The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the Arizona Administrative Register.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules. This Chapter contains Sections that were filed to be codified in the Arizona Administrative Code between the dates of April 1, 2021 through June 30, 2021.

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The release of this Chapter in Supp. 21-2 replaces Supp. 20-3, 1-41 pages
Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.
PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the Administrative Code. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “Rule” means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.

THE ADMINISTRATIVE CODE

The Arizona Administrative Code is where the official rules of the state of Arizona are published. The Code is the official codification of rules that govern state agencies, boards, and commissions.

The Code is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the Code. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2019 is cited as Supp. 19-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the Administrative Code in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each Code chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the Code includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the Arizona Administrative Register for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the Register online at www.azsos.gov/rules, click on the Administrative Register link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.
CHAPTER 8. DEPARTMENT OF HEALTH SERVICES - FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

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Article 3, renumbered to Title 18, Chapter 9, Article 8 (Supp. 87-3).

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ARTICLE 9. EXPIRED

See Title 18, Chapter 5, Article 4.

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Article 14, consisting of Sections R9-8-1411 thru R9-8-1413, repealed effective April 10, 1997 (Supp. 97-2).

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ARTICLE 1. FOOD ESTABLISHMENTS

R9-8-101. Purpose and Definitions
A. The Department incorporates by reference the United States Food and Drug Administration publication, Food Code: 2017 Recommendations of the United States Public Health Service, Food and Drug Administration and shall comply with the 2017 Food Code (FC) as specified in this Article. This incorporation by reference contains no future editions or amendments. The incorporated material is on file with the Department and is available for order at: https://www.fda.gov/Food/Resources-ForYou/Consumers/ucm239035.htm, refer to publication number IFS17.

B. The Department incorporates FC Chapter 1 in whole, unless otherwise specified:
1. Part 1-1 Title, Intent, Scope; and

C. In FC Part 1-2, Section 1-201.10(B), the Department:
1. Uses the word “License” in place of the word “Permit.”
2. Uses the word “License holder” in place of the word “Permit holder.”
3. Modifies the following:
   a. “Additive” means:
      i. “Food additive” means the same as in A.R.S. § 36-901(7), but also includes marijuana and marijuana concentrate, as defined in A.R.S. § 36-2850, when used by a marijuana establishment in compliance with and according to A.R.S. Title 36, Chapter 28.2 and 9 A.A.C. 18; and
      ii. “Color additive” means the same as in A.R.S. § 36-901(2).
   b. “Adulterated” means possessing one or more of the conditions enumerated in A.R.S. § 36-904(A), but does not include the addition of marijuana or marijuana concentrate, as defined in A.R.S. § 36-2850, when used by a marijuana establishment in compliance with and according to A.R.S. Title 36, Chapter 28.2 and 9 A.A.C. 18.
   c. “Approved” means acceptable to the REGULATORY AUTHORITY or to the FOOD regulatory agency that has jurisdiction based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
   d. “Consumer” means a PERSON who is a member of the public, takes possession of FOOD, is not functioning in the capacity of an operator of a FOOD ESTABLISHMENT and does not offer the FOOD for resale.
   e. “Food Establishment” does not include:
      i. An establishment that offers only prePACKAGED FOOD that are not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;
      ii. A produce stand that only offers whole, uncut fresh fruits and vegetables;
      iii. A kitchen in a private home if only FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, is prepared for sale or service at a function such as a religious or charitable (organization’s) bake sale if allowed by LAW and if the CONSUMER is informed by a clearly visible placard at the sales or service location that the FOOD is prepared in a kitchen that is not subject to regulation and inspection by the REGULATORY AUTHORITY;
   f. “Packaged” means bottled, canned, cartoned, securely bagged, or securely wrapped compliant with LAW.
   g. “Person in charge” means the individual present at a FOOD ESTABLISHMENT who is responsible for the management of the operation of the FOOD ESTABLISHMENT at the time of inspection.
   h. “Regulatory authority” means the Department or a public health services district, local health department, department of environmental services, or department of environmental quality carrying out delegated functions, powers, and duties on behalf of the Department.
   i. An area where FOOD that is prepared as specified in Subparagraph (iii) of this definition is sold or offered for human consumption;
   j. A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers FOOD to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the CONSUMER is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the FOOD is prepared in a kitchen that is not regulated and inspected by the REGULATORY AUTHORITY; or
   k. A private home that receives catered or home-delivered FOOD.
   l. “Inspection report” means a document used to record the compliance status of a FOOD ESTABLISHMENT and conveys compliance information to the license holder or PERSON IN CHARGE at the conclusion of an inspection.
   m. “License” means the same as “permit” as in the FC.
   n. “License holder” means the same as “permit holder” as in the FC.
   o. “Marijuana” means the same as in A.R.S. § 36-2850.
   p. “Marijuana concentrate” means the same as in A.R.S. § 36-2850.
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13. “Marijuana establishment” means the same as in A.R.S. § 36-2850.

14. “Overall time-frame” means the same as in A.R.S. § 41-1072.

15. “Public health nuisance” means an act, condition, or thing, specified in A.R.S. § 36-601, or any practice contrary to the health laws of this state that is harmful to the health of the public.

16. “Substantive review time-frame” means the same as in A.R.S. § 41-1072.

Historical Note
New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Amended by final rulemaking at 17 A.A.R. 2608, effective February 4, 2012 (Supp. 11-4). Section repealed; new Section made by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3). Section amended by exempt rulemaking at 27 A.A.R. 693, effective May 3, 2021 (Supp. 21-2).

R9-8-102. Management and Personnel
A. The Department incorporates FC Chapter 2 in whole unless otherwise specified:
   1. Part 2-1 Supervision;
   2. Part 2-2 Employee Health in part;
   3. Part 2-3 Personal Cleanliness;
   4. Part 2-4 Hygienic Practices; and
   5. Part 2-5 Responding to Contamination Events.

B. In addition to the requirements in FC Part 2-2, the Department in:
   1. Section 2-201.12(B)(3), adds hepatitis A virus requirements specified in A.A.C. R9-6-343(B)(1) through (3);
   2. Section 2-201.13(C)(2),
      a. Deletes “The FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER that states the FOOD EMPLOYEE is free from Typhoid fever.” and
      b. Adds Typhoid fever requirements in A.A.C. R9-6-388(A)(4)(a) and (b).

Historical Note

R9-8-103. Food
A. The Department incorporates FC Chapter 3 in whole, unless otherwise specified:
   1. Part 3-1 Characteristics;
   2. Part 3-2 Sources, Specifications, and Original Containers and Records;
   3. Part 3-3 Protection From Contamination After Receiving in part;
   4. Part 3-4 Destruction of Organisms of Public Health Concern;
   5. Part 3-5 Limitation of Growth of Organisms of Public Health Concern;
   6. Part 3-6 Food Identity, Presentation, and On-Premises Labeling;
   7. Part 3-7 Contaminated Food; and
   8. Part 3-8 Special Requirements for Highly Susceptible Populations.

B. In FC Part 3-3, the Department:
   1. In paragraph 3-301.11(B), requires employees to use “non-latex SINGLE-USE gloves.”
   2. In paragraph 3-304.15(E), requires “Latex gloves may not be used in direct contact with FOOD.”

Historical Note
New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Section repealed; new Section made by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).

R9-8-104. Equipment, Utensils, and Linens
The Department incorporates FC Chapter 4 in whole:
   1. Part 4-1 Materials for Construction and Repair;
   2. Part 4-2 Design and Construction;
   3. Part 4-3 Numbers and Capacities;
   4. Part 4-4 Location and Installation;
   5. Part 4-5 Maintenance and Operation;
   6. Part 4-6 Cleaning of Equipment;
   7. Part 4-7 Sanitization of Equipment and Utensils;
   8. Part 4-8 Laundering; and
   9. Part 4-9 Protection of Clean Items.

Historical Note
New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Section repealed; new Section made by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).

Table 1. Repealed
Historical Note
New Table made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2), Table 1, Time-Frames (in days) repealed by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).

R9-8-105. Water, Plumbing, and Waste
A. The Department incorporates FC Chapter 5 in whole, unless otherwise specified:
   1. Part 5-1 Water in part;
   2. Part 5-2 Plumbing System;
   3. Part 5-3 Mobile Water Tank and Mobile Food Establishment Water Tank;
   4. Part 5-4 Sewage, Other Liquid Waste, and Rainwater; and
   5. Part 5-5 Refuse, Recyclables, and Returnable.

B. In FC Part 5-1, the Department in Section 5-101.13 requires “BOTTLED DRINKING WATER used or sold in a FOOD ESTABLISHMENT shall be obtained from APPROVED sources in accordance with LAW.”

Historical Note
New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Section repealed; new Section made by final rulemaking at 26 A.A.R.
The Department incorporates FC Chapter 7 in whole:

R9-8-107. Poisonous or Toxic Materials

B. In addition to the requirements in FC Part 6-5, the Department requires:
   1. A license holder for a VENDING MACHINE to affix to a VENDING MACHINE a permanent sign that includes:
      a. A unique identifier for the VENDING MACHINE,
      b. A telephone number for CONSUMERS to contact the license holder.
   2. A license holder operating a water vending machine shall comply with A.A.C. R18-4-216 and other applicable LAW.

Historical Note
New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Section repealed; new Section made by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).

R9-8-108. Compliance and Enforcement

A. The Department incorporates FC Chapter 8 in whole, unless otherwise specified:
   1. Part 6-1 Materials for Construction and Repair;
   2. Part 6-2 Design, Construction, and Installation;
   3. Part 6-3 Numbers and Capacities;
   4. Part 6-4 Location and Placement; and
   5. Part 6-5 Maintenance and Operation.

B. In addition to the requirements in FC Part 6-5, the Department requires:
   1. The Department incorporates FC Chapter 6 in whole:
      A. R9-8-106. Physical Facilities
         B. In addition to the requirements in FC Part 8-3, Section 8-303.20, the Department requires a licensee for a FOOD ESTABLISHMENT license renewal include:
            1. An attestation that the applicant authorizes the REGULATORY AUTHORITY to verify all information provided in the application packet.

E. In addition to FC Part 8-3, the Department adds application and license renewal time-frame requirements:
   1. The overall time-frame begins, for:
      a. An application packet, on the date a REGULATORY AUTHORITY receives the applicant's application packet.
      b. A license renewal packet.
   2. An applicant and a REGULATORY AUTHORITY may agree in writing to extend the substantive review time-frame and the overall time-frame. The substantive review time-frame and the overall time-frame may not be extended by more than 25% of the overall time-frame.
   3. Within the administrative completeness review time-frame specified in Table 1.1, a REGULATORY AUTHORITY shall:
      a. Provide a notice of administrative completeness to an applicant; or
      b. Provide a notice of deficiencies to an applicant, including a list of the missing information or documents.
   4. If the REGULATORY AUTHORITY provides a notice of deficiencies to an applicant:
      a. The administrative completeness review time-frame and the overall time-frame are suspended from the date the REGULATORY AUTHORITY receives the missing information or documents from the applicant.
      b. If the applicant submits the missing information or documents to the REGULATORY AUTHORITY within the time-frame in Table 1.1, the substantive review time-frame resumes on the date the REGULATORY AUTHORITY receives the missing information or documents; and
      c. If the applicant does not submit the missing information or documents to the regulatory authority within the time-frame in Table 1.1, the regulatory authority shall consider the application withdrawn.
   5. If a REGULATORY AUTHORITY issues a license or notice of approval during the administrative completeness review time-frame, the REGULATORY AUTHORITY may choose not to issue a separate written notice of administrative completeness.
   6. Within the substantive review time-frame specified in Table 1.1, a REGULATORY AUTHORITY:
      a. Shall approve or deny:
         i. An application, or
         ii. A license renewal;

   D. In addition to the requirements in FC Part 8-3, Section 8-303.20, the Department requires a licensee for a FOOD ESTABLISHMENT license renewal include:
      1. Except for a FOOD ESTABLISHMENT operated by a state prison or behavioral health facility licensed by the Department, a FOOD ESTABLISHMENT’S license number and expiration date;
      2. Whether the applicant agrees to allow the REGULATORY AUTHORITY to verify all information provided in the application packet.

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Historical Note
New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Section repealed; new Section made by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).
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b. May make one written comprehensive request for additional information or documentation; and

c. May make supplemental requests for additional information and documentation if agreed to by the applicant or license holder.

7. If a REGULATORY AUTHORITY provides a written comprehensive request for additional information or documentation or a supplemental request to an applicant or license holder:

a. The substantive review time-frame and overall time-frame are suspended from the date the written comprehensive request or supplemental request is received by the REGULATORY AUTHORITY until the date the REGULATORY AUTHORITY receives the information and documents requested; and

b. An applicant or license holder shall submit the information and documents listed in the written comprehensive request in a format provided by the REGULATORY AUTHORITY within 15 calendar days after the date of the written comprehensive request or supplemental request.

8. The REGULATORY AUTHORITY shall issue to an applicant or license holder, as applicable:

a. An approval for:

i. An application, or

ii. A license renewal; or

b. A denial, including the reason for the denial and the appeal process in A.R.S. Title 41, Chapter 6, Article 10, if an applicant or license holder:

i. Does not submit all of the information and documentation listed in a written comprehensive request or supplemental request for additional information or documentation; or

ii. Does not comply with A.R.S. § 36-136 and this Article.

F. In FC Part 8-4, the Department:

1. In Section 8-402.11 requires “The REGULATORY AUTHORITY to comply with A.R.S. § 41-1009 when performing inspections.”

2. Does not accept requirements in:

a. Section 8-402.20, Refusal, Notification of Right to Access, and Final Request for Access;

b. Section 8-402.30, Refusal, Reporting;

c. Section 8-402.40, Inspection Order to Gain Access; and

d. Section 8-403.10, Documenting Information and Observation.

3. In Section 8-403.50 requires “A REGULATORY AUTHORITY treat the inspection report as a public document and shall make it available for disclosure to a PERSON who requests it as provided in LAW.”

4. In Section 8-404.12 requires “A REGULATORY AUTHORITY approve or deny resumption of operations within five days after receipt of the license holder’s request to resume operations.”

Historical Note

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Section repealed; new Section made by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).

Table 1.1. Time-frames (in calendar days)

<table>
<thead>
<tr>
<th>Type of Approval</th>
<th>Statutory Authority</th>
<th>Overall Time-frame</th>
<th>Administrative Completeness Review</th>
<th>Respond to Deficiency Notice</th>
<th>Substantive Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application</td>
<td>A.R.S. § 36-136(1)(4)</td>
<td>90</td>
<td>45</td>
<td>180</td>
<td>45</td>
</tr>
<tr>
<td>License Renewal</td>
<td>A.R.S. § 36-136(1)(4)</td>
<td>90</td>
<td>45</td>
<td>180</td>
<td>45</td>
</tr>
</tbody>
</table>

Historical Note

New Table 1.1 made by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).

R9-8-109. Repealed

Historical Note

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Repealed by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).

R9-8-110. Mobile Food Units

A. In addition to the definitions in A.R.S. § 36-1761 and in this Article, the following definitions apply to this Section, unless otherwise specified:

1. “Commissary” means a facility that:

a. Is APPROVED by a REGULATORY AUTHORITY as safe and sanitary for FOOD preparation consistent with the FC and other state statutes and laws; and

b. Provides support and servicing activities to a mobile food unit that may include:

i. A cooking facility or commercial kitchen used to prepare FOOD for sale and consumption;

ii. A space for storing FOOD, including refrigeration, and supplies;

iii. A source for potable water and disposing of wastewater;

iv. A source for refuse disposal; and

v. An area for cleaning equipment or a mobile food unit.

2. “Commercially processed” means FOOD prepared or packaged by a FOOD manufacturer or licensed-permanent FOOD ESTABLISHMENT compliant with LAW.

3. “County” means a public health services district, local health department, department of environmental services, or department of environmental quality authorized to issue a mobile food unit state-license.

4. “Individually packaged” means pre-packaged FOOD that are ready for consumption and are not re-packaged prior to sale to consumers.

5. “Food manufacturer” means a business engaged in making FOOD from one or more ingredients, or synthesizing, preparing, treating, modifying or manipulating FOOD, including FOOD crops or ingredients.

6. “Other servicing area” means a facility that may provide one or more services, such as:

a. Disposing of refuse,

b. Disposing of wastewater,

c. Recharging potable water tank,

d. Disposing of excreta, or

e. Cleaning mobile food unit.

7. “Permit” means a document issued by a county authorizing a state-licensed mobile food unit, whose state-license
A mobile food vendor shall for each mobile food unit:

C. "Pre-packaged foods" means edible products sealed in a box, bag, can, or other container and sold to retailers or consumers in the same packaged box, bag, can, or other container.

9. "State-license" means a document:
   a. Issued by the county where a mobile food unit’s commissary is located according to A.R.S. § 36-1761(A)(3); and
   b. Authorizes the mobile food unit to dispense FOOD for immediate service and human consumption.

10. “Statewide inspection” means a visual examination of a mobile food unit to ensure that the mobile food unit meets the standards specified A.R.S. § 36-1761 and in this Article.

B. A mobile food vendor shall not operate a mobile food unit:
   1. Without a state-license authorizing the mobile food unit to dispense FOOD for immediate service and human consumption;
   2. Without a service agreement with an APPROVED commissary according to A.R.S. § 36-1761(A);
   3. In another county, other than the county that issued the mobile food unit’s state-license, without a permit authorizing the mobile food unit to dispense FOOD for immediate service and human consumption; and
   4. If the mobile food unit maintains or engages in a public health nuisance specified A.R.S. § 36-601.

C. A mobile food vendor shall for each mobile food unit:
   1. Obtain a state-license that includes a statewide inspection specified in subsection (H).
   2. Obtain a renewal state-license annually that includes a statewide inspection specified in subsection (H).
   3. Except for the county in which a mobile food unit has a state-license, obtain a permit annually for each county where the mobile food unit operates.
   4. Ensure all employees have a valid food handler card or a certificate from an accredited food handler training-provider as specified in the FC.
   5. Comply with random statewide inspections at no additional cost except as provided in A.R.S. § 11-269.24.

D. A mobile food unit:
   1. Shall display in a conspicuous location for public viewing the mobile food unit’s:
      a. State-license, and
      b. County permits, if applicable.
   2. Shall clearly indicate on the sides or back of the exterior of the vehicle in permanent letters the name of the licensed FOOD ESTABLISHMENT.
   3. Shall report to a commissary or other serving area, as applicable, at least every 96 hours following A.R.S. § 11-269.24 or as determined by the county in which the mobile food unit’s commissary is located for receiving necessary services during operations to ensure public health and safety.
   4. May sell a cottage FOOD prepared for commercial purposes specified in R9-8-118(B)(13).
   5. Is not required to operate a specific distance from the perimeter of an existing commercial establishment or restaurant.
   6. Shall operate during hours determined by the mobile food vendor.
   7. Shall ensure toilet facilities are accessible to employees at a location where the mobile food unit is proposed to stay during all hours of operation.

E. A mobile food unit’s state-license shall indicate the mobile food unit classification based on the type of FOOD dispensed and the amount of handling and preparation required:
   1. Type I mobile food unit is a FOOD ESTABLISHMENT that dispenses FOOD that are commercially processed, individually PACKAGED and frozen that requires time/temperature control for safety.
   2. Type II mobile food unit is a FOOD ESTABLISHMENT that dispenses FOOD that requires limited handling and preparation and:
      a. Includes assemble-serve, heat-serve, and hold-serve of commercially processed FOOD;
      b. Except for bacon-wrapped hotdogs pre-wrapped at a mobile food unit’s commissary, shall not cook raw animal FOOD for service from the mobile food unit;
      c. Shall only use produce that is commercially pre-washed or washed in advance at a commissary; and
      d. All cooking, processing, preparing, grilling, assembling, storage, and service of any FOOD shall be conducted from the mobile food unit and commissary.
   3. Type III mobile food unit is a FOOD ESTABLISHMENT that prepares, cooks, holds, and serves FOOD and:
      a. Includes assemble-serve, heat-serve, cook-serve, and hold-serve of commercially processed FOOD;
      b. May prepare raw animal FOOD for service from the mobile food unit; and
      c. All cooking, processing, preparing, grilling, assembling, storage, and service of any FOOD shall be conducted inside the mobile food unit and commissary.
   F. A mobile food vendor for each mobile food unit shall have a written agreement with a commissary or other servicing area, as applicable, located in the county that issues a mobile food unit’s state-license:
      1. Is APPROVED by a REGULATORY AUTHORITY as safe and sanitary for FOOD preparation consistent with the FC and other state statutes and laws;
      2. Has a signed agreement with a commissary that includes:
         a. The commissary’s name, address, and telephone number;
         b. The commissary’s permit number issued by a REGULATORY AUTHORITY;
         c. The mobile food vendor’s name, address, and telephone number;
         d. The manager’s name, address, and telephone number, if applicable;
         e. A list of services to be provided to the mobile food vendor; and
         f. The expiration date of the agreement, if applicable; or
      3. Has a signed agreement with an other servicing area that includes:
         a. The other servicing area’s name, address, and telephone number;
         b. The other servicing area’s permit number, if applicable, issued by a REGULATORY AUTHORITY or other jurisdiction having authority to regulate the other servicing area;
         c. The mobile food vendor’s name, address, and telephone number;
         d. The manager’s name, address, and telephone number, if applicable;
         e. A list of services to be provided to the mobile food vendor; and
         f. The expiration date of the agreement, if applicable.
G. A mobile food vendor for each mobile food unit shall maintain a service log in a Department-provided format that:
   1. Documents the type of services, specified in subsection (E), and dates received;
   2. Is maintained in the mobile food unit for at least a period of 30 days; and
   3. Is made available to a REGULATORY AUTHORITY upon request.

H. In addition to complying with the FC incorporated by reference in this Article, a mobile food unit is required to maintain general physical and operation requirements for:
   1. Installation of compressors, generators, and similar mechanical units that are not an integral part of the FOOD preparation or storage equipment;
   2. Waste disposal requirements during and after operation on public or private property, which may not include the size or dimensions of any required solid waste receptacle; and
   3. A mobile food unit and equipment used in the mobile food unit shall:
      a. Be free of dirt, debris, insects, and vermins;
      b. Be maintained in a clean and sanitary condition;
      c. Be in good repair and maintained according to manufacturer’s requirement, as applicable;
      d. Be properly ventilated; and
      e. Not maintain or engage a public health nuisance.

I. A mobile food unit statewide inspection shall ensure:
   1. A Type I mobile food unit:
      a. Has equipment, including compressors, generators, and similar mechanical units approved by the National Sanitation Foundation or American National Standards Institute;
      b. Has a potable water tank that is at least five gallons; and
      i. Is at least a 5 gallon insulated container for portable water that ensures proper handwashing consistent with FC; 
      ii. Has a catch-bucket to retain waste water generated from handwashing that is 15% greater than the potable water tank; and
      iii. Has adequate soap and paper towels for time in service; and
   2. A Type II mobile food unit:
      a. Has equipment, including compressors, generators, and similar mechanical units approved by the National Sanitation Foundation or American National Standards Institute;
      b. Has a potable water tank that is at least five gallons;
      c. Has a water storage or water storage capacity of 30 gallons permanently installed for warewashing, sanitizing, and handwashing; 
      d. Has a handwash sink; 
      e. Has plumbing connections; 
      f. Has a waste water tank to drain at lowest point of tank; 
      g. Has a water tank with a fill connection located at the top; 
      h. Has a water tank with a fill connection located at the top; 
      i. Has a National Sanitation Foundation or American National Standards Institute approved FOOD grade water hose; 
      j. Has a water heater or other APPROVED hot water source; and
      k. Has a quick-disconnect design for sewer and potable water.
   3. In addition to subsection (I)(2)(a) through (k), a Type III mobile food unit:
      a. Has a three-compartment sink that includes:
         i. A potable water system under pressure, supplying hot and cold water with a minimum capacity of 30 gallons permanently installed for warewashing, sanitizing, and handwashing; 
         ii. A waste water capacity that is 15% greater than the potable water tank; and
         iii. A minimum flow rate of one-half gallon per minute; and
      b. May include a FOOD preparation sink for the purpose of washing product if an additional 20 gallons of potable water is available for use.

J. Except for the Department, regulatory authorities through delegation in the county where a mobile food vendor’s commission is located shall issue state licensure and statewide inspection standards adopted pursuant to this Section.

Historical Note
New Section made by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).

R9-8-111. Compliance and Enforcement, Annex 1
A. The Department incorporates FC Annex 1 in whole, unless otherwise specified:
   1. Section 1, Purpose;
   2. Section 2, Explanation;
   3. Section 3, Principle;
   4. Section 4, Recommendation; and
   5. Section 5, Parts in part.

B. In Annex 1, Section 5, the Department does not accept Part 8-911.10(B).

C. In addition to Annex 1, Section 5, the Department adds licensure suspension or revocation requirements that:
   1. A REGULATORY AUTHORITY may suspend or revoke a FOOD ESTABLISHMENT license if the license holder:
      a. Maintains or engages in a public health nuisance;
      b. Falsifies records to interfere with or obstruct an investigation or regulatory process of the REGULATORY AUTHORITY; or
      c. Provides false or misleading information to a regulatory authority.

   2. A license revocation or suspension hearing shall be conducted as follows:
      a. If a REGULATORY AUTHORITY is the Department, a hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10;
      b. If a REGULATORY AUTHORITY is a public health department, a hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 or Article 10.

D. In addition to Annex 1, Section 5, the Department adds cease and desist requirements that:
   1. If a REGULATORY AUTHORITY determines a FOOD ESTABLISHMENT is creating, maintaining, or engaging a public health nuisance the REGULATORY AUTHORITY shall serve the FOOD ESTABLISHMENT’S license holder a written cease and desist order pursuant to A.R.S. Title 36, Chapter 6, Article 1.
2. Section 1, Purpose and Definitions;  
3. Section 2, Management and Personnel;  
4. Section 3, Food;  
5. Section 4, Equipment, Utensils, and Linens;  
6. Section 5, Water, Plumbing, and Waste;  
7. Section 6, Physical Facilities;  
8. Section 7, Poisonous or Toxic Materials; and  
9. Section 8, Compliance and Enforcement.

**Historical Note**  
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). New Section made by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).

**(R9-8-118)** Exempt from Requirements and Inspections  
The Department incorporates FC Annex 6 in whole:  
1. Section 1, Employee Health Information;  
2. Section 2, Adoption Information; and  
3. Section 3, Summary Information.

**Historical Note**  
Corrected Article reference (Supp. 77-3). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). New Section made by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).

**(R9-8-119)** Conducting Risk-based Inspections, Annex 5  
The Department incorporates FC Annex 5 in whole:  
1. Section 1, Purpose and Scope;  
2. Section 2, Risk-Based Routine Inspections;  
3. Section 3, What is Needed to Properly Conduct a Risk-Based Inspection;  
4. Section 4, Risk-Based Inspection Methodology;  
5. Section 5, Achieving On-Site and Long-Term Compliance;  
6. Section 6, Inspection Form and Scoring;  
7. Section 7, Closing Conference; and  
8. Section 8, Summary.

**Historical Note**  
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). New Section made by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).
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11. Adult behavioral health therapeutic homes, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 18;

12. FOOD that is:
   a. Served at a noncommercial social event, such as a potluck;
   b. Prepared at a cooking school if:
      i. The cooking school is conducted in the kitchen of an owner-occupied home;
      ii. Only one meal per day is prepared and served by students of the cooking school;
      iii. The meal prepared at the cooking school is served to not more than 15 students of the cooking school, and
      iv. The students of the cooking school are provided with written notice that the FOOD is prepared in a kitchen that is not regulated or inspected by a REGULATORY AUTHORITY;
   c. Not potentially hazardous and prepared in a kitchen of a private home for occasional sale or distribution for noncommercial purposes;
   d. Prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled, such as an employee recognition, an employee fund-raising, or an employee social event;
   e. A demonstration of FOOD preparation or cooking class offered by:
      i. A culinary school or educational institution and all FOOD prepared is consumed by attending students;
      ii. A school or business and samples are not offered for human consumption; and
      iii. A business where an individual provides, prepares, cooks, and consumes their own FOOD.
   f. Offered at a child care facility and limited to commercially pre-packaged FOOD that is not potentially hazardous and whole fruits and vegetables that are washed and cut onsite for immediate consumption.
   g. Offered at locations that sell only commercially pre-packaged FOOD that is not potentially hazardous;

13. A cottage FOOD product, as defined in A.R.S. § 36-136(Q), prepared for commercial purposes that:
   a. Is not potentially hazardous as defined in A.R.S. § 36-136(I)(4)(g); or
   b. Is not a FOOD that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation; and
   c. Is prepared in the kitchen of a home by a food preparer or under the supervision of an individual who:
      i. Has a certificate of completion from completing a food handler training course from an accredited program;
      ii. Maintains an active certification of completion; and
      iii. If a food preparer, is registered with the Department, as required in A.R.S. § 36-136(I)(4)(g) and specified in subsection (D); and
   d. Is PACKAGED at the home with an attached label that includes:
      i. The name, and registration number of the food preparer registered with the Department as specified in subsection (D);
      ii. A list of the ingredients in the cottage FOOD;
      iii. The date the cottage FOOD was prepared; and
      iv. The statement: This product was produced in a home kitchen that may process common FOOD allergens and is not subject to public health inspection; and
      v. If applicable, a statement that the cottage FOOD was prepared in the home kitchen of a facility for individuals with developmental disabilities.

14. Fruits and vegetables grown in a garden at a public school, as defined in A.R.S. § 15-101, that are washed and cut on-site for immediate consumption.

C. A food preparer who meets the requirements in subsection (B)(13) is authorized to prepare cottage FOOD for commercial purpose.

D. To be exempt from the requirements in this Article, a food preparer identified in subsection (C) shall:
   1. Complete a food handler training course from an accredited program;
   2. Register with the Department by submitting:
      a. An application in a Department-provided format that includes:
         i. The food preparer’s name, address, telephone number, and e-mail address;
         ii. If the food preparer is supervised, the supervisor’s name, address, telephone number, and e-mail address;
         iii. The address, including the county, of the home where the cottage FOOD is prepared;
         iv. Whether the home where the cottage FOOD is prepared is a facility for developmentally disabled individuals; and
         v. A description of each cottage FOOD prepared for commercial purposes;
      b. A copy of the food preparer’s certificate of completion for the completed food handler training course;
      c. If the food preparer is supervised, the supervisor’s certificate of completion for the completed food handler training course; and
      d. An attestation in a Department-provided format that the food preparer:
         i. Has reviewed Department-provided information on FOOD safety and safe FOOD handling practices;
         ii. Based on the Department-provided information, believes that the cottage FOOD prepared for commercial purposes is not potentially hazardous or is not a FOOD that requires time or temperature control for safety to limit pathogenic microorganism growth or toxin formation; and
         iii. Includes the food preparer’s printed name and date.
   3. Maintain an active certification of completion for the completed food handler training course;
   4. Renew the registration in subsection (D)(2) every three years;
   5. Submit any change to the information or documents provided according to subsection (D)(2)(a) through (c) to the Department within 30 calendar days after the change; and
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6. Display the food preparer’s certificate of registration when operating as a temporary FOOD ESTABLISHMENT and selling cottage FOOD.

E. Food establishments shall have until January 31, 2022 to comply with the certified food protection manager requirement specified in this Article.

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). New Section R9-8-118 renumbered from R9-8-102 and amended by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).

R9-8-119. Manufactured Food Plants
A. The following definitions apply to this Section, unless otherwise specified:
1. “Consumer” means a person who:
   a. Is a member of the public,
   b. Takes possession of FOOD,
   c. Is not functioning in the capacity of an operator of a manufacture food plant, and
   d. Does not offer the FOOD for resale.
2. “FOOD PROCESSING PLANT” means a commercial operation that:
   a. Manufactures, packages, labels, or stores FOOD for human consumption;
   b. Provides FOOD for sale or distribution to other business entities such as FOOD ESTABLISHMENTS and retailers; and
   c. Does not provide FOOD directly to a consumer.
B. In FC Part 3-2, Subpart 3-202, the Department:
1. In paragraph 3-203.11(A) requires “Except as specified in (B), (C), and (D) of this Section, MOLLUSCAN SHELLFISH may not be removed from the container in which they are received other than immediately before sale, preparation for service, or preparation in a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY."
2. In paragraph 3-203.12(C) requires “The identity of the source of SHELLSTOCK that are prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY, sold, or served shall be maintained by retaining SHELLSTOCK tags or labels for 90 calendar days from the date the container is emptied by:
   a. Using an APPROVED record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the SHELLSTOCK are prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY, sold, or served; and
   b. If SHELLSTOCK are removed from their tagged or labeled container:
      i. Using only one tagged or labeled container at a time, or
      ii. Using more than one tagged or labeled container at a time and obtaining a VARIANCE from the REGULATORY AUTHORITY as specified in § 8-103.10 based on a HACCP PLAN that:
         (a) Is submitted by the license holder and APPROVED as specified under § 8-103.11,
         (b) Preserves source identification by using a record keeping system as specified under Subparagraph (B)(1) of this Section, and
         (c) Ensures that SHELLSTOCK from one tagged or labeled container are not commingled with SHELLSTOCK from another container before being ordered by the CONSUMER or prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY.”

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). New Section made by final rulemaking at 26 A.A.R. 1516, with an immediate effective date of July 8, 2020 (Supp. 20-3).

R9-8-120. Reserved
R9-8-121. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-122. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-123. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-124. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-125. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-126. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-127. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-128. Reserved
R9-8-129. Reserved
R9-8-130. Reserved
R9-8-131. Repealed

Historical Note
Former Section R9-8-131 repealed, new Section R9-8-131 adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-132. Repealed

Historical Note
Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective
R9-8-133. Repealed

Historical Note
Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-134. Repealed

Historical Note
Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-135. Repealed

Historical Note
Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-136. Repealed

Historical Note

R9-8-137. Repealed

Historical Note
Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-138. Repealed

Historical Note
Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-139. Repealed

Historical Note
Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-140. Repealed

Historical Note
Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-141. Reserved

R9-8-142. Reserved

R9-8-143. Reserved

R9-8-144. Reserved

R9-8-145. Reserved

R9-8-146. Reserved

R9-8-147. Reserved

R9-8-148. Reserved

R9-8-149. Reserved

R9-8-150. Reserved

R9-8-151. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-152. Reserved

R9-8-153. Reserved

R9-8-154. Reserved

R9-8-155. Reserved

R9-8-156. Repealed

Historical Note
Correction of reference from R9-1-415(B) to R9-1-415(A) (Supp. 83-3). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-157. Reserved

R9-8-158. Reserved

R9-8-159. Reserved

R9-8-160. Repealed

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-161. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-162. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-163. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-164. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-165. Repealed

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-166. Reserved

R9-8-167. Reserved

R9-8-168. Reserved

R9-8-169. Reserved

R9-8-170. Reserved

R9-8-171. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719,
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effective October 3, 2001 (Supp. 01-2).

R9-8-172. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-173. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-174. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-175. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-176. Repealed

Historical Note
Correction, subsection (A), reference R9-1-412(D) should read R9-1-415(B) (Supp. 83-3). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-177. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-178. Repealed

Historical Note
Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

R9-8-179. Reserved

R9-8-180. Reserved

R9-8-181. Repealed

Historical Note

R9-8-182. Repealed

Historical Note

R9-8-183. Repealed

Historical Note

R9-8-184. Repealed

Historical Note

R9-8-185. Repealed

Historical Note

R9-8-186. Repealed

Historical Note

R9-8-187. Repealed

Historical Note
ARTICLE 2. BOTTLED WATER

R9-8-201. Definitions
In this Article, unless the context otherwise requires:
1. “Applicant” has the same meaning as in R9-8-101.
2. “Aquifer” means a layer of underground sand, gravel or porous rock where water collects.
3. “Artesian well” means a drilled well that accesses an aquifer with a water level that stands above the bottom of the confining bed of the aquifer.
5. “Bottled water plant” means a food establishment that processes and sells bottled water.
7. “Confining bed” means a layer of ground that resists water penetration.
8. “Department” means the Arizona Department of Health Services.
9. “Drilled well” means a hole bored into the ground to reach underground water.
10. “Food establishment” has the same meaning as in A.A.C. Title 9, Chapter 8, Article 1.
11. “Licensed laboratory” means a laboratory licensed by the Department under A.R.S. Title 36, Chapter 4.3, Article 1.
12. “Plant operator” means an individual designated by the applicant to operate a specific bottled water plant.
14. “Public water system” has the same meaning as in A.R.S. § 49-352(B)(1).
15. “Source” means an artesian well, drilled well, public water system, or spring.
16. “Source water” means water from an artesian well, drilled well, public water system, or spring.

R9-8-202. General Requirements
A food establishment that processes and sells bottled water in Arizona shall use a source approved by the Department.

R9-8-203. Application for an Approval of a Source
A. An applicant shall complete and submit to the Department, an application for an approval of a source on a form provided by the Department that includes:
1. The name, mailing address, and telephone number of the applicant;
2. The name, street address, and telephone number of the bottled water plant;
3. The location of the source used at the bottled water plant;
4. The applicant’s signature; and
5. The date the application is signed.
B. With the completed application, an applicant shall include test results from a licensed laboratory that has tested the bottled water according to the quality requirements for bottled water in 21 CFR 165.110(b) (2016), incorporated by reference, on file with the Department, including no future editions or amendments, and available from the U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401-001.
C. An applicant shall comply with subsections (A) and (B) for each source used at the bottled water plant.

R9-8-204. Time-frames
A. The overall time-frame described in A.R.S. § 41-1072 for the Department to act on an application for an approval of a source is 60 days. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame by no more than 25% of the overall time-frame.
B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for an application for an approval of a
source is 30 days and begins on the date the application is received.

1. The Department shall mail notice of administrative completeness or deficiencies to the applicant within the administrative completeness review time-frame.
   a. A notice of deficiencies shall list each deficiency and the information and documentation needed to complete the application.
   b. If the Department issues a notice of deficiencies within the administrative completeness review time-frame, the administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice is issued until the date the Department receives the missing information from the applicant.
   c. If the applicant fails to submit to the Department all the information and documents listed in the notice of deficiencies within 60 days of the date the Department mailed the notice of deficiencies, the Department deems the application for approval of a source withdrawn.

2. If the Department issues an approval of a source to the applicant during the administrative completeness review time-frame, the Department does not issue a separate written notice of administrative completeness.

C. The substantive review time-frame described in A.R.S. § 41-1072 is 30 days and begins on the date the notice of administrative completeness is mailed to the applicant.

1. The Department shall mail an approval of a source or a written notification of denial of approval to the applicant within the substantive review time-frame.
2. If the Department issues a comprehensive written request or supplemental request for information, the substantive review time-frame and the overall time-frame are suspended from the date the Department issues the request until the date the Department receives all of the information.
3. If the Department denies approval of a source, the Department shall send the applicant a written notice of disapproval that lists the reasons for disapproval and all other information required in A.R.S. § 41-1076.

D. If a time-frame’s last day is on a Saturday, Sunday, or legal holiday, the Department considers the next business day as the time-frame’s last day.

**Historical Note**
Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

R9-8-205. Quality Testing Requirements

**A.** To maintain approval of its source, a plant operator shall have a licensed laboratory test the quality of the bottled water at the times stated in 21 CFR 129.80(g) (2016), incorporated by reference, on file with the Department, including no future editions or amendments, and available from the U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401-001.

**B.** A plant operator shall maintain records of the quality testing of the bottled water on the bottled water plant premises for two years from the date the bottled water is tested and ensure that the records are readily available for inspection by the Department.

**Historical Note**
Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

Section R9-8-205(A) corrected to include the incorporated by reference material date (Supp. 07-2). Section amended by final expedited rulemaking at 24 A.A.R. 263, effective January 10, 2018 (Supp. 18-1).

R9-8-206. Labeling Requirements

In addition to the labeling requirements in 9 A.A.C. 8, Article 1, a plant operator shall ensure the bottled water processed and sold is labeled according to 21 CFR 129.80(e) (2016), incorporated by reference, on file with the Department, including no future editions or amendments, and available from the U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401-001.

**Historical Note**
Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3). Section R9-8-206 corrected to include the incorporated by reference material date (Supp. 07-2). Section amended by final expedited rulemaking at 24 A.A.R. 263, effective January 10, 2018 (Supp. 18-1).

R9-8-207. Repealed

**Historical Note**
Adopted effective August 6, 1990 (Supp. 90-3). Section repealed by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

R9-8-208. Repealed

**Historical Note**
Adopted effective August 6, 1990 (Supp. 90-3). Section repealed by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

R9-8-209. Repealed

**Historical Note**
Adopted effective August 6, 1990 (Supp. 90-3). Section repealed by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

**ARTICLE 3. PUBLIC PORTABLE TOILETS**

**Editor’s Note:** Former Article 3 renumbered to Title 18, Chapter 9, Article 8 (Supp. 87-3).

R9-8-301. Definitions

In this Article:

1. “Clean” means free of dirt, litter, and the remains of something that has broken or torn into pieces.
2. “Complaint” means information indicating the need for inspection due to possible violations of this Article.
3. “Durable” means capable of withstanding expected use and remaining easily cleanable.
4. “Food establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.
5. “Human excreta” means fecal and urinary discharges and includes any waste that contains this material.
6. “Leakproof” means designed and constructed to prevent a substance from escaping.
7. “Non-absorbent” means incapable of being penetrated by liquid, such as a material coated or treated with rubber, plastic, or other sealing surface.
8. “Portable hand-wash station” means a transportable sink or basin with a faucet for cleaning hands that supplies water and is:
   a. Not connected to a sewage collection system,
b. Connected to a leakproof tank to receive and store waste water, and
   c. Located in a public place.
9. “Portable toilet enclosure” means a structure that is capable of being moved and that houses a public portable toilet.
10. “Public nuisance” means activities or conditions that may be subject to A.R.S. § 36-601.
11. “Public place” means all or any portion of an area, land, or structure that is open to or may be accessed by any individual.
12. “Public portable toilet” means a toilet seat and toilet, or toilet seat, toilet, and urinal that is:
   a. Not connected to a sewage collection system,
   b. Connected to a leakproof tank to receive and store sewage temporarily,
   c. Located in a public place, and
   d. Housed in a portable toilet enclosure.
13. “Public restroom” means a structure or room that:
   a. Is not connected to living or sleeping quarters;
   b. Contains a lavatory and water closet or a lavatory, water closet, and urinal connected to a sewage collection system; and
   c. Is located in a public place.
15. “Regular basis” means at recurring, fixed, or uniform intervals.
16. “Regulatory authority” means:
   a. The Arizona Department of Health Services; or
   b. One of the following entities as specified in A.R.S. § 36-136(E):
      i. A local health department;
      ii. A county environmental department; or
      iii. A public health services district.
17. “Responsible person” means an individual, partnership, corporation, association, governmental subdivision, state agency, or a public or private organization of any character that owns or manages the direct use of a public portable toilet within the state.
18. “Sanitary” means free from filth, bacteria, viruses, mold, and fungi.
19. “Sewage” means the waste from a toilet, urinal, sink, and portable hand-wash station.
20. “Sewage collection system” has the same meaning as in A.A.C. R18-9-101.
21. “Sewage storage tank” means a receptacle for the collection and holding of the waste from a portable toilet.
23. “Toilet seat” means a detachable, split or U-shaped seat made of non-absorbent material hinged to the top of a toilet and used for sitting.
24. “Urinal” means a water-flushed, chemical-flushed, or no-flush upright basin used for urination only.
25. “Vent pipe” means a hollow cylinder of metal, plastic, or other material that allows gas to escape from a sewage storage tank.

Historical Note
Adopted effective April 10, 1997 (Supp. 97-2). Amended by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).

R9-8-302. Public Portable Toilet Requirements
A. A responsible person or the responsible person’s designee shall ensure that:
1. A public portable toilet:
   a. Is clean;
   b. Is sanitary;
   c. Is maintained to avoid odors and insect or vermin infestation;
   d. Has a non-absorbent, durable, smooth, leakproof, and rustproof floor, wall, ceiling, and door materials;
   e. Has a vent pipe connected to a sewage storage tank that:
      i. Is wide enough in diameter to prevent the build up of gasses, and
      ii. Extends upwards from the sewage storage tank through the roof of the portable toilet enclosure;
   f. Has a supply of toilet paper that is replenished before running out; and
   g. Has a self-closing door and privacy latch on the door;
2. Except as provided in subsection (B), one public portable toilet is deployed for the first 100 individuals using or expected to use public portable toilet facilities and one additional public portable toilet is deployed for each additional 100 individuals;
3. Each public toilet’s sewage storage tank is pumped out on a regular basis to keep the public portable toilet operating as designed;
4. Facilities for washing or sanitizing hands are provided as follows:
   a. Except as provided in subsection (B), working portable hand-wash stations are deployed at a minimum rate of one per 10 public portable toilets;
   b. Soap, water, and single use towels are continuously provided at each portable hand-wash station; and
   c. Where conditions make the use of soap and water impractical, the regulatory authority may allow sanitizing gel in place of soap and water; and
5. Public portable toilets are located a minimum of 100 feet from any food establishment.
B. A responsible person or the responsible person’s designee shall ensure that sewage, human excreta, and refuse produced in a public portable toilet:
1. Does not create a public nuisance; and
2. Is disposed of according to 18 A.A.C. 13, Article 3 or 18 A.A.C. 13, Article 11.
C. The regulatory authority may adjust the number of public portable toilets required in subsection (A)(2) and portable hand-wash stations required in (A)(5)(a) provided based on the estimated number of users, the duration of use, and the availability of public restrooms within 200 feet of the public portable toilet.

Historical Note
Adopted effective April 10, 1997 (Supp. 97-2). Section repealed; new Section made by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).
CHAPTER 8. DEPARTMENT OF HEALTH SERVICES - FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

effective June 17, 2002 (Supp. 02-2). New Section made by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).

R9-8-304. Inspections
A. If a regulatory authority receives a complaint regarding a public portable toilet, the regulatory authority may conduct an inspection.
B. If a regulatory authority conducts an inspection, the regulatory authority’s inspector shall conduct the inspection according to A.R.S. § 41-1009.

Historical Note
Adopted effective April 10, 1997 (Supp. 97-2). Section repealed; new Section made by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).

R9-8-305. Expired

Historical Note
Adopted effective April 10, 1997 (Supp. 97-2). Section expired; new Section made by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).

R9-8-306. Repealed

Historical Note
Adopted effective April 10, 1997 (Supp. 97-2). Section repealed by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).

R9-8-307. Repealed

Historical Note
Adopted effective April 10, 1997 (Supp. 97-2). Section repealed by final expedited rulemaking at 24 A.A.R. 389, effective February 7, 2018 (Supp. 18-1).

R9-8-308. Expired

Historical Note

R9-8-304. Initial and Renewal License Application Process
A. An applicant shall submit a completed license application form in subsection (B) to:
1. The county in which the children’s camp is located, if the county has a delegation agreement with the Department under A.R.S. § 36-3915; or
2. The Department, if there is no delegation agreement.
B. An applicant shall submit a completed license application form provided by the Department or a county that contains:
1. The name, mailing address, and telephone number of the children’s camp;
2. The county in which the children’s camp is located;
3. The name, telephone number, and mailing address of the applicant;
4. The name, telephone number, and if applicable, e-mail address of the camp director;
5. The dates of operation of the children’s camp;
6. The number of individuals the children’s camp can accommodate;
7. Whether there is a food establishment in the children’s camp;
8. Whether there is a bathing place in the children’s camp;
9. The potable water supply source at the children’s camp;
10. The type of sewage disposal system;
11. Whether the application is for an initial or a renewal license; and
12. The signature of the applicant.
C. With the completed license application, an applicant shall include a map that specifies the location of the children’s camp, and:
1. For an initial license:
   a. If applying to the Department, a fee of $100, or
   b. If applying to a county, a fee established according to A.R.S. § 36-3903.
2. For a renewal license:
   a. If applying to the Department, a fee of $25 or
   b. If applying to a county, a fee established according to A.R.S. § 36-3903.
D. The Department or a county begins reviewing applications on May 1 of each year.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 3716, effective August 9, 2002 (Supp. 02-3). Section amended by final expedited rulemaking at 24 A.A.R. 266, effective January 10, 2018 (Supp. 18-1).

R9-8-401. Definitions
In this Article, unless otherwise requires:
1. “Applicant” means an individual requesting a license from the Department or a county to operate a children’s camp.
2. “Bathing place” has the same meaning as in 9 A.A.C. 8, Article 8.
3. “Camp director” means an individual who runs, maintains, or otherwise controls or directs the functions of a children’s camp.
4. “Children’s camp” has the same meaning as in A.R.S. § 36-3915.
5. “County” means a governmental entity that has a delegation agreement with the Department as prescribed in A.R.S. § 36-3915.
6. “Delegation agreement” has the same meaning as in A.R.S. § 41-1001.
8. “Food establishment” has the same meaning as in 9 A.A.C. 8, Article 1.
of each year or on the date the application is received if after May 1.
1. The Department or a county shall mail notice of administrative completeness or deficiencies to the applicant within the administrative completeness review time-frame.
   a. A notice of deficiencies shall list each deficiency and the information and documentation needed to complete the license application.
   b. If the Department or a county issues a notice of deficiencies within the administrative completeness review time-frame, the administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice is issued until the date the Department or a county receives the missing information from the applicant.
   c. If the applicant fails to submit to the Department or a county all the information and documents listed in the notice of deficiencies within 60 days of the date the Department or a county mailed the notice of deficiencies, the Department or county deems the license application withdrawn.
2. If the Department or a county issues a license to the applicant during the administrative completeness review time-frame, the Department or a county does not issue a separate written notice of administrative completeness.
C. The substantive review time-frame described in A.R.S. § 41-1072 is 30 days and begins on the date the notice of administrative completeness is mailed to the applicant.
   1. The Department or a county shall mail a children’s camp license or a written notification of denial of the license application to the applicant within the substantive review time-frame.
   a. As part of the substantive-review time-frame for a children’s camp license, the Department or a county may conduct an inspection of the children’s camp to determine whether the children’s camp has complied with the applicable requirements in subsection (C)(4) or (C)(5).
   b. If the Department or a county issues a comprehensive written request or supplemental request for information, the substantive review time-frame and the overall time-frame are suspended from the date the Department or a county issues the request until the date the Department or a county receives all of the information.
   c. If an applicant applying to the Department meets all the requirements under A.R.S. Title 8, Chapter 6, Article 1, and these rules, the Department shall issue a license to the applicant.
   d. If an applicant applying to a county meets all the requirements under A.R.S. Title 8, Chapter 6, Article 1, these rules, and county requirements consistent with A.R.S. Title 8, Chapter 6, Article 1, a county shall issue a license to the applicant.
   e. If the Department or a county disapproves a license application, the Department or a county shall send the applicant a written notice of disapproval setting forth the reasons for disapproval and all other information required in A.R.S. § 41-1076.
D. If a time-frame’s last day is on a Saturday, Sunday, or legal holiday, the Department or a county considers the next business day as the time-frame’s last day.

**Historical Note**
New Section made by final rulemaking at 8 A.A.R. 3716, effective August 9, 2002 (Supp. 02-3).
ernmental subdivision, a public or private organization of any character or another agency.

20. “Political subdivision” means the same as in A.R.S. § 38-382.

21. “Potable water” means water safe for human consumption that meets the requirements of 18 A.A.C. 4 or satisfies the requirements in R9-8-505(6).

22. “Public health nuisance” means the activities or conditions dangerous to public health that are subject to A.R.S. § 36-601.

23. “Recreational vehicle” has the same meaning as in A.R.S. § 33-2102.

24. “Recreational vehicle park” or “trailer coach park” specified in A.R.S. § 36-136(I)(8) is defined in this Article to mean a place or portion of a place that offers two or more dwelling spaces for recreational vehicles to use overnight, regardless of whether or not compensation is exchanged.

25. “Refuse” has the same meaning as in A.A.C. R18-13-302.

26. “Refuse container” means a receptacle that is capable of being moved and is used for refuse storage.

27. “Regulatory authority” means
   a. The Department; or
   b. Under delegation, the following entities as specified in A.R.S. § 36-136(E):
      i. A local health department,
      ii. A county environmental department, or
      iii. A public health services district.

28. “Responsible party” means a person who owns a recreational vehicle park or a designee of the person who owns the recreational vehicle park.

29. “Sanitary” means free from filth, bacteria, viruses, mold, and fungi.

30. “Sewage” has the same meaning as in A.A.C. R18-9-101.

31. “Sewage collection system” has the same meaning as in A.A.C. R18-9-101.

32. “Shower head” means a fixture connected to a distribution system that allows potable water to fall on a user’s body.

33. “Shower room” means a structure or room that contains at least one shower head and at least one floor drain.

34. “Stored” means holding refuse before the refuse is disposed of according to A.A.C. R18-13-311 and R18-13-312.

35. “Toilet” means a water-flushed, chemical-flushed, or no-flush bowl for the disposal of human excreta.

36. “Toilet alternative” means any system other than a toilet that:
   a. Is designed or used for the purpose of collecting human excreta; and
   b. Has a process for waste treatment, such as composting, incinerating, chemical flushing, oil flushing, or a privy system.

37. “Utensil” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware.

Historical Note
New Section made by final rulemaking at 25 A.A.R. 748, effective March 6, 2019 (Supp. 19-1).

Table 5.1. Bathroom or Toilet Alternative Requirements

<table>
<thead>
<tr>
<th>Number of Dependent Recreational Vehicles Occupying the Recreational Vehicle Park</th>
<th>Number of Bathrooms or Toilet Alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-25</td>
<td>1</td>
</tr>
<tr>
<td>26-50</td>
<td>2</td>
</tr>
<tr>
<td>51-75</td>
<td>3</td>
</tr>
<tr>
<td>Every additional 1-25</td>
<td>+1 additional</td>
</tr>
</tbody>
</table>

Historical Note
New Section made by final rulemaking at 25 A.A.R. 748, effective March 6, 2019 (Supp. 19-1).
R9-8-504. Common Area Management
A responsible party shall ensure that the following requirements are met:

1. Each common area:
   a. Is clean and sanitary,
   b. Is ventilated by an openable window, air conditioning, or other mechanical device,
   c. Is maintained free from public health nuisance and free from insect and vermin infestation,
   d. Has refuse containers as specified in R9-8-507(1).

2. Bedding and cloth towels provided by the recreational vehicle park are:
   a. Maintained in good-repair;
   b. Clean and sanitary; and
   c. Kept free of ectoparasites including bedbugs, lice, and mites.

3. A community kitchen provided by a recreational vehicle park:
   a. Is maintained in a clean and sanitary condition; and
   b. Complies with 9 A.A.C. 8, Article 1, if operating as a food establishment.

4. Any multi-use utensils and equipment provided by a recreational vehicle park in a common areas or community kitchen are easily cleanable and either:
   a. Are washed, rinsed, and made sanitary before use by each separate individual; or
   b. A conspicuously located sign identifies which multi-use utensils and equipment provided by the recreational vehicle park are not washed, rinsed, and made sanitary before use by each separate individual.

5. A recreational vehicle park shall comply with 9 A.A.C. 8 Article 8, if within a common area, the recreational vehicle park provides:
   a. Natural bathing place as defined in A.A.C. R18-5-201;
   b. Semi-artificial bathing place as defined in R9-8-801;
   c. Spa as defined in A.A.C. R18-5-201, or
   d. Swimming pool as defined in A.A.C. R18-5-201.

Historical Note
New Section made by final rulemaking at 25 A.A.R. 748, effective March 6, 2019 (Supp. 19-1).

R9-8-505. Water Supply
A responsible party shall ensure that the following requirements are met:

1. All water provided by the recreational vehicle park for human consumption is potable water.
2. Any source of water provided by the recreational vehicle park that is not potable is clearly identified with “not for human consumption” signage at each access point.
3. The potable water supply and distribution system provided by the recreational vehicle park is designed to provide sufficient quantity at a minimum pressure of 20 pounds per square inch at ground level at each bathroom, shower room, and permanent water fixture provided at by the recreational vehicle park.
4. No dwelling space is more than 300 feet from a potable water source.
5. If water is hauled to the recreational vehicle park as a potable water supply, the water and transport shall meet the requirements of A.A.C. R18-4-214.
6. If potable water provided by the recreational vehicle park is not from a public water system as defined by 18 A.A.C. 4:
   a. The potable water provided is tested prior to use with results of:
      i. No coliform bacteria or other fecal indicator present, and
      ii. Nitrate (as N) no greater than 10 mg/l.
   b. The potable water provided is routinely monitored to determine:

Table 5.2. Bathroom, Toilet Alternative, and Shower Room Management

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Bathroom</th>
<th>Toilet Alternative</th>
<th>Shower Room</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is clean and sanitary</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Is ventilated by an openable window, air conditioning, or other mechanical device</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has toilet paper</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Is maintained free from public health nuisance and free from insect and vermin infestation</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has refuse containers as specified in R9-8-507(1)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has surfaces that are easily cleanable, sanitary and free from gaps other than ventilation</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has single-use soap or soap inside a dispenser at each provided lavatory</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Has single-use paper towels or air hand dryers at each provided lavatory</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Has a floor drain connected to a sewage collection system and, if built after the effective date of this Article, has floors that slope to the drain.</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Has potable water from all shower heads</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has floors and walls of a non-absorbent material</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
i. The presence or absence of total coliform bacteria at least once every month of operation, and
ii. The concentration of nitrates at least once every 3 months.

c. Water samples collected in accordance with this Section shall be analyzed by a laboratory that is licensed according to 9 A.A.C. 14, Article 6.

d. Records of water sample results analyzed in accordance with this Section shall be:
   i. Maintained at the recreational vehicle park for at least 12 months, and
   ii. Made available to the regulatory authority upon request.

e. Written notification must be provided to the regulatory authority within 24 hours when any water quality requirement listed in subsection (6)(a) out-of-compliance.

**Historical Note**
New Section made by final rulemaking at 25 A.A.R. 748, effective March 6, 2019 (Supp. 19-1).

R9-8-506. Sewage Disposal
A responsible party shall ensure that sewage and human excreta produced within the recreational vehicle park:
1. Does not create a public health nuisance, and
2. Is collected and disposed of by systems designed, constructed and operated in compliance with the requirements in 18 A.A.C. 9, Articles 3 and 7.

**Historical Note**
New Section made by final rulemaking at 25 A.A.R. 748, effective March 6, 2019 (Supp. 19-1).

R9-8-507. Refuse Management
A responsible party shall ensure that the following requirements are met:
1. The recreational vehicle park has conspicuously located refuse containers capable of adequately servicing all dwelling spaces that are:
   a. Constructed of non-absorbent material that is capable of withstanding expected use and remaining easily cleanable, and
   b. Covered.
2. Signs plainly indicate the locations of refuse containers.
3. Refuse produced within the recreational vehicle park:
   a. Does not create a public health nuisance; and
   b. Is collected, stored, and disposed of according to 18 A.A.C. 13, Article 3.

**Historical Note**
New Section made by final rulemaking at 25 A.A.R. 748, effective March 6, 2019 (Supp. 19-1).
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5. “Campsite” means a plot of ground offered by a campground for overnight sleeping activities for an individual or a group of individuals to engage in any of the following uses for less than 30 days:
   a. Erecting a self-provided tent,
   b. Arranging self-provided sleeping material,
   c. Occupying a camping shelter, or
   d. Parking a self-provided motor vehicle as defined in A.R.S. § 44-281 or a self-provided recreational vehicle as defined in A.R.S. § 33-2102.

6. “Clean” means free from dirt or debris.

7. “Common area” means an area of a campground, excluding areas within a campsite, that is provided by a campground for general use.

8. “Community kitchen” means a structure or room, excluding areas within a campsite, that is provided by a campground for preparing food.

9. “Distribution system” has the same meaning as in A.A.C. R18-4-103(B).

10. “Easily cleanable” means a characteristic of a surface that allows effective removal of dirt and debris by normal cleaning methods based on the material, design, construction, and installation of the surface.

11. “Faucet” means a fixture connected to a distribution system that provides and regulates the flow of potable water.

12. “Fixture” means an attachment to a structure.

13. “Food” means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for human consumption.

14. “Human excreta” means fecal and urinary discharges and includes any waste that contains this material.

15. “Lavatory” means a sink or a basin with a faucet that supplies potable water capable of reaching at least 85° F and with a drain connected to a sewage collection system.

16. “Non-absorbent” means incapable of being penetrated by liquid, such as a material coated or treated with rubber, plastic, or other sealing substance.

17. “Owns” means to have the right to possess, use, and convey the interest.

18. “Person” means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or another agency.

19. “Potable water” means water safe for human consumption that meets the requirements of 18 A.A.C. 4 or satisfies the requirements in R9-8-605(4).

20. “Public health nuisance” means the activities or conditions dangerous to public health that are subject to A.R.S. § 36-601.

21. “Recreational vehicle” has the same meaning as in A.R.S. § 33-2102.

22. “Refuse” has the same meaning as in A.R.S. § 36-796.

23. “Refuse container” means a receptacle that is capable of being moved and is used for refuse storage.

24. “Regulatory authority” means
   a. The Department; or
   b. Under delegation, the following entities as specified in A.R.S. § 36-136(E):
      i. A local health department,
      ii. A county environmental department, or
      iii. A public health services district.

25. “Responsible party” means a person who owns a campground or a designee of the person who owns the campground.
27. “Sewage” has the same meaning as in A.A.C. R18-9-101.
28. “Sewage collection system” has the same meaning as in A.A.C. R18-9-101.
29. “Shower head” means a fixture connected to a distribution system that allows potable water to fall on a user’s body.
30. “Shower room” means a structure or room that contains at least one shower head and at least one floor drain.
31. “Sleeping material” means any of the following:
   a. A sheet,
   b. A pillow,
   c. A pillowcase,
   d. A blanket, or
   e. A sleeping bag.
32. “Stored” means holding refuse before the refuse is disposed of according to A.A.C. R18-13-311 and R18-13-312.
33. “Tent” means a collapsible structure that is designed for overnight sleeping purposes and capable of being moved.
34. “Toilet” means a water-flushed, chemical-flushed, or no-flush bowl for the disposal of human excreta.
35. “Toilet alternative” means any system other than a toilet that:
   a. Is designed or used for the purpose of collecting human excreta; and
   b. Has a process for waste treatment, such as composting, incinerating, chemical flushing, oil flushing, or a privy system.
36. “Urinal” means a water-flushed, chemical-flushed, or no-flush upright basin used for urination only.
37. “Utensil” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware.

**Historical Note**
New Section made by final rulemaking at 25 A.A.R. 756, effective March 6, 2019 (Supp. 19-1).

**R9-8-602. General Provisions**
A. This Article does not apply to:
   1. Primitive camp and picnic grounds as defined in A.R.S. § 36-136(I)(8), or
   2. Campgrounds located on federal or tribal land within the state.
B. A violation of this Article is a public health nuisance and may be subject to abatement pursuant to A.R.S. § 36-602.
C. Inspections of campgrounds shall be conducted in accordance with A.R.S. § 36-136(I)(8) by the regulatory authority.

**Historical Note**
New Section made by final rulemaking at 25 A.A.R. 756, effective March 6, 2019 (Supp. 19-1).

**R9-8-603. Bathroom, Toilet Alternative, and Shower Room Management**
A responsible party shall ensure that:
1. No campsite is more than 400 feet from a toilet or toilet alternative;
2. Signs plainly indicate the locations of toilets and showers provided by the campground;
3. The campground has a sufficient number of toilets or toilet alternatives according to Table 6.1, and
4. Each bathroom, toilet alternative, and shower room provided by the campground meets the requirements listed in Table 6.2.

**Historical Note**
New Section made by final rulemaking at 25 A.A.R. 756, effective March 6, 2019 (Supp. 19-1).

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**Table 6.1. Toilet or Toilet Alternative Requirements**

<table>
<thead>
<tr>
<th>Number of Individuals Occupying the Campground</th>
<th>Number of Toilets or Toilet Alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-25</td>
<td>1</td>
</tr>
<tr>
<td>26-50</td>
<td>2</td>
</tr>
<tr>
<td>51-75</td>
<td>3</td>
</tr>
<tr>
<td>Every additional 1-25</td>
<td>+1 additional</td>
</tr>
</tbody>
</table>

**Historical Note**
Table 6.1 made by final rulemaking at 25 A.A.R. 756, effective March 6, 2019 (Supp. 19-1).

**Table 6.2. Bathroom, Toilet Alternative, and Shower Room Management**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Bathroom</th>
<th>Toilet Alternative</th>
<th>Shower Room</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is clean and sanitary</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Is ventilated by an openable window, air conditioning, or other mechanical device</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has toilet paper</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Is maintained free from public health nuisance and free from insect and vermin infestation</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has refuse containers as specified in R9-8-607(1)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has surfaces that are easily cleanable, sanitary, and free from gaps other than ventilation</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has soap and single-use paper towels or air hand dryers at each lavatory</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has a floor drain connected to a sewage collection system and, if built after the effective date of this Article, has floors that slope to the drain.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has potable water from all shower heads</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
R9-8-604. Common Area Management
A responsible party shall ensure that the following requirements are met:
1. Bedding and towels provided by the campground are:
   a. Maintained in good-repair;
   b. Clean and sanitary; and
   c. Kept free of ectoparasites including bedbugs, lice, and mites.
2. A community kitchen provided by a campground:
   a. Is maintained in a clean and sanitary condition; and
   b. Complies with 9 A.A.C. 8, Article 1 if operating as a food establishment.
3. Any multi-use utensils and equipment provided by the campground are easily cleanable and either:
   a. Are washed, rinsed, and made sanitary before use by each separate individual; or
   b. A conspicuously located sign identifies which multi-use utensils and equipment provided by the campground are not washed, rinsed, and made sanitary before use by each separate individual.
4. A campground shall comply with 9 A.A.C. 8 Article 8, if within a common area, the campground provides a:
   a. Natural bathing place as defined in A.A.C. R18-5-201,
   b. Semi-artificial bathing place as defined in R9-8-801,
   c. Spa as defined in A.A.C. R18-5-201, or
   d. Swimming pool as defined in A.A.C. R18-5-201.

Historical Note
New Section made by final rulemaking at 25 A.A.R. 756, effective March 6, 2019 (Supp. 19-1).

R9-8-605. Water Supply
A responsible party shall ensure that the following requirements are met:
1. All water provided by the campground for human consumption is potable water.
2. Any source of water provided by the campground that is not potable is clearly identified with “not for human consumption” signage at each access point.
3. The potable water supply and distribution system provided by the campground is designed to provide sufficient quantity at a minimum pressure of 20 pounds per square inch at ground level at each bathroom, shower room, and permanent water fixture provided by the campground.
4. No campsite is more than 300 feet from a potable water source.
5. If water is hauled to the campground as a potable water supply, the water and transport shall meet the requirements of A.A.C. R18-4-214.
6. If potable water provided by the campground is not from a public water system as defined by 18 A.A.C. 4:
   a. The potable water provided is tested prior to use with results of:
      i. No coliform bacteria or other fecal indicator present; and
      ii. Nitrate (as N) no greater than 10 mg/l.
   b. The potable water provided is routinely monitored to determine:
      i. The presence or absence of total coliform bacteria at least once every month of operation, and
      ii. The concentration of nitrates at least once every 3 months.
   c. Water samples collected in accordance with this section shall be analyzed by a laboratory that is licensed by the Arizona State Laboratory Office of Laboratory Services and licensed according to 9 A.A.C. 14, Article 6.
   d. Records of water sample results analyzed in accordance with this Section shall be:
      i. Maintained at the campground for at least 12 months and
      ii. Made available to the Department upon request.
   e. Written notification must be provided to the regulatory authority within 24 hours when any water quality requirement listed in subsection (a) is out-of-compliance.

Historical Note
New Section made by final rulemaking at 25 A.A.R. 756, effective March 6, 2019 (Supp. 19-1).

R9-8-606. Sewage Disposal
A responsible party shall ensure that sewage and human excreta produced within the campground:
1. Does not create a public health nuisance; and
2. Is collected and disposed of by systems designed, constructed and operated in compliance with the requirements in 18 A.A.C. 9, Articles 3 and 7.

Historical Note
New Section made by final rulemaking at 25 A.A.R. 756, effective March 6, 2019 (Supp. 19-1).

R9-8-607. Refuse Management
A responsible party shall ensure that the following requirements are met:
1. The campground has conspicuously located refuse containers that are:
   a. Constructed of non-absorbent material that is capable of withstanding expected use and remaining easily cleanable, and
   b. Covered.
2. Signs plainly indicate the locations of refuse containers.
3. No campsite is more than 200 feet from a refuse container.
4. Refuse produced within the campground:
   a. Does not create a public health nuisance; and
   b. Is collected, stored, and disposed of according to 18 A.A.C. 13, Article 3.

Historical Note
New Section made by final rulemaking at 25 A.A.R. 756, effective March 6, 2019 (Supp. 19-1).

R9-8-608. Camping Shelter Management
A responsible party shall ensure that the following requirements are met:
1. A camping shelter is:
   a. Clean and sanitary;
   b. Ventilated by an openable window, air conditioning, or other mechanical device; and
   c. Maintained free from public health nuisance and free from insect and vermin infestation.
2. Bedding and towels provided in a camping shelter are:
In this Article, unless otherwise specified:

1. “Ample water supply” means sufficient water quantity and water pressure to operate all of a school’s drinking fountains, bathtubs, showers, lavatories, water closets, and urinals at all times from:
   a. A public water system that complies with 18 A.A.C. 4; or
   b. An underground water source that complies with 18 A.A.C. 11, Articles 4 and 5 or with A.R.S. § 45-811.01.

2. “Animal” means a mammal, bird, reptile, amphibian, fish or invertebrate, such as an insect, spider, worm, snail, clam, crab, or starfish.

3. “Aquifer” means the same as in A.R.S. § 49-201.

4. “Bathroom” means a restroom that contains a shower head or bathtub.

5. “Bathtub” means a receptacle, in which a user sits, with a faucet that supplies hot and cold water, or warm water, for filling the receptacle and a drain connected to a sanitary sewer.

6. “Bottled water” means the same as in R9-8-201.

7. “Bottled water cooler” means a device that is not connected to a plumbing system and provides a vertically falling stream of drinking water from a source approved by the Department under 9 A.A.C. 8, Article 2, or that complies with 18 A.A.C. 4; 18 A.A.C. 11, Articles 4 and 5, or A.R.S. § 45-811.01.

8. “Calendar year” means January 1 through December 31.

9. “Classroom” means an interior area of a school used primarily for instruction of students.

10. “Clean” means free of dirt or debris.

11. “Cold water” means water with a temperature from 33° F to 40° F.

12. “Common drinking cup” means a hand-held container not connected to a plumbing system that:
   a. Holds liquid for human consumption,
   b. Comes into contact with a user’s mouth, and
   c. Is used by more than one individual.

13. “Complaint” means information indicating the need for inspection due to possible violations of this Article.

14. “Constructive underground storage facility” means the same as in A.R.S. § 45-802.01.

15. “Debris” means litter or the remains of something that has been broken or torn into pieces.


17. “Device” means a piece of equipment that performs a specific function.

18. “Drinking fountain” means a fixture connected to a plumbing system that provides a non-vertical stream of drinking water from an opening and drains into a sanitary sewer.

19. “Drinking water” means water for human consumption that meets the requirements of 18 A.A.C. 4, or 18 A.A.C. 11, Article 4.

20. “Dumpster” means a container designed for mechanical lifting and dumping by a refuse collection vehicle that transports the container’s contents.

21. “Faucet” means a fixture connected to a plumbing system that provides and regulates the flow of drinking water from the plumbing system.

22. “Floor drain” means an opening in a floor surface that leads to a sanitary sewer.

23. “Food establishment” means an entity that stores, prepares, packages, serves, or otherwise provides food for human consumption directly to a consumer or indirectly through a delivery service.

24. “Food establishment” means an entity that stores, prepares, packages, serves, or otherwise provides food for human consumption directly to a consumer or indirectly through a delivery service.

25. “Habitat” means a place where an animal is kept while on school grounds.

26. “Hot water” means water with a temperature from 95° F to 120° F.

27. “Human consumption” means an individual’s use of water for activities such as drinking, bathing, showering, handwashing, cooking, dishwashing, laundering, cleaning, or using a water closet.

28. “Hydration” means the process of replacing fluids lost by a human body.

29. “Lavatory” means a sink or a basin with a faucet that supplies hot and cold water, or warm water, and with a drain connected to a sanitary sewer.

30. “Local health department” means:
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42. “Responsible person” means:
   a. A member of the staff or a student of a school, or
   b. A member of the staff or a student from another school, when the individual is present on the
grounds of the school specified in subsection (a) for
   c. A managed underground storage facility.
31. “Managed underground storage facility” means the same as
   a. The administrative division of an Arizona county,
   b. A public health services district under A.R.S. Title
   c. A constructed underground storage facility, or
30. “Non-absorbent” means not capable of absorbing or
   a. An aquifer,
   b. A constructed underground storage facility.
29. “Non-classroom” means an indoor area in a school, such
   a. That is:
   b. That is not a private school.
28. “Non-absorbent” means not capable of absorbing or
   a. That is:
   b. That is not a private school.
27. “Portable water container” means any type of device, not
   a. An aquifer,
   b. A constructed underground storage facility.
26. “Overflow rim” means the raised edge around a drinking
   a. A member of the staff or a student of a school, or
   b. A member of the staff or a student from another school, when the individual is present on the
   c. A managed underground storage facility.
25. “Participant” means:
   a. A member of the staff or a student of a school, or
   b. A member of the staff or a student from another school, when the individual is present on the
   c. A managed underground storage facility.
24. “Overflow rim” means the raised edge around a drinking
   a. A member of the staff or a student of a school, or
   b. A member of the staff or a student from another school, when the individual is present on the
   c. A managed underground storage facility.
23. “Refuse container” means a portable receptacle used for
   a. A member of the staff or a student of a school, or
   b. A member of the staff or a student from another school, when the individual is present on the
   c. A managed underground storage facility.
21. “Public water system” means the same as in A.R.S. § 49-
   a. An accommodation school defined in A.R.S. § 15-101,
   b. A constructed underground storage facility, or
   c. A managed underground storage facility.
19. “Portable water container” means any type of device, not
   a. An aquifer,
   b. A constructed underground storage facility.
18. “Non-classroom” means an indoor area in a school, such
   a. That is:
   b. That is not a private school.
17. “Non-absorbent” means not capable of absorbing or
   a. That is:
   b. That is not a private school.
16. “Portable water container” means any type of device, not
   a. An aquifer,
   b. A constructed underground storage facility.
15. “Overflow rim” means the raised edge around a drinking
   a. A member of the staff or a student of a school, or
   b. A member of the staff or a student from another school, when the individual is present on the
   c. A managed underground storage facility.
13. “Refuse container” means a portable receptacle used for
   a. A member of the staff or a student of a school, or
   b. A member of the staff or a student from another school, when the individual is present on the
   c. A managed underground storage facility.
11. “Non-classroom” means an indoor area in a school, such
   a. That is:
   b. That is not a private school.
10. “Non-absorbent” means not capable of absorbing or
   a. That is:
   b. That is not a private school.
9. “Portable water container” means any type of device, not
   a. An aquifer,
   b. A constructed underground storage facility.
8. “Overflow rim” means the raised edge around a drinking
   a. A member of the staff or a student of a school, or
   b. A member of the staff or a student from another school, when the individual is present on the
   c. A managed underground storage facility.
6. “Refuse container” means a portable receptacle used for
   a. A member of the staff or a student of a school, or
   b. A member of the staff or a student from another school, when the individual is present on the
   c. A managed underground storage facility.
5. “Public water system” means the same as in A.R.S. § 49-
   a. An accommodation school defined in A.R.S. § 15-101,
   b. A constructed underground storage facility, or
   c. A managed underground storage facility.
3. “Portable water container” means any type of device, not
   a. An aquifer,
   b. A constructed underground storage facility.
2. “Overflow rim” means the raised edge around a drinking
   a. A member of the staff or a student of a school, or
   b. A member of the staff or a student from another school, when the individual is present on the
   c. A managed underground storage facility.

New Section made by final rulemaking at 12 A.A.R. 282,
effective March 11, 2006 (Supp. 06-1).

R9-8-702. General Provisions

A. A responsible person shall ensure that a school complies with
   the provisions of this Article and with federal and state statutes
   and rules and local ordinances governing subjects included in
   A.R.S. § 36-136(H)(9).

B. A violation of this Article is a public nuisance under A.R.S. §
   36-601.

New Section made by final rulemaking at 12 A.A.R. 282,
effective March 11, 2006 (Supp. 06-1).

R9-8-703. Restroom, Bathroom, and Shower Room

A. A responsible person shall ensure that a school provides
   restrooms or bathrooms that:
   1. Are clean; and
   2. Have:
      a. Floors of a non-absorbent material;
      b. Floors that slope to a drain connected to a sanitary
         sewer;
      c. Water closets with seats of the split or U-shaped type
         made of non-absorbent material;
      d. Interior surfaces that are clean, washable, and free
         from gaps;
      e. Toilet paper at all water closets;
      f. Soap and single-use paper towels or air hand dryers
         at all lavatories.

B. If a school provides a shower room, the responsible person
   shall ensure that the shower room:
   1. Is clean; and
   2. Has:
      a. Hot and cold, or warm water from all shower heads;
      b. Floors of a non-absorbent material;
      c. Floors that slope to a drain connected to a sanitary
         sewer; and
      d. Interior surfaces that are clean, washable, and free of
         gaps.

C. A responsible person shall ensure that restrooms, bathrooms,
   and shower rooms are maintained to avoid odors.

New Section made by final rulemaking at 12 A.A.R. 282,
effective March 11, 2006 (Supp. 06-1).

R9-8-704. Cafeterias and Food Service
A. A responsible person for a school that stores, prepares, or serves food on the premises shall ensure that the school complies with 9 A.A.C. 8, Article 1, except when the food is brought to the school by staff or a student for personal consumption.

B. If a school contracts with a food establishment to prepare and deliver food to the school, the responsible person shall:
   1. Ensure that the food establishment has a current license or permit issued under 9 A.A.C. 8, Article 1; and
   2. Retain a copy of the food establishment’s current license or permit, required in subsection (B)(1), for inspection.

**Historical Note**
New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-705. Indoor Areas**
A responsible person shall ensure that:
   1. Indoor classroom and non-classroom areas are clean; and
   2. If a classroom has a lavatory in it, the lavatory has soap and single-use paper towels or air hand dryers.

**Historical Note**
New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-706. Water Supply**
A. A responsible person shall ensure that a school has an ample water supply.

B. A responsible person shall ensure that a school’s drinking water is dispensed from:
   1. A clean drinking fountain that:
      a. Provides, from an opening, a stream of water that does not touch anything before reaching a user’s mouth;
      b. Has an opening that is higher than the overflow rim to prevent the opening’s submersion; and
      c. Has a device to prevent a user’s mouth from touching the opening from which the water streams;
   2. A clean and sanitized water cooler;
   3. A clean and sanitized bottled water cooler;
   4. A clean and sanitized lavatory faucet; or
   5. A clean and sanitized portable water container.

C. If a portable water container or the bottle from a school’s bottled water cooler is to be refilled, a responsible person shall ensure that the portable water container or the bottle is:
   1. Washed, rinsed, and sanitized, as specified in 9 A.A.C. 8, Article 1;
   2. Stored in a clean area; and
   3. Refilled with drinking water from any of the sources of drinking water specified in subsection (B).

D. A responsible person shall ensure that a school does not provide a common drinking cup unless the common drinking cup is washed, rinsed, and sanitized, as specified in 9 A.A.C. 8, Article 1, after each use.

E. A responsible person shall ensure that a school provides:
   1. Drinking fountains, water coolers, or bottled water coolers according to Tables 1 and 2; and
   2. At least one drinking fountain, water cooler, or bottled water cooler on each floor of the school that contains a classroom, regardless of the number of students.

**Table 1. Kindergarten to Eighth Grade**

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>Minimum Number of Drinking Fountains, Water Coolers, or Bottled Water Coolers*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-50</td>
<td>1</td>
</tr>
</tbody>
</table>

* For each additional 1-50 students, another drinking fountain, water cooler, or bottled water cooler is required.

**Table 2. Ninth Grade to Twelfth Grade**

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>Minimum Number of Drinking Fountains, Water Coolers, or Bottled Water Coolers*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-100</td>
<td>1</td>
</tr>
<tr>
<td>101-150</td>
<td>3</td>
</tr>
<tr>
<td>151-200</td>
<td>4</td>
</tr>
<tr>
<td>201-250*</td>
<td>5</td>
</tr>
</tbody>
</table>

* For each additional 1-100 students, another drinking fountain, water cooler, or bottled water cooler is required.

F. A responsible person shall ensure a school provides drinking water that is:
   1. Accessible from the school grounds; and
   2. Sufficient to maintain the hydration of all participants at school-organized outdoor activities.

**Historical Note**
New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-707. Sewage Disposal**
A responsible person shall ensure that a school’s:
   1. Water closets and urinals flush sewage to a sanitary sewer;
   2. Lavatories, showers, bathtubs, and other plumbing fixtures drain sewage to a sanitary sewer; and
   3. Sanitary sewer lines are maintained in accordance with the recommendations of the local health department.

**Historical Note**
New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-708. Refuse Management**
A responsible person shall ensure that a school:
   1. Stores refuse in durable, non-absorbent, and washable containers;
   2. Provides:
      a. Indoor refuse containers in each classroom and in each non-classroom area; and
      b. Accessible outdoor refuse containers;
   3. Maintains refuse containers so that refuse does not accumulate in school buildings or on school grounds; and
   4. Disposes of refuse according to 18 A.A.C. 13, Article 3.

**Historical Note**
New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-709. Animal Standards**
A. A responsible person shall ensure that an animal in a school:
1. Is kept in a habitat that:
   a. Has water free of algae, insects, and particulate matter;
   b. Is maintained to avoid odors from rotting food or excess animal wastes; and
   c. Is not in the same room as food preparation areas, as specified in 9 A.A.C. 8, Article 1;
2. May be removed from the animal’s habitat at the direction of a teacher;
3. When out of the animal’s habitat, is under the control of a teacher or a student of the school, if the animal is:
   a. A bird, reptile, amphibian, or invertebrate;
   b. A large mammal, such as a horse, sheep, pig, goat, or cow;
   c. A rabbit or hare; or
   d. A rodent, such as a mouse, rat, hamster, guinea pig, or gerbil;
4. Has a current immunization against rabies, if the animal is a dog, cat or ferret, as documented by:
   a. A dog license issued by a state or county agency;
   b. A rabies immunization certificate from a veterinarian licensed under 3 A.A.C. 11;
   c. A receipt for veterinary services, showing the administration of a rabies vaccine; or
   d. A written statement attesting to the current immunization of the animal against rabies; and
5. Is not:
   a. A non-human primate;
   b. A deer mouse, or other wild mouse of the genus Peromyscus; and
   c. A bat, skunk, raccoon, fox, wolf-hybrid or coyote, except when brought into a classroom for an educational display, as defined in R12-4-401, by a person who has complied with provisions in 12 A.A.C. 4, Article 4, obtained a permit or license issued by the Arizona Game and Fish Department, and is experienced in handling the animal.

B. A responsible person shall ensure that a room, in which an animal in a school is kept:
   1. Is free of animal waste, except in the habitat; and
   2. Has:
      a. A lavatory with soap and single-use paper towels or air hand dryers; or
      b. A product to sanitize the hands of an individual who touches an animal or its habitat.

Historical Note
New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

R9-8-710. Pest Control
A responsible person shall ensure that indoor classroom and non-classroom areas are kept free of insects and rodents, except when the insects or rodents are being kept as specified in R9-8-709 or are food for animals being kept as specified in R9-8-709.

Historical Note
New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

R9-8-711. Inspections
The Department shall inspect:
   1. A school for compliance with this Article at least once each calendar year, and
   2. Areas of a school pertinent to the details of a complaint upon receipt of the complaint.

Historical Note
Section repealed; new Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

R9-8-712. Repealed

Historical Note
Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

R9-8-713. Repealed

Historical Note
Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

R9-8-714. Repealed

Historical Note
Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

R9-8-715. Repealed

Historical Note
Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

R9-8-716. Repealed

Historical Note
Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

R9-8-717. Repealed

Historical Note
Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

ARTICLE 8. PUBLIC AND SEMIPUBLIC SWIMMING POOLS AND BATHING PLACES

R9-8-801. Definitions
In this Article, unless otherwise specified:
1. “Artificial lake” has the same meaning as in A.A.C. R18-5-201.
2. “Backwash” has the same meaning as in A.A.C. R18-5-201.
3. “Bathing place” means a volume of water that is used for water contact recreation.
4. “Clean” means free from slime, scum, dirt, or other debris.
5. “Deck” has the same meaning as in A.A.C. R18-5-201.
7. “Incontinent” means unable to restrain a bowel movement.
8. “Local health department” has the same meaning as in R9-18-101.
9. “Maximum bathing load” has the same meaning as in A.A.C. R18-5-201.
10. “Natural bathing place” has the same meaning as in A.A.C. R18-5-201.
11. “Operate” has the same meaning as in A.A.C. R18-5-201.
12. “Operator” means an individual who owns, runs, maintains, or otherwise controls or directs the functioning of a bathing place.
13. “Oxidation-reduction potential” means the measurement in millivolts of the potential for transfer of electrons from one atom or molecule to another in water.
14. “Potable water” has the same meaning as in A.A.C. R18-5-201.
15. “Ppm” means parts per million.
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16. “Private residential spa” has the same meaning as in A.A.C. R18-5-201.
17. “Private residential swimming pool” has the same meaning as in A.A.C. R18-5-201.
18. “Public health services district” has the same meaning as “district” in A.R.S. § 48-5801.
19. “Public spa” has the same meaning as in A.A.C. R18-5-201.
20. “Public swimming pool” has the same meaning as in A.A.C. R18-5-201.
21. “Regulatory authority” means the Department or a local health department or public health services district operating under a delegation of authority from the Department.
22. “Sanitary facility” means a designated area that includes a toilet, urinal, sink, or shower.
23. “Scum” means a film that forms on the surface of water.
24. “Semi-artificial bathing place” means a lake, pond, river, stream, swimming hole, or hot spring that is modified to be used for water contact recreation.
25. “Semipublic spa” has the same meaning as in A.A.C. R18-5-201.
26. “Semipublic swimming pool” has the same meaning as in A.A.C. R18-5-201.
27. “Shallow area” has the same meaning as in A.A.C. R18-5-201.
28. “Shock treatment” means adding chlorine to water to elevate the free chlorine residual to 20 ppm and destroy ammonia and nitrogenous and organic contaminants in the water.
29. “Slime” means a glutinous or viscous liquid matter.
30. “Spa” has the same meaning as in A.A.C. R18-5-201.
31. “Surface water” has the same meaning as in A.A.C. R18-11-101.
32. “Swimming pool” has the same meaning as in A.A.C. R18-5-201.
33. “Turnover rate” has the same meaning as in A.A.C. R18-5-201.
34. “Wading pool” has the same meaning as in A.A.C. R18-5-201.
35. “Water circulation system” has the same meaning as in A.A.C. R18-5-201.
36. “Water circulation system components” has the same meaning as in A.A.C. R18-5-201.
37. “Water fountain” means a bathing place that functions by using mechanical means to propel a stream of water out of an opening or structure.
38. “Water contact recreation” means an activity for enjoyment in which an individual wets all or part of the individual’s body with water.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

R9-8-802. Applicability
This Article does not apply to:
1. A private residential swimming pool,
2. A private residential spa,
3. A bathing place used for medical treatment or physical therapy supervised by licensed medical personnel, or
4. A body of water that is not used as a bathing place.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

R9-8-803. Public and Semipublic Swimming Pool and Spa

Water Quality and Disinfection Standards
A. An operator of a public or semipublic swimming pool or spa shall ensure that:
1. The swimming pool or spa is filled only with potable water;
2. The water in the swimming pool or spa:
   a. Complies with the water quality standards in this Section when the swimming pool or spa is open for water contact recreation;
   b. Maintains a pH of between 7.2 and 7.8;
   c. Maintains a total alkalinity of between 60 and 100 ppm; and
   d. Is sufficiently clear so that the main drain in the swimming pool or spa is visible from the deck of the swimming pool or spa;
3. The surface of the water in the swimming pool or spa is free from scum and floating debris;
4. The bottom and sides of the swimming pool or spa are free from sediment, dirt, slime, and algae;
5. The chemical disinfection level, pH, total alkalinity, and temperature of the water is tested at least once daily; and
6. A daily operating log that includes the results of the tests in subsection (A)(5) is maintained for 12 months from the date of the test and is available to a regulatory authority or a member of the public upon request.
B. An operator of a public or semipublic swimming pool or spa:
1. Shall not use chloramine as a primary disinfectant in the swimming pool or spa;
2. Shall not add gaseous disinfectant directly into the swimming pool;
3. Shall not add dry or liquid disinfectant directly into the swimming pool or spa for routine disinfection; and
4. May add dry or liquid disinfectant directly into the swimming pool or spa for shock treatment.
C. An operator of a public or semipublic swimming pool or spa using chlorinated isocyanurates or cyanuric acid stabilizer for disinfection and stabilization in the swimming pool or spa shall ensure that the water in the swimming pool or spa maintains an oxidation-reduction potential equal to or greater than 650 millivolts and that cyanuric acid levels, whether from chlorinated isocyanurates or from the separate addition of cyanuric acid stabilizer, do not exceed 150 ppm.
D. An operator of a public or semipublic swimming pool shall ensure that the water in the swimming pool meets one of the following chemical disinfection standards:
1. A free chlorine residual between 1.0 and 3.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test, or
2. A free bromine residual between 2.0 and 4.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test, or
3. An oxidation-reduction potential equal to or greater than 650 millivolts.
E. An operator of a public or semipublic spa shall ensure that:
1. A chlorine gas disinfection system is not used in the spa;
2. The water temperature in the spa does not exceed 40EC; and
3. The water in the spa meets one of the following chemical disinfection standards:
   a. A free chlorine residual between 3.0 and 5.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test,
   b. A free bromine residual between 3.0 and 5.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test, or
   c. An oxidation-reduction potential equal to or greater than 650 millivolts.
A. An operator of a public or semipublic swimming pool or spa shall ensure that:
   1. The swimming pool or spa water circulation system complies with the water circulation requirements in 18 A.A.C. 5, Article 2; and
   2. The swimming pool or spa is equipped with:
      a. A flow meter as specified in 18 A.A.C. 5, Article 2; and
      b. A vacuum cleaning system as specified in 18 A.A.C. 5, Article 2.
B. An operator may draw water from a swimming pool for a water slide or a water fountain without filtering or disinfecting the water.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

R9-8-805. Public and Semipublic Swimming Pool and Spa Maximum Bathing Loads
An operator of a public or semipublic swimming pool or spa shall ensure that the maximum bathing load, as specified in 18 A.A.C. 5, Article 2, is not exceeded.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

R9-8-806. Posting Requirements
An operator of a public or semipublic swimming pool or spa shall ensure that a sign is posted within 50 feet of the swimming pool or spa, that includes the following instructions:
   1. Use the toilet before entering the pool or spa;
   2. Take a shower before entering the pool or spa;
   3. Do not enter the pool with a cold, skin or other body infection, open wound, diarrhea, or any other contagious condition;
   4. If incontinent, wear tight fitting rubber or plastic pants or a swim diaper; and
   5. Observe all safety regulations.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

R9-8-807. Public and Semipublic Swimming Pool and Spa and Bathing Place Facility Sanitation
A. An operator of a public or semipublic swimming pool or spa shall ensure that a sanitary facility at the public or semipublic swimming pool is maintained in a clean condition.
B. An operator of a public or semipublic swimming pool or bathing place shall provide a soap dispenser with liquid or powdered soap at each sink in a sanitary facility.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

R9-8-808. Bathing Place Towels
If a towel is provided by a bathing place to an individual using the bathing place, an operator of the bathing place shall ensure that the towel is washed with soap or detergent and hot water and thoroughly dried after each individual use.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

R9-8-809. Disposal of Sewage, Filter Backwash, and Wasted Swimming Pool or Spa Water
An operator of a public or semipublic swimming pool or spa shall ensure that sewage, filter backwash, and swimming pool or spa water are disposed of according to A.A.C. R18-5-236.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

R9-8-810. Fecal Contamination in Public and Semipublic Swimming Pools and Spas
A. If solid feces are found in a public or semipublic swimming pool or spa, an operator of the swimming pool or spa shall ensure that:
   1. Each individual in the swimming pool or spa exits the swimming pool or spa and the swimming pool or spa is closed,
   2. The feces in the swimming pool or spa are removed and disposed of in a toilet,
   3. The chemical disinfection level of the water in the swimming pool or spa is tested to determine whether the water complies with the water quality and disinfection standards in R9-8-803, and
   4. The swimming pool or spa is not reopened until a test conducted under subsection (A)(3) indicates that the water complies with the water quality and disinfection standards in R9-8-803.

B. If liquid feces are found in a public or semipublic swimming pool or spa, an operator of the swimming pool or spa shall ensure that:
   1. Each individual in the swimming pool or spa exits the swimming pool or spa and the swimming pool or spa is closed;
   2. The swimming pool or spa is closed for at least 24 hours;
   3. As much of the liquid feces as possible in the swimming pool or spa is removed and disposed of in a toilet;
   4. The swimming pool or spa is chemically treated with a shock treatment;
   5. The water in the swimming pool or spa is tested 24 hours after applying the shock treatment to determine whether the water complies with the water quality and disinfection standards in R9-8-803; and
   6. The swimming pool or spa is not reopened until a test conducted under subsection (B)(5) indicates that the water complies with the water quality and disinfection standards in R9-8-803.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

R9-8-811. Natural and Semi-artificial Bathing Place and Artificial Lake Water Quality Standards
An operator of a public or semipublic natural bathing place, a semi-artificial bathing place, or an artificial lake shall ensure that the public or semipublic natural bathing place, semi-artificial bathing place, or artificial lake meets the narrative and numeric water quality standards in 18 A.A.C. 11, Article 1 when the public or semipublic natural bathing place, semi-artificial bathing place, or artificial lake is open for water contact recreation.

Historical Note
Section repealed; new Section made by final rulemaking

Historical Note
New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).
at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

R9-8-812. Inspections
A. A regulatory authority shall inspect a bathing place to determine whether the bathing place complies with this Article.
B. A regulatory authority shall inspect a public swimming pool at least once each month that the swimming pool is open for water contact recreation.

Historical Note
Section repealed; new Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

R9-8-813. Cease and Desist and Abatement
A. Engaging in any practice in violation of this Article is a public nuisance.
B. If a regulatory authority has reasonable cause to believe that an operator of a public or semipublic swimming pool or bathing place is creating or maintaining a public nuisance at the public or semipublic swimming pool or bathing place, the regulatory authority shall order the operator to discontinue the activity and to abate the public nuisance as follows:
1. The regulatory authority shall serve on the operator a written cease and desist order requiring the operator to discontinue the activity and to remove the public nuisance at the operator’s expense within 24 hours after service of the order. The order shall contain:
   a. A reference to the statute or rule that is alleged to have been violated or on which the order is based,
   b. A description of the operator’s right to request a hearing, and
   c. A description of the operator’s right to request an informal settlement conference.
2. The regulatory authority shall serve the order and any subsequent notices by personal delivery or certified mail, return receipt requested, to the operator or other party’s last address of record with the regulatory authority or by any other method reasonably calculated to effect actual notice to the operator or other party.
3. The operator or another party whose rights are determined by the order may obtain a hearing to appeal the order by filing a written notice of appeal with the regulatory authority within 30 days after service of the order. The operator or other party appealing the order shall serve the notice of appeal upon the regulatory authority by personal delivery or certified mail, return receipt requested, to the office of the regulatory authority or by any other method reasonably calculated to effect actual notice on the regulatory authority. Appealing an order does not release the operator from the obligation to comply with the order.
4. If a notice of appeal is timely filed, the regulatory authority shall do one of the following:
   a. If the regulatory authority is the Department or a local health department or public health services district to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 10 is delegated, the notification and hearing shall comply with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings.
   b. For all other regulatory authorities, the notification and hearing shall be provided by procedures adopted by a county board of supervisors as required by A.R.S. § 36-183.04(E).
5. If a written notice of appeal is not timely filed, the order becomes final.
6. A regulatory authority shall inspect the public or semipublic swimming pool or bathing place 24 hours after service of the order to determine whether the operator has complied with the order. If the regulatory authority determines upon inspection that the operator has not ceased the activity and abated the public nuisance, the regulatory authority shall cause the public nuisance to be removed.

Historical Note
Section repealed; new Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).
R9-8-828. Reserved
R9-8-829. Reserved
R9-8-830. Reserved
R9-8-831. Repealed

Historical Note
R9-8-831 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

R9-8-832. Repealed

Historical Note
R9-8-832 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

R9-8-833. Repealed

Historical Note
R9-8-833 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

R9-8-834. Repealed

Historical Note
R9-8-834 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

R9-8-835. Repealed

Historical Note
R9-8-835 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

R9-8-836. Repealed

Historical Note
R9-8-836 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

R9-8-837. Repealed

Historical Note
R9-8-837 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

R9-8-838. Repealed

Historical Note
Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

R9-8-839. Repealed

Historical Note
R9-8-839 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

R9-8-840. Reserved
R9-8-841. Repealed

Historical Note
R9-8-841 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

Exhibit A. Repealed

Historical Note
Exhibit A repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

R9-8-842. Repealed

Historical Note
R9-8-842 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

R9-8-843. Repealed

Historical Note
R9-8-843 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

R9-8-844. Repealed

Historical Note
R9-8-844 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

R9-8-845. Repealed

Historical Note
R9-8-845 repealed by summary action with an interim
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effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

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<th>Rule</th>
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<td>R9-8-846.</td>
<td>Repealed</td>
<td>July 6, 1998</td>
</tr>
<tr>
<td>R9-8-847.</td>
<td>Repealed</td>
<td>August 9, 2002</td>
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<td>R9-8-848.</td>
<td>Reserved</td>
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<tr>
<td>R9-8-849.</td>
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<td>R9-8-850.</td>
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<tr>
<td>R9-8-851.</td>
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<td>August 9, 2002</td>
</tr>
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**ARTICLE 9. EXPIRED**

R9-8-901. Expired

Historical Note
Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

R9-8-902. Expired

Historical Note
Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

R9-8-903. Expired

Historical Note
Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

R9-8-904. Expired

Historical Note
Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

R9-8-905. Expired

Historical Note
Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).
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expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

R9-8-1107. Expired

Historical Note

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

ARTICLE 10. RENUMBERED

See Title 18, Chapter 5, Article 4.

ARTICLE 11. EXPIRED

Article 11, consisting of Sections R9-8-1102 through R9-8-1108, expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

Article 11, consisting of Sections R9-8-1111, repealed effective April 10, 1997 (Supp. 97-2).

R9-8-1101. Reserved

R9-8-1102. Expired

Historical Note


R9-8-1103. Expired

Historical Note


R9-8-1104. Expired

Historical Note


R9-8-1105. Expired

Historical Note


R9-8-1106. Expired

Historical Note


R9-8-1107. Expired

Historical Note


R9-8-1108. Expired

Historical Note

c. The following:
   i. A structure or room that has 3 or more sides and a top; or
   ii. A mobile home, house trailer, recreational vehicle as defined in A.R.S. § 33-2102, houseboat, or other similar structure at a fixed location.

17. “Non-absorbent” means incapable of being penetrated by liquid, such as a material coated or treated with rubber, plastic, or other sealing substance.

18. “Owns” means to have the right to possess, use, and convey the interest.

19. “Person” means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or another agency.

20. “Potable water” means water safe for human consumption that meets the requirements of 18 A.A.C. 4 or satisfies the requirements in R9-8-1305(4).

21. “Public health nuisance” means the activities or conditions dangerous to public health that are subject to A.R.S. § 36-601.

22. “Refuse” has the same meaning as in A.A.C. R18-13-302.

23. “Refuse container” means a receptacle that is capable of being moved and is used for refuse storage.

24. “Regulatory authority” means
   a. The Department; or
   b. Under delegation, the following entities as specified in A.R.S. § 36-136(E):
      i. A local health department,
      ii. A county environmental department, or
      iii. A public health services district.

25. “Responsible party” means the person who owns a lodging establishment or a designee of a person who owns the lodging establishment.


27. “Sewage” has the same meaning as in A.A.C. R18-9-101.

28. “Sewage collection system” has the same meaning as in A.A.C. R18-9-101.

29. “Shower head” means a fixture connected to a distribution system that allows potable water to fall on a user’s body.

30. “Shower room” means a structure or a room that contains at least one shower head and at least one floor drain.

31. “Sleeping material” means any of the following:
   a. A sheet,
   b. A pillow,
   c. A pillowcase,
   d. A blanket, or
   e. A sleeping bag.

32. “Stored” means holding refuse before the refuse is disposed of according to A.A.C. R18-13-311 and R18-13-312.

33. “Toilet” means a water-flushed, chemical-flushed, or no-flush bowl for the disposal of human excreta.

34. “Urinal” means a water-flushed, chemical-flushed, or no-flush upright basin used for urination only.

35. “Utensil” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware.

Historical Note
New Section made by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).

R9-8-1302. General Provisions
A. This Article does not apply to:
   1. The activities listed in A.R.S. § 42-5070(B);
   2. A lodging establishment located on federal or tribal land within the state;
   3. A lodging establishment that:
      a. Is owner occupied, and
      b. Has no more than six lodging units;
   4. A camping shelter as defined in R9-8-601(4); or
   5. A dormitory on the campus of a college or university.
B. A violation of this Article is a public health nuisance and may be subject to abatement pursuant to A.R.S. § 36-602.
C. Inspections of lodging establishments shall be conducted in accordance with A.R.S. § 36-136(I)(8) by the regulatory authority.

Historical Note
New Section made by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).

R9-8-1303. Bathroom and Shower Room Management
A. A responsible party shall ensure that each lodger has access to a toilet, a lavatory, and a shower room, located either:
   1. Within the lodging unit the lodger is occupying or
   2. Within 200 feet from an entrance to the lodging unit.
B. A responsible party shall ensure that each bathroom and shower room provided by the lodging establishment meets the requirements listed in Table 13.1.

Historical Note
New Section made by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).

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<thead>
<tr>
<th>Requirement</th>
<th>Bathroom</th>
<th>Shower Room</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is clean and sanitary</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Is ventilated by an openable window, air conditioning, or other mechanical device</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has toilet paper</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Is maintained free from public health nuisance and free from insect and vermin infestation</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has refuse containers as specified in R9-8-1307(1)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has surfaces that are easily cleanable, sanitary and free from gaps other than ventilation</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has single use soap or soap inside a dispenser</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Has floors and walls of a non-absorbent material</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
A responsible party shall ensure that the following requirements are met:

1. All water provided by the lodging establishment for human consumption is potable water.
2. Any source of water provided by the lodging establishment that is not potable is clearly identified with “not for human consumption” signage at each access point.
3. The potable water supply and distribution system provided by the lodging establishment is designed to provide sufficient quantity at a minimum pressure of 20 pounds per square inch at floor level at each bathroom, shower room, and permanent water fixture provided by the lodging establishment.
4. No lodging unit is more than 300 feet from a potable water source.
5. If water is hauled to the lodging establishment as a potable water supply, the water and transport shall meet the requirements of A.A.C. R18-4-214.
6. If potable water provided by the lodging establishment is not from a public water system as defined by 18 A.A.C. 14, Article 6:
   a. The potable water provided is tested prior to use with results of:
      i. No coliform bacteria or other fecal indicator present, and
      ii. Nitrate (as N) no greater than 10 mg/l.
   b. The potable water provided is routinely monitored to determine:
      i. The presence or absence of total coliform bacteria at least once every month of operation, and
      ii. The concentration of nitrates at least once every three months.
   c. Water samples collected in accordance with this section shall be analyzed by a laboratory that is licensed by the Arizona State Laboratory Office of Laboratory Services and licensed according to 9 A.A.C. 14, Article 6.
   d. Records of water sample results analyzed in accordance with this section shall be:
      i. Maintained at the lodging establishment for at least 12 months, and
      ii. Made available to the Department upon request.
   e. Written notification must be provided to the regulatory authority within 24 hours when any water quality requirement listed in subsection (a) is out-of-compliance.

Historical Note
New Section made by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).
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Historical Note
New Section made by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).

R9-8-1307. Refuse Management
A responsible party shall ensure that the following requirements are met:

1. The lodging establishment has conspicuously located refuse containers that are:
   a. Constructed of non-absorbent material that is capable of withstanding expected use and remaining easily cleanable; and
   b. Covered.

2. Refuse produced at the lodging establishment:
   a. Does not create a public health nuisance; and
   b. Is collected, stored, and disposed of according to 18 A.A.C. 13, Article 3.

Historical Note
New Section made by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).

R9-8-1308. Lodging Unit Management
A responsible party shall ensure that the following requirements are met:

1. Each lodging unit:
   a. Is:
      i. Clean and sanitary,
      ii. Ventilated by an openable window, air conditioning, or other mechanical device, and
      iii. Maintained free from public health nuisance and free from insect and vermin infestation.
   b. Has refuse containers as specified in R9-8-1307(1).
   c. Contains adequately sized sleeping material provided by a lodging establishment.

2. Bedding, sleeping material, and towels provided in a lodging unit are:
   a. Maintained in good-repair;
   b. Clean and sanitary; and
   c. Kept free of ectoparasites including bedbugs, lice, and mites.

3. Cloth towels, sheets, and pillowcases provided in a lodging unit are machine washed with detergent and machine dried before use by each separate individual or group of individuals who stay in a lodging unit.

4. Multi-use utensils and equipment provided in a lodging unit meet the requirements in R9-8-1304(4).

Historical Note
New Section made by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).

R9-8-1309. Reserved

R9-8-1310. Reserved

R9-8-1311. Expired

Historical Note
Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 3256, effective June 17, 2002 (Supp. 02-3).

R9-8-1312. Repealed

Historical Note
Section repealed by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).

R9-8-1313. Expired

Historical Note
Section expired under A.R.S. § 41-1056(E) at 13 A.A.R. 2930, effective June 30, 2007 (Supp. 07-3).

R9-8-1314. Repealed

R9-8-1315. Expired

Historical Note
Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 3256, effective June 17, 2002 (Supp. 02-3).

R9-8-1316. Reserved

R9-8-1317. Reserved

R9-8-1318. Reserved

R9-8-1319. Reserved

R9-8-1320. Reserved

R9-8-1321. Repealed

Historical Note
Section repealed by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).

R9-8-1322. Repealed

R9-8-1323. Reserved

R9-8-1324. Reserved

R9-8-1325. Reserved

R9-8-1326. Reserved

R9-8-1327. Reserved

R9-8-1328. Reserved

R9-8-1329. Reserved

R9-8-1330. Reserved

R9-8-1331. Repealed

Historical Note
Section repealed by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).

R9-8-1332. Repealed

R9-8-1333. Repealed

R9-8-1334. Repealed

R9-8-1335. Repealed

Historical Note
Section repealed by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).
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R9-8-1336. Repealed
   Historical Note
   Section repealed by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).

R9-8-1337. Repealed
   Historical Note
   Section repealed by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).

R9-8-1338. Repealed
   Historical Note
   Section repealed by final rulemaking at 25 A.A.R. 763, effective March 6, 2019 (Supp. 19-1).

ARTICLE 14. REPEALED
   Article 14, consisting of Sections R9-8-1411 thru R9-8-1413, repealed effective April 10, 1997 (Supp. 97-2).

R9-8-1411. Repealed
   Historical Note
   Repealed effective April 10, 1997 (Supp. 97-2).

R9-8-1412. Repealed
   Historical Note
   Repealed effective April 10, 1997 (Supp. 97-2).

R9-8-1413. Repealed
   Historical Note
   Repealed effective April 10, 1997 (Supp. 97-2).

ARTICLE 15. REPEALED
   Article 15, consisting of Sections R9-8-1511 and R9-8-1512, repealed effective August 15, 1989 (Supp. 89-3).

ARTICLE 16. REPEALED

R9-8-1601. Reserved
R9-8-1602. Reserved
R9-8-1603. Reserved
R9-8-1604. Reserved
R9-8-1605. Reserved
R9-8-1606. Reserved
R9-8-1607. Reserved
R9-8-1608. Reserved
R9-8-1609. Reserved
R9-8-1610. Reserved
R9-8-1611. Repealed
   Historical Note

R9-8-1612. Repealed
   Historical Note

R9-8-1613. Reserved
R9-8-1614. Repealed
   Historical Note

R9-8-1615. Repealed
   Historical Note

R9-8-1616. Repealed
   Historical Note

R9-8-1617. Repealed
   Historical Note

R9-8-1618. Repealed
   Historical Note

R9-8-1619. Repealed
   Historical Note

R9-8-1620. Repealed
   Historical Note

R9-8-1621. Repealed
   Historical Note

R9-8-1622. Repealed
   Historical Note

R9-8-1623. Reserved
R9-8-1624. Repealed
   Historical Note

R9-8-1625. Repealed
   Historical Note

R9-8-1626. Repealed
   Historical Note

R9-8-1627. Repealed
   Historical Note

R9-8-1628. Repealed