph shall be deposited in the department fund  
42 corresponding to the service, publication or program provided.

43           8. Provide for the examination of any premises if the director has  
44 reasonable cause to believe that a violation of any environmental law or rule  
45 exists or is being committed on the premises. The director shall give the

1 owner or operator the opportunity for its representative to accompany the  
2 director on an examination of those premises. Within forty-five days after  
3 the date of the examination, the department shall provide to the owner or  
4 operator a copy of any report produced as a result of any examination of the  
5 premises.

6 9. Supervise sanitary engineering facilities and projects in this  
7 state, authority for which is vested in the department, and own or lease land  
8 on which sanitary engineering facilities are located, and operate the  
9 facilities, if the director determines that owning, leasing or operating is  
10 necessary for the public health, safety or welfare.

11 10. Adopt and enforce rules relating to approving design documents for  
12 constructing, improving and operating sanitary engineering and other  
13 facilities for disposing of solid, liquid or gaseous deleterious matter.

14 11. Define and prescribe reasonably necessary rules regarding the water  
15 supply, sewage disposal and garbage collection and disposal for subdivisions.  
16 The rules shall:

17 (a) Provide for minimum sanitary facilities to be installed in the  
18 subdivision and may require that water systems plan for future needs and be  
19 of adequate size and capacity to deliver specified minimum quantities of  
20 drinking water and to treat all sewage.

21 (b) Provide that the design documents showing or describing the water  
22 supply, sewage disposal and garbage collection facilities be submitted with  
23 a fee to the department for review and that no lots in any subdivision be  
24 offered for sale before compliance with the standards and rules has been  
25 demonstrated by approval of the design documents by the department.

26 12. Prescribe reasonably necessary measures to prevent pollution of  
27 water used in public or semipublic swimming pools and bathing places and to  
28 prevent deleterious conditions at such places. The rules shall prescribe  
29 minimum standards for the design of and for sanitary conditions at any public  
30 or semipublic swimming pool or bathing place and provide for abatement as  
31 public nuisances of premises and facilities which THAT do not comply with the  
32 minimum standards. The rules shall be developed in cooperation with the  
33 director of the department of health services and shall be consistent with  
34 the rules adopted by the director of the department of health services  
35 pursuant to section 36-136, subsection H, paragraph ~~11~~ 10.

36 13. Prescribe reasonable rules regarding sewage collection, treatment,  
37 disposal and reclamation systems to prevent the transmission of sewage borne  
38 or insect borne diseases. The rules shall:

39 (a) Prescribe minimum standards for the design of sewage collection  
40 systems and treatment, disposal and reclamation systems and for operating the  
41 systems.

42 (b) Provide for inspecting the premises, systems and installations and  
43 for abating as a public nuisance any collection system, process, treatment  
44 plant, disposal system or reclamation system which THAT does not comply with  
45 the minimum standards.

1 (c) Require that design documents for all sewage collection systems,  
2 sewage collection system extensions, treatment plants, processes, devices,  
3 equipment, disposal systems, on-site wastewater treatment facilities and  
4 reclamation systems be submitted with a fee for review to the department and  
5 may require that the design documents anticipate and provide for future  
6 sewage treatment needs.

7 (d) Require that construction, reconstruction, installation or  
8 initiation of any sewage collection system, sewage collection system  
9 extension, treatment plant, process, device, equipment, disposal system,  
10 on-site wastewater treatment facility or reclamation system conform with  
11 applicable requirements.

12 14. Prescribe reasonably necessary rules regarding excreta storage,  
13 handling, treatment, transportation and disposal. The rules shall:

14 (a) Prescribe minimum standards for human excreta storage, handling,  
15 treatment, transportation and disposal and shall provide for inspection of  
16 premises, processes and vehicles and for abating as public nuisances any  
17 premises, processes or vehicles which THAT do not comply with the minimum  
18 standards.

19 (b) Provide that vehicles transporting human excreta from privies,  
20 septic tanks, cesspools and other treatment processes shall be licensed by  
21 the department subject to compliance with the rules.

22 15. Perform the responsibilities of implementing and maintaining a data  
23 automation management system to support the reporting requirements of title  
24 III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499)  
25 and title 26, chapter 2, article 3.

26 16. Approve remediation levels pursuant to article 4 of this chapter.

27 C. The department may charge fees to cover the costs of all permits  
28 and inspections it performs to insure compliance with rules adopted under  
29 section 49-203, subsection A, paragraph 6, except that state agencies are  
30 exempt from paying the fees. Monies collected pursuant to this subsection  
31 shall be deposited in the water quality fee fund established by section  
32 49-210.

33 D. The director may:

34 1. If he has reasonable cause to believe that a violation of any  
35 environmental law or rule exists or is being committed, inspect any person  
36 or property in transit through this state and any vehicle in which the person  
37 or property is being transported and detain or disinfect the person, property  
38 or vehicle as reasonably necessary to protect the environment if a violation  
39 exists.

40 2. Authorize in writing any qualified officer or employee in the  
41 department to perform any act that the director is authorized or required to  
42 do by law.

APPROVED BY THE GOVERNOR MARCH 22, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2001.

Passed the House March 15, 20 01,

by the following vote: 42 Ayes,

11 Nays, 7 Not Voting

Jake Flahn  
Speaker of the House  
Pro Tempore  
Norman L. Moore  
Chief Clerk of the House

Passed the Senate January 24, 20 01,

by the following vote: 26 Ayes,

3 Nays, 1 Not Voting

Robert Grant  
President of the Senate  
Charmine Ballington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19 day of March, 2001,

at 10:00 o'clock A M.

Jandre Ramirez  
Secretary to the Governor

Approved this 22 day of

March, 2001,

at 2:35 o'clock P M.

Janet Lee Hull  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 23<sup>rd</sup> day of March, 2001,

at 1125 o'clock P M.

Betsy Boyles  
Secretary of State

S.B. 1065