

## NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

### NOTICE OF FINAL RULEMAKING

#### TITLE 3. AGRICULTURE

#### CHAPTER 2. DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

*Editor's Note: The following Notice of Final Rulemaking was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 on page 881.) The Governor's Office authorized the notice to proceed through the rulemaking process on December 8, 2009.*

[R10-52]

#### PREAMBLE

- 1. Sections Affected**  
R3-2-708
- Rulemaking Action**  
New Section
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):**  
Authorizing statute: A.R.S. § 3-107(A)(1)  
Implementing statute: A.R.S. § 3-1350(F)
- 3. The effective date of the rule:**  
July 3, 2010
- 4. A list of all previous notices appearing in the Register addressing the final rule:**  
Notice of Rulemaking Docket Opening: 16 A.A.R. 12, January 1, 2010  
Notice of Proposed Rulemaking: 16 A.A.R. 230, February 5, 2010
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Casey Cullings  
Address: Department of Agriculture  
1688 W. Adams St.  
Phoenix, AZ 85007  
Telephone: (602) 542-0962  
Fax: (602) 542-5420  
E-mail: casey.cullings@azag.gov
- 6. An explanation of the rule, including the agency's reasons for initiating the rules:**  
This final rulemaking implements A.R.S. § 3-1350, which was enacted in 2009, by setting out requirements and a fee for equine rescue facilities to get on the Department's registry of equine rescue facilities. The requirements include minimum standards for the physical condition of the facility and equine care and treatment at the facility. Facilities complying fully with standards that meet or exceed the minimum standards in every respect will be considered in compliance with the minimum standards.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
None

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

Not applicable

**9. The summary of the economic, small business, and consumer impact:**

The rulemaking will have a minimal impact on the Arizona Department of Agriculture. The Department is only responsible for maintaining a registry and making the registry publicly available. The rulemaking is also expected to have a minimal impact on private industry. Equine rescue facilities that elect to be on the registry pay a \$75 annual fee to the Department and pay for a veterinarian to verify that the facility meets the minimum standards set out in this rulemaking. Some veterinarians will have a small increase in business due to equine rescue facilities hiring them to perform minimum standards certifications.

**10. A description of the changes between the proposed rule, including supplemental notices, and final rule (if applicable):**

The definition of Arizona Equine Rescue Standards has been clarified to make explicit that the veterinary checklist referenced in subsection (B)(3) of the rule is part of the incorporated American Association of Equine Practitioners Care Guidelines for Equine Rescue and Retirement Facilities. The Department believes that the checklist was already incorporated in the rule without the new language since the checklist is part of the Care Guidelines document (beginning at page 26); therefore, this rule is not substantially different from the proposed rule.

**11. A summary of the comments made regarding the rule and the agency response to them:**

No comments were received.

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

Pursuant to Laws 2009, 3rd Spec. Sess., Ch. 7, § 28, the Arizona Department of Agriculture obtained written approval from the Office of the Governor to conduct this rulemaking. The Department of Agriculture Advisory Council voted, without comment, in favor of adoption of this rulemaking on January 21, 2010 pursuant to its authority under A.R.S. § 3-104(F).

**13. Any material incorporated by reference and its location in the text:**

The rule incorporates the American Association of Equine Practitioners Care Guidelines for Equine Rescue and Retirement Facilities, 2004 Edition.

**14. Whether the rule was previously made as an emergency rule and, if so, whether the text was changed between the making as an emergency and the making of the final rule:**

No

**15. The full text of the rule follows:**

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE  
ANIMAL SERVICES DIVISION

ARTICLE 7. LIVESTOCK INSPECTION

Section

R3-2-708. Equine Rescue Facility Registration

ARTICLE 7. LIVESTOCK INSPECTION

**R3-2-708. Equine Rescue Facility Registration**

**A.** "Arizona Equine Rescue Standards" means the American Association of Equine Practitioners Care Guidelines for Equine Rescue and Retirement Facilities, 2004 Edition. This material, which includes the Veterinary Checklist for Rescue/Retirement Facilities, is incorporated by reference, does not include any later amendments or editions, and is available for inspection at the Department of Agriculture, 1688 W. Adams St., Phoenix, Arizona 85007. A copy of this material may also be obtained from the American Association of Equine Practitioners web site at [http://www.aaep.org/pdfs/rescue\\_retirement\\_guidelines.pdf](http://www.aaep.org/pdfs/rescue_retirement_guidelines.pdf). The American Association of Equine Practitioners is located at 4075 Iron Works Parkway, Lexington, Kentucky 40511.

**B.** An equine rescue facility shall pay the annual registration fee and file the following documents with the Department's Animal Services Division for the facility to be included on the Department's registry of equine rescue facilities:

- 1.** An application form containing the facility's name, address, and contact person and the contact person's phone number.

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2. A copy of documents filed with the Arizona Corporation Commission demonstrating the facility's current status as a nonprofit corporation in good standing in this state.
  3. A letter from a licensed veterinarian, dated within 15 days of filing, certifying that the facility is not inadequate with respect to any of the Arizona Equine Rescue Standards and attaching a signed copy of the completed Arizona Equine Rescue Standards' veterinary checklist.
- C.** Registration is valid for one year. Registration may be renewed annually by complying with subsection (B).
- D.** The annual registration fee is \$75.
- E.** A nonprofit corporation owning multiple equine rescue facilities must file the letter and checklist described in subsection (B)(3) and pay the annual registration fee for each location it wants included on the registry.
- F.** The Department shall remove a facility from the registry if it determines that the facility is not presently incorporated as a nonprofit corporation in this state or is inadequate with respect to any of the Arizona Equine Rescue Standards.