

NOTICES OF RULEMAKING DOCKET OPENING

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

DEPARTMENT OF AGRICULTURE

- Title and its heading:** Title 3, Agriculture
Chapter and its heading: Chapter 4, Department of Agriculture – Plant Services Division
Article and its heading: Article 2, Quarantine Regulations
Section numbers: R3-4-233
- Subject matter of the proposed rule:**
The Lettuce Mosaic rule establishes the requirements for shipping lettuce seed into Arizona and for growing lettuce in the state. The existing rule will be divided into two new rules which will separately deal with internal and external regulations. The new rule will remove outdated and gender-specific terminology, any information not essential to the rule, and unnecessary references to statute; it will clarify existing language and set up uniform format and structure.
The agency docket number, if applicable: None
- A citation to all published notices relating to the proceeding:**
None published
- Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Shirley Conard, Rules Specialist
Address: Arizona Department of Agriculture
1601 North 7th Street, Room 434
Phoenix, Arizona 85006-2299
Telephone Number: (602) 407-2834
Facsimile Number: (602) 407-2839

- The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments: 8 a.m. - 5:00 p.m. M - F
Oral comments: 8 a.m. - 4:30 p.m. M - F
Arizona Department of Agriculture
1601 North 7th Street, Room 434
Phoenix, Arizona 85006-2299
- A timetable for agency decisions or other action in the proceeding:**
None

DEPARTMENT OF AGRICULTURE

- Title and its heading:** Title 3, Agriculture
Chapter and its heading: Chapter 4, Department of Agriculture – Plant Services Division
Article and its heading: Article 5, Apiary Rules
Section numbers: R3-4-501, R3-4-502, R3-4-503, R3-4-504, R3-4-505, R3-4-506
- Subject matter of the proposed rule:**
The Department proposes to repeal A.A.C. Title 3, Chapter 4, Article 5, Apiary Rules (R2-3-501 through R3-4-506). Since the 1994 legislative session produced HB 2172 which repealed Title 3, Chapter 6 of the Arizona Revised Statutes, regulatory authority is no longer granted to the Department.
The agency docket number, if applicable: None
- A citation to all published notices relating to the proceeding:**
None previously published; Notice of Summary Rule-making is published in this issue of the Register.
- Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Shirley Conard, Rules Specialist
Address: Arizona Department of Agriculture
1601 North 7th Street, Room 434
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Arizona Department of Agriculture
1601 North 7th Street, Room 434
Phoenix, Arizona 85006-2299
- A timetable for agency decisions or other action in the proceeding:**
Interim effective date of the summary rules:
February 10, 1995.
Close of record: March 13, 1995.

Notices of Rulemaking Docket Opening

BOARD OF MEDICAL EXAMINERS

1. **Title and its heading:** Title 4, Commerce, Professions, and Occupations
Chapter and its heading: Chapter 16, Board of Medical Examiners
Article and its heading: Article 1, General Provisions
Section numbers: R4-16-101, R4-16-102, R4-16-103, R4-16-104, R4-16-105, R4-16-106
Article and its heading: Article 2, Dispensing of Drugs and Devices
Section numbers: R4-16-201, R4-16-202, R4-16-203, R4-16-204, R4-16-205

2. **Subject matter of the proposed rule:**
In 1989, the Arizona Legislature enacted A.R.S. § 32-1491 which authorized physicians to dispense drugs and devices. These rules are being proposed to implement subsection (C) of that Section, which mandates that the Board establish rules on this subject. The rules set forth the requirements for the dispensing of controlled substances, prescription-only drugs, and medical devices. The current rule regarding written testing is being repealed and a new Section adopted. Additionally, a rule which addresses anabolic-androgenic steroids is being repealed as it will be covered by the new dispensing rules. Principally, the rules address the requirement that all physicians who wish to dispense drugs and devices from their offices first be registered with the Board; application for and renewal of registration; packaging; labeling; recordkeeping; prescribing and dispensing requirements; inventory control of the drugs and devices; inspection by the Board; and self-reporting of drug thefts or shortages.

The agency docket number, if applicable: None

3. **A citation to all published notices relating to the proceeding:**
None.

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

Name: Elaine Hugunin, Deputy Director

Address: Board of Medical Examiners

1651 East Morten, Suite 210

Phoenix, Arizona 85020

Telephone Number: (602) 255-3751

Facsimile Number:

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

Submissions may be made to the Deputy Director at the above-designated address until the close of the record, which is expected to be in mid- to late March. The specific date for the close of record will be set forth in the Notice of Proposed Rulemaking to be filed with the Secretary of State and published in the *Register*.

At the present time, the exact date of a public hearing, if any, has not been set. However, it is anticipated that, if held, it would be in mid- to late March.

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

The Board anticipates that the initial drafting and informal comment period will be completed by the middle to end of January. Thereafter, the Notice of Proposed Rulemaking will be filed. If there are no or insufficient requests for public hearing, the record for public comment will be closed, probably sometime in mid- to late March. Following receipt of any written comments, the package will be finalized, adopted by the Board, and filed with the Governor's Regulatory Review Council. Thereafter, the Council has 90 days to act upon the adopted rules.