



# Arizona Administrative REGISTER

Published by the Department of State ~ Office of the Secretary of State

Vol. 24, Issue 12

~ Administrative Register Contents ~

March 23, 2018

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# From the Publisher

## ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

## ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

## WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C., and is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

## LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a page.

# Arizona Administrative REGISTER

Vol. 24

Issue 12

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**ADMINISTRATIVE REGISTER**  
This publication is available online for free at [www.azsos.gov](http://www.azsos.gov).

**ADMINISTRATIVE CODE**  
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

**PUBLICATION DEADLINES**  
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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# Participate in the Process

## Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

## Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

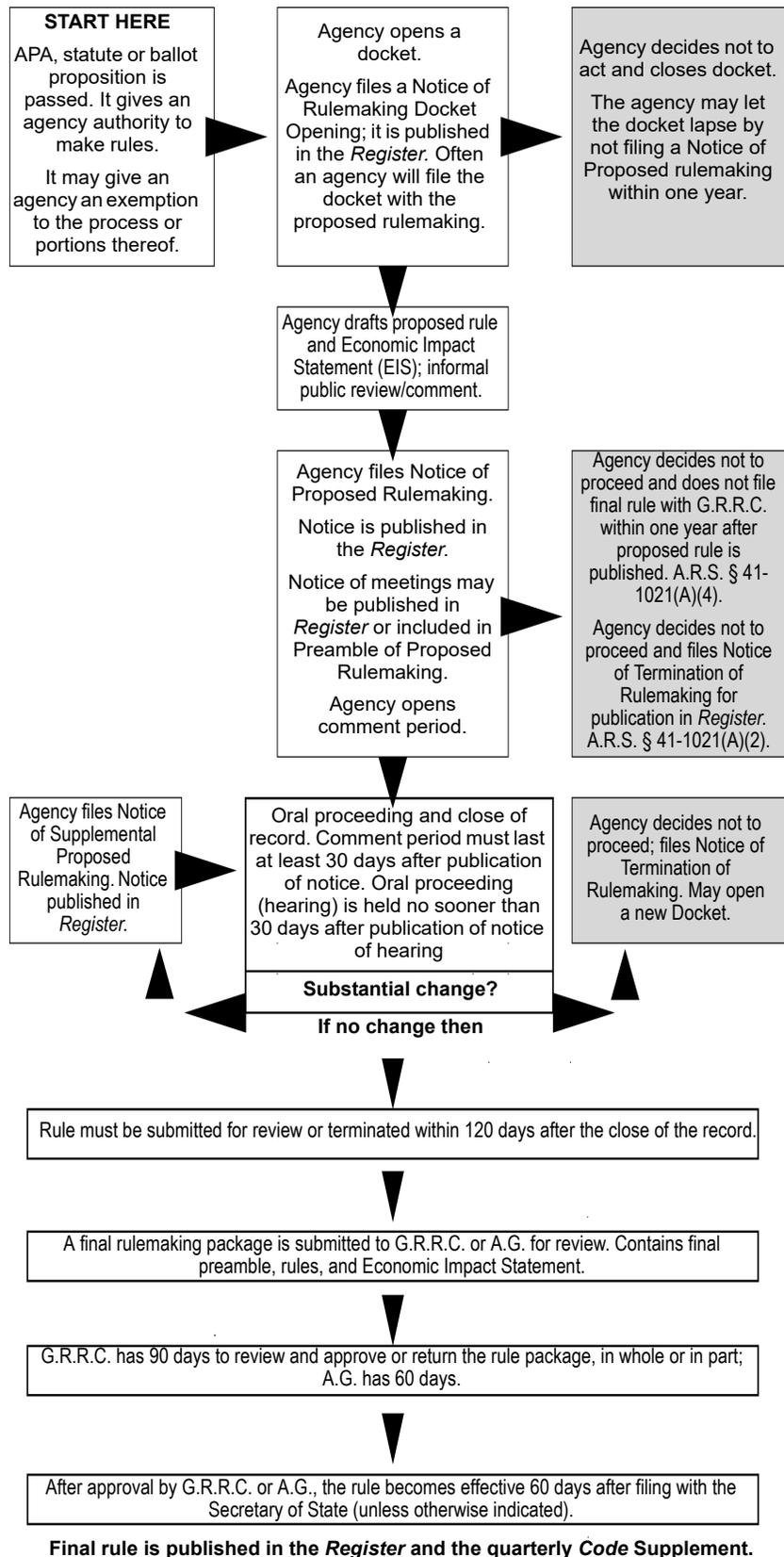
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

# Arizona Regular Rulemaking Process



## Definitions

**Arizona Administrative Code (A.A.C.):** Official rules codified and published by the Secretary of State's Office. Available online at [www.azsos.gov](http://www.azsos.gov).

**Arizona Administrative Register (A.A.R.):** The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at [www.azsos.gov](http://www.azsos.gov).

**Administrative Procedure Act (APA):** A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at [www.azleg.gov](http://www.azleg.gov).

**Arizona Revised Statutes (A.R.S.):** The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The “§” symbol simply means “section.” Available online at [www.azleg.gov](http://www.azleg.gov).

**Chapter:** A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

**Close of Record:** The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

**Code of Federal Regulations (CFR):** The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

**Docket:** A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

**Economic, Small Business, and Consumer Impact Statement (EIS):** The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

**Governor's Regulatory Review (G.R.R.C.):** Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

**Incorporated by Reference:** An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

**Federal Register (FR):** The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

**Session Laws or “Laws”:** When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation “Ch.,” and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at [www.azleg.gov](http://www.azleg.gov).

**United States Code (U.S.C.):** The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

## Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

## About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



**NOTICES OF PROPOSED RULEMAKING**

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the *Administrative Procedure Act* (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any oral proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

**NOTICE OF PROPOSED RULEMAKING  
TITLE 3. AGRICULTURE  
CHAPTER 7. DEPARTMENT OF AGRICULTURE  
WEIGHTS AND MEASURES SERVICES DIVISION**

[R18-47]

**PREAMBLE**

- |   |                                 |
|---|---------------------------------|
| <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
| R3-7-101  | Amend                           |
| R3-7-701  | Amend                           |
| R3-7-702  | Amend                           |
| R3-7-708  | Amend                           |
| R3-7-749  | Amend                           |
| R3-7-751  | Amend                           |
| R3-7-752  | Amend                           |
| R3-7-755  | Amend                           |
| R3-7-757  | Amend                           |
| R3-7-759  | Amend                           |
| Table 1   | Amend                           |
| Table 2   | Amend                           |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. §§ 3-3414(A)(4), (D)  
 Implementing statute: A.R.S. §§ 3-3433, 3-3434, 3-3491, 3-3492, 3-3493, 3-3494, and 3-3495
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**  
 Notice of Rulemaking Docket Opening: 24 A.A.R. 637, March 23, 2018 (*in this issue*)
- 4. The agency's contact person who can answer questions about the rulemaking:**  
 Name: Michelle Wilson  
 Address: Department of Agriculture  
 Weights and Measures Services Division  
 1688 W. Adams St.  
 Phoenix, AZ 85007  
 Telephone: (602) 771-4933  
 Fax: (623) 939-8586  
 E-mail: mwilson@azda.gov  
 Web site: https://agriculture.az.gov
- 5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**  
 The Department is updating the rules following the approval of HB2368 which amended A.R.S. § 3-3491 by removing isobutanol from the list of oxygenates that shall not collectively contribute to more than 0.10 percent oxygen by weight in gasoline sold for fueling motor vehicles. Additionally, the Department is updating references to adopt the latest versions of Handbooks 44, 130, and



133, as well as making clarifying edits. Specific updates to the rules include:

- The definition of isobutanol;
- The addition of ASTM Standard D7862, 2015a (ASTM D7862-15a), “Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel,” as a material incorporated by reference;
- The adoption of isobutanol as an allowable oxygenate for blending with gasoline;
- The explanation of allowable minimum and maximum isobutanol content in gasoline depending on geographic area and/or time of year;
- Revised requirements for product transfer documents to include statements regarding isobutanol content;
- Clarify requirements for oxygenates to reflect updated federal requirements;
- Incorporation of the latest versions of Handbooks 44, 130, and 133 that outline method of sale, package and labeling, packaged goods, and commercial device requirements; and
- A definition of stage II vapor recovery has been added to clarify current statutory requirements.

The Department, in partnership with the Arizona Department of Environmental Quality, will be submitting the applicable portions of this rulemaking to the Environmental Protection Agency to be incorporated into the federally approved State Implementation Plan under Clean Air Act Section 110.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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:**

The Department did not review and does not intend to rely on a study in its evaluation of or justification for the rulemaking.

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

Not applicable

**8. The preliminary summary of the economic, small business, and consumers:**

- There should be minimal economic impact as a result of the rule update. The addition of isobutanol as an optional gasoline oxygenate provides flexibility in the market for those who may choose to produce and market fuel containing this oxygenate.
- The provisions to allow the sale of isobutanol during the wintertime in the cleaner-burning gasoline (CBG) covered area will only become effective upon approval of a revised State Implementation Plan (SIP) by the Environmental Protection Agency (EPA).
- Using isobutanol versus ethanol as an oxygenate in gasoline will be a choice for fuel producers and suppliers, not a requirement. They will be responsible for marketing gasoline oxygenated with isobutanol.
- If a business chooses to sell this product, minimal costs may be involved in updating fuel dispenser product labels.
- Consumers will have the choice to purchase gasoline oxygenated with isobutanol instead of ethanol. Currently there is a niche market for this product.
- There may be minimal economic impacts to businesses that fall under regulation of NIST Handbook requirements if the updated requirements results in mandatory changes to commercial devices or pricing procedures. A summary of specific updates to Handbooks 44, 130, and 133 can be found on pages vii, ix, and xix of each of the handbooks, respectively.

**9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

Name: Kevin Allen  
 Address: Department of Agriculture  
 Weights and Measures Services Division  
 1688 W. Adams St.  
 Phoenix, AZ 85007  
 Telephone: (602) 771-4939  
 Fax: (623) 939-8586  
 E-mail: kallen@azda.gov  
 Web site: https://agriculture.az.gov

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

An oral proceeding regarding the proposed rules will be held as follows:

Date: April 24, 2018  
 Time: 10:00 a.m.  
 Location: Department of Agriculture, Conference Room 206  
 1688 W. Adams  
 Phoenix, AZ 85007

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

A.R.S. § 3-3414(D) requires the Director of the Department of Weights and Measures to consult with the Director of the Department of Environmental Quality when making rules relating to quality standards for motor fuel, including oxygenated fuels. A.R.S.



§ 3-3433(C) also requires consultation regarding standards and test methods for motor fuels. This rulemaking establishes the standards relating to motor fuels. The required consultation occurred.

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

The affected rule does not require a permit.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

This rulemaking is consistent with the federal law. The cleaner-burning gasoline program is regulated at the federal level under the Clean Air Act and required under State Implementation Plans in effect for the region. The applicable portions of this rule will be submitted to the Environmental Protection Agency for approval and incorporation into State Implementation Plans.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

No analysis was submitted.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

*The following materials are incorporated at R3-7-101:*

United States Division of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 44, *Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*, 2018 edition.

United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 130, *Uniform Laws and Regulations*, 2018 edition.

United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 133, *Checking The Net Contents of Packaged Goods*, 2018 edition.

*The following materials are incorporated at R3-7-702:*

Government Publishing Office, 16 CFR 306 - Automotive Fuel Ratings, Certification and Posting, January 14, 2016 Edition.

American Petroleum Institute, API Recommended Practice 1637 (API RP 1637), "Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals," published July 2006, Reaffirmed May 2012.

ASTM International, ASTM Standard D975, 2016a (ASTM D975- 16a), "Standard Specification for Diesel Fuel Oils," published 2016.

ASTM International, ASTM Standard D4806, 2016a (ASTM D4806- 16a), "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel," published 2016.

ASTM International, ASTM Standard D4814, 2016e1 (ASTM D4814- 16e1), "Standard Specification for Automotive Spark-Ignition Engine Fuel," published 2016.

United States Environmental Protection Agency, Waiver Requests under Section 211(f) of the Clean Air Act, August 22, 1995.

ASTM International, ASTM Standard D5798, 2015 (ASTM D5798- 15), "Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines," published 2015.

ASTM International, ASTM Standard D6751, 2015ce1 (ASTM D6751- 15ce1), "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels," published 2015.

California Air Resources Board, "California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model," adopted April 20, 1995.

Government Publishing Office, the Federal Complex Model contained in 40 CFR 80.45, January 1, 1999.

California Air Resources Board, The California Reformulated Gasoline Regulations, Title 13, California Code of Regulations, Section 2266.5 (Requirements Pertaining to California Reformulated Gasoline Blendstock for Oxygen Blending (CARBOB) and Downstream Blending), as of April 9, 2005.

California Air Resources Board, Procedures for Using the California Model for California Reformulated Gasoline Blendstocks for Oxygenate Blending (CARBOB), adopted April 25, 2001.

ASTM International, ASTM Standard D7467, 2015ce1 (ASTM D7467- 15ce1), "Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20)," published 2015.

ASTM Standard D7862, 2015a (ASTM D7862-15a), "Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel," published 2015.

SAE International, SAE J285, "Dispenser Nozzle Spouts for Liquid Fuels Intended for Use with Spark Ignition and Compression Ignition Engines," published May 5, 2012.

*The following materials are incorporated at R3-7-755:*

Government Publishing Office, 40 CFR 80.69(a)(7), July 1, 1996.

Government Publishing Office 40 CFR 80.69(e)(2), July 1, 1996.

**13. The full text of the rules follows:**



TITLE 3. AGRICULTURE
CHAPTER 7. DEPARTMENT OF AGRICULTURE
WEIGHTS AND MEASURES SERVICES DIVISION

ARTICLE 1. ADMINISTRATION AND PROCEDURES

- Section
R3-7-101. Definitions
R3-7-104. Administrative Enforcement Action

ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS

- Section
R3-7-701. Definitions
R3-7-702. Material Incorporated by Reference
R3-7-708. Gasoline Oxygenate Blends
R3-7-749. Definitions Applicable to Arizona CBG and AZRBOB
R3-7-751. Arizona CBG Requirements
R3-7-752. General Requirements for Registered Suppliers
R3-7-755. Additional Requirements for AZRBOB and Downstream Oxygenate Blending
R3-7-757. Product Transfer Documentation; Records Retention
R3-7-759. Testing Methodologies
Table 1. Type 1 Arizona CBG Standards
Table 2. Type 2 Arizona CBG Standards

ARTICLE 1. ADMINISTRATION AND PROCEDURES

R3-7-101. Definitions

The definitions in A.R.S. § 3-3401, 3-3414, 3-3436, and 3-3511 and the following definitions apply to this Chapter:

- 1. No change
2. No change
a. No change
b. No change
c. No change
d. No change
e. No change
f. No change
g. No change
h. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
a. No change
b. No change
c. No change
12. No change
13. No change
14. "Handbook 44" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (20172018 edition), incorporated by reference and on file with the Division. This incorporation by reference contains no future editions or amendments.
15. "Handbook 130" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations, Government Publishing Office, P.O. Box 979050,



- St. Louis, MO 63197-9000 or bookstore.gpo.gov (~~2017~~2018 edition), incorporated by reference and on file with the Division. This incorporation by reference contains no future editions or amendments.
16. “Handbook 133” means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 133, *Checking The Net Contents of Packaged Goods*, Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (January ~~2017~~2018 edition), incorporated by reference and on file with the Division. This incorporation by reference contains no future editions or amendments.
  17. No change
  18. No change
  19. No change
  20. No change
  21. No change
  22. No change
  23. No change
  24. No change
  25. No change
  26. No change
  27. No change
  28. No change
  29. No change
  30. No change
  31. No change
  32. No change
  33. “Stage II vapor recovery” means a system where at least 90 percent by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling are transferred to a vapor-tight holding system or vapor control system.
  - ~~33~~34. No change
  - ~~34~~35. No change
  - ~~35~~36. No change
  - ~~36~~37. No change
  - ~~37~~38. No change
  - ~~38~~39. No change
  - ~~39~~40. No change

## ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS

### R3-7-701. Definitions

In addition to the definitions in A.R.S. § 3-3401 and R3-7-101, the following definitions apply to this Article unless the context otherwise requires:

- “Address” means a street number, street name, city, state, and zip code.
- “Approved oxygenate” means an oxygenate not prohibited by A.R.S. § 3-3491(E).
- “Area A” has the same meaning as in A.R.S. § 3-3401.
- “Area B” has the same meaning as in A.R.S. § 3-3401.
- “Area C” has the same meaning as in A.R.S. § 3-3401.
- “Arizona Cleaner Burning Gasoline” or “Arizona CBG” means a gasoline blend that meets the requirements of this Article for gasoline produced and shipped to or within Arizona and sold or offered for sale for use in motor vehicles within the CBG-covered area, except as provided under A.R.S. § 3-3493(I).
- “AST” means aboveground storage tank.
- “AZRBOB” or “Arizona Reformulated Blendstock for Oxygenate Blending” means a combination of gasoline blendstocks that is intended to be or represented to constitute Arizona CBG upon the addition of a specified amount (or range of amounts) of ~~fuel ethanol~~ an approved oxygenate after the blendstock is supplied from the facility at which it was produced or imported.
- “Batch” means a quantity of motor fuel or AZRBOB that is homogeneous for motor fuel properties specific for the motor fuel standards applicable to that motor fuel or AZRBOB.
- “Beginning of transport” means the point at which:
- A registered supplier relinquishes custody of Arizona CBG or AZRBOB to a transporter or third-party terminal; or
  - A registered supplier that retains custody of Arizona CBG or AZRBOB begins transfer of the Arizona CBG or AZRBOB into a vessel, tanker, or other container for transport to the CBG-covered area.
- “Biodiesel” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Biodiesel blend” has the same meaning as prescribed under A.R.S. § 3-3401. Per ASTM D975, diesel fuel may contain 5 percent or less biodiesel and is not considered to be a biodiesel blend.
- “Biofuel” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Biofuel blend” has the same meaning as prescribed under A.R.S. § 3-3401.



- “Biofuel blender” means a person that modifies a motor fuel by adding a biofuel.
- “Biofuel producer” means a person that owns, leases, operates, controls, or supervises a facility at which biofuel is produced.
- “Biofuel Supplier” means a marketer or jobber of a biofuel or biofuel blend.
- “Biomass” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Biomass-based diesel” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Biomass-based diesel blend” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Blendstock” means any liquid compound that is blended with another liquid compound to produce a motor fuel, including Arizona CBG. A deposit-control or similar additive registered under 40 CFR 79 is not a blendstock.
- “CARB” means the California Air Resources Board.
- “CARBOB Model” means the procedures incorporated by reference in R3-7-702(11).
- “CARB Phase 2 gasoline” means gasoline that meets the specifications incorporated by reference in R3-7-702(8).
- “CBG-covered area” means a county with a population of 1,200,000 or more persons according to the most recent United States decennial census and any portion of a county within area A.
- “Conventional gasoline” means gasoline that conforms to the requirements of this Chapter for sale or use in Arizona, but does not meet the requirements of Arizona CBG or AZRBOB.
- “Diesel fuel” or “Diesel” has the same meaning as prescribed under A.R.S. § 3-3401. Per ASTM D975, diesel fuel may contain 5 percent or less biodiesel.
- “Duplicate” means a portion of a sample that is treated the same as the original sample to determine the accuracy and precision of an analytical method.
- “EPA” means the United States Environmental Protection Agency.
- “EPA waiver” means a waiver granted by the Environmental Protection Agency as described in “Waiver Requests under Section 211(f) of the Clean Air Act,” which is incorporated by reference in R3-7-702.
- “Ethanol flex fuel” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Final destination” means the name and address of the location to which a transferee will deliver motor fuel for further distribution or final consumption.
- “Final distribution facility” means a stationary motor-fuel transfer point at which motor fuel or AZRBOB is transferred into a cargo tank truck, pipeline, or other delivery vessel from which the motor fuel or AZRBOB will be delivered to a motor-fuel dispensing site. A cargo tank truck is a final distribution facility if the cargo tank truck transports motor fuel or AZRBOB and carries documentation that the type and amount or range of amounts of oxygenates designated by the registered supplier will be or have been blended directly into the cargo tank truck before delivery of the resulting motor fuel to a motor-fuel dispensing site.
- “Fleet” means at least 25 motor vehicles owned or leased by the same person.
- “Fleet vehicle fueling facility” means a facility or location where a motor fuel is dispensed for final use by a fleet.
- “Fuel ethanol” means denatured ethanol that meets the requirements in ASTM D4806, which is incorporated by reference in R3-7-702.
- “Gasoline” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Isobutanol” means butanol isomer 2-methyl-1-propanol that meets the requirements in ASTM D7862, which is incorporated by reference in R3-7-702.
- “Jobber” means a person that distributes a motor fuel from a bulk storage plant to the owner or operator of a UST or AST or purchases a motor fuel from a terminal for distribution to the owner or operator of a UST or AST.
- “Manufacturer’s proving ground” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Marketer” means a person engaged in selling or offering for sale motor fuels.
- “Motor Fuel” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Motor fuel dispensing site” means a facility or location where a motor fuel is dispensed into commerce for final use.
- “Motor fuel property” means any characteristic listed in R3-7-751(A)(1) through (7), R3-7-751(B)(1) through (7), Table 1, Table 2, or any other motor fuel standard referenced in this Article.
- “Motor vehicle” means a vehicle equipped with a spark-ignited or compression-ignition internal combustion engine except:
- A vehicle that runs on or is guided by rails, or
  - A vehicle designed primarily for travel through air or water.
- “Motor vehicle racing event” has the same meaning as prescribed under A.R.S. § 3-3401.
- “MTBE” means methyl tertiary butyl ether.
- “Neat” means pure or 100 percent.
- “NOx” means oxides of nitrogen.
- “Octane,” “octane number,” or “octane rating” mean the anti-knock characteristic of gasoline as determined by the resultant arithmetic test average of ASTM D2699 and ASTM D2700.
- “Oxygenate” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Oxygenate blender” means a person that owns, leases, operates, controls, or supervises an oxygenate-blending facility, or that owns or controls the blendstock or gasoline used, or the gasoline produced, at an oxygenate-blending facility.
- “Oxygen content” means the percentage by weight of oxygen contained in a gasoline oxygenate blend as determined under ASTM D4815.
- “Pipeline” means a transporter that owns or operates an interstate common-carrier pipe or is subject to Federal Energy Regulatory Commission tariffs to transport motor fuels into Arizona.
- “Premium Diesel” means a diesel fuel meeting the requirements in ASTM D975 and in Handbook 130, Uniform Engine Fuels and Automotive Lubricants Regulations, Section 2.2.1(a) through 2.2.1(d).
- “Producer” means a refiner, blender, or other person that produces a motor fuel, including Arizona CBG or AZRBOB.



“Production facility” means a facility at which a motor fuel, including Arizona CBG or AZRBOB, is produced. Upon request of a producer, the associate director may designate, as part of the producer’s production facility, a physically separate bulk storage facility that:

- Is owned or leased by the producer;
- Is operated by or at the direction of the producer; and
- Is used to store or distribute motor fuels, including Arizona CBG or AZRBOB, that are supplied only from the production facility.

“Product transfer document” has the same meaning as prescribed under A.R.S. § 3-3401.

“Refiner” means a person that owns, leases, operates, controls, or supervises a refinery in the United States, including its trust territories.

“Refinery” means a facility that produces a liquid fuel, including Arizona CBG or AZRBOB, by distilling petroleum, or a transmix facility that produces a motor fuel offered for sale or sold into commerce as a finished motor fuel.

“Reproducibility” means the testing method margin of error as provided in the ASTM specification or other testing method required under this Article.

“Supply” means to provide or transfer motor fuel to a physically separate facility, vehicle, or transportation system.

“Terminal” means an owner or operator of a motor fuel storage tank facility that accepts custody, but not necessarily ownership, of a motor fuel from a registered supplier, oxygenate blender, pipeline, or other terminal and relinquishes custody of the motor fuel to a transporter or another terminal.

“Test result” means any document that contains a result of testing including all original test measures, all subsequent test measures that are not identical to the original test measure, and all worksheets on which calculations are performed.

“Transferee” means a person that receives title to or custody of a motor fuel.

“Transferor” means a person that relinquishes title to or custody of a motor fuel to a transporter, marketer, jobber, or motor fuel dispensing site.

“Transmix” means a mixture of petroleum distillate fuel and gasoline that does not meet the Arizona standards for either petroleum distillate fuels or gasoline.

“Transmix facility” means a facility at which transmix is processed into its components and then the components either are combined with a finished product or further processed to produce a finished motor fuel.

“Transporter” means a person that causes motor fuels, including Arizona CBG or AZRBOB, to be transported into or within Arizona.

“UST” means underground storage tank.

“Vapor pressure” means dry vapor pressure equivalent of gasoline or blendstock as measured according to ASTM D5191.

“Vehicle emissions control area” has the same meaning as prescribed under A.R.S. § 3-3401.

“VOC” means volatile organic compound.

### R3-7-702. Material Incorporated by Reference

#### A. No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. ASTM Standard D7862, 2015a (ASTM D7862-15a), “Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel,” published 2015, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or [www.astm.org](http://www.astm.org).

~~10~~10. No change

~~11~~11. No change

~~12~~12. No change

~~13~~13. No change

~~14~~14. No change

~~15~~15. No change

#### B. No change

### R3-7-708. Gasoline Oxygenate Blends

#### A. No change

#### B. No change

1. No change
  - a. No change
    - i. No change
    - ii. No change
  - b. No change
    - i. No change
    - ii. No change
2. No change
  - a. No change
  - b. No change



- 3. No change
  - a. No change
    - i. No change
    - ii. No change
  - b. No change
  - c. No change
    - i. No change
    - ii. No change
- 4. No change
- C. In addition to complying with the requirements in R3-7-707, the transferor of an ~~gasoline ethanol~~ oxygenated gasoline blend shall ensure that the product transfer document contains a legible and conspicuous statement that the gasoline being transferred contains ~~fuel ethanol and the percentage concentration of fuel ethanol~~ an oxygenate and lists the type and concentration of the oxygenate.
- D. No change

**R3-7-749. Definitions Applicable to Arizona CBG and AZRBOB**

The following definitions apply only to R3-7-750 through R3-7-762, including Tables A, 1, and 2:

“Designated alternative limit” means a motor fuel property specification, expressed in the nearest part per million by weight for sulfur content, nearest 10th percent by volume for aromatic hydrocarbon content, nearest 10th percent by volume for olefin content, and nearest degree Fahrenheit for T90 and T50, that is assigned by a registered supplier to a final blend of Type 2 Arizona CBG or AZRBOB for purposes of compliance with the Predictive Model Procedures.

“Downstream oxygenate blending” means combining AZRBOB and ~~fuel ethanol~~ an oxygenate to produce fungible Arizona CBG.

“Importer” means any person that assumes title or ownership of Arizona CBG or AZRBOB produced by an unregistered supplier.

“Oxygenate-blending facility” means any location (including a truck) where ~~fuel ethanol~~ an oxygenate is added to Arizona CBG or AZRBOB and the resulting quality or quantity of Arizona CBG is not altered in any other manner except for the addition of a deposit-control or similar additive registered under 40 CFR 79.

“Oxygenated Arizona CBG” means Arizona CBG with a maximum oxygen content of 4.0 wt. percent or another oxygen content approved by the associate director under A.R.S. § 3-3493, that is produced and shipped to or within Arizona and sold or offered for sale for use in motor vehicles in the CBG-covered area from November 1 through March 31 of each year.

“Performance standard” means the VOC and NOx emission reduction percentages in R3-7-751(A)(8) and Table 1.

“PM” or “Predictive Model Procedures” means the California Predictive Model and CARB’s “California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model,” as adopted April 20, 1995, which is incorporated by reference in R3-7-702.

“PM alternative gasoline formulation” means a final blend of Arizona CBG or AZRBOB that is subject to a set of PM alternative specifications.

“PM alternative specifications” means the specifications for the following fuel properties, as determined using a testing methodology in R3-7-759:

- Maximum vapor pressure, expressed in the nearest 100th of a pound per square inch;
- Maximum sulfur content, expressed in the nearest part per million by weight;
- Maximum olefin content, expressed in the nearest 10th of a percent by volume;
- Minimum and maximum oxygen content, expressed in the nearest 10th of a percent by weight;
- Maximum T50, expressed in the nearest degree Fahrenheit;
- Maximum T90, expressed in the nearest degree Fahrenheit; and
- Maximum aromatic hydrocarbon content, expressed in the nearest 10th of a percent by volume.

“PM averaging compliance option” means, with reference to a specific fuel property, the compliance option for PM alternative gasoline formulations by which final blends of Arizona CBG and AZRBOB are assigned designated alternative limits under R3-7-751(G), (H), and (I).

“PM averaging limit” means a PM alternative specification that is subject to the PM averaging compliance option.

“PM flat limit” means a PM alternative specification that is subject to the PM flat limit compliance option.

“PM flat limit compliance option” means, with reference to a specific fuel property, the compliance option that each gallon of gasoline must meet for that specified fuel property as contained in the PM alternative specifications.

“Produce” means:

Except as otherwise provided, to convert a liquid compound that is not Arizona CBG or AZRBOB into Arizona CBG or AZRBOB.

If a person blends a blendstock that is not Arizona CBG or AZRBOB with Arizona CBG or AZRBOB acquired from another person, and the resulting blend is Arizona CBG or AZRBOB, the person conducting the blending produces only the portion of the blend not previously Arizona CBG or AZRBOB. If a person blends Arizona CBG or AZRBOB with other Arizona CBG or AZRBOB in accordance with this Article, without the addition of a blendstock that is not Arizona CBG or AZRBOB, that person is not a producer of Arizona CBG or AZRBOB.



If a person supplies Arizona CBG or AZRBOB to a refiner that agrees in writing to further process the Arizona CBG or AZRBOB at the refiner's refinery and be treated as the producer of Arizona CBG or AZRBOB, the refiner is the producer of the Arizona CBG or AZRBOB.

If an oxygenate blender blends oxygenates into AZRBOB supplied from a gasoline production or import facility, and does not alter the quality or quantity of the AZRBOB or the quality or quantity of the resulting Arizona CBG certified by a registered supplier in any other manner except for the addition of a deposit-control or similar additive, the producer or importer of the AZRBOB, rather than the oxygenate blender, is considered the producer or importer of the full volume of the resulting Arizona CBG.

"Registered supplier" means a producer or importer that supplies Arizona CBG or AZRBOB and is registered with the associate director under R3-7-750.

"Third-party terminal" means an owner or operator of a gasoline storage tank facility that accepts custody, but not ownership, of Arizona CBG or AZRBOB from a registered supplier, oxygenate blender, pipeline, or other third-party terminal and relinquishes custody of the Arizona CBG or AZRBOB to a transporter or other terminal.

"Type 1 Arizona CBG" means a gasoline that meets the standards contained in R3-7-751(A) and Table 1.

"Type 2 Arizona CBG" means a gasoline that meets the standards contained in Table 2 or is certified using the PM according to the requirements of R3-7-751(G), (H), and (I), and meets the requirements in:

R3-7-751(A) beginning April 1 through October 31 of each year, and

R3-7-751(B) beginning November 1 through March 31 of each year.

"Winter" means November 1 through March 31.

### R3-7-751. Arizona CBG Requirements

- A. No change
1. No change
  2. No change
  3. No change
  4. No change
  5. No change
  6. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
    - f. No change
  7. No change
    - a. No change
      - i. November 1 - March 31: 10 percent fuel ethanol by volume or 12.5 percent isobutanol by volume. If A.R.S. § 3-3493(C) petition in effect: 2.7 percent oxygen by weight as approved by the associate director.
      - ii. No change
    - b. The maximum oxygen content shall not exceed 4.0 percent by weight for fuel ethanol and as specified in A.R.S. § 3-3491 shall not exceed the amount allowed by EPA waivers, Section 211(f) of the Clean Air Act for other oxygenates, and Additionally, the oxygen content shall comply with the requirements of A.R.S. § 3-3491 and § 3-3492.
    - c. No change
  8. No change
- B. No change
1. No change
  2. No change
  3. No change
  4. No change
  5. No change
  6. No change
  7. Oxygenate ~~Ethanol~~;
    - a. Minimum oxygenate content - 10 percent fuel ethanol by volume or 12.5 percent isobutanol by volume;
    - b. Maximum oxygen content - 4.0 percent oxygen by weight, and shall comply with the requirements of A.R.S. § 3-3492; and
    - c. Alternative minimum fuel ethanol or isobutanol content may be used if approved by the associate director under A.R.S. § 3-3493(C).
- C. Fuel ethanol and other oxygenate specifications. A person that uses fuel ethanol or other oxygenates as a blending component with AZRBOB or Arizona CBG shall ensure that the fuel ethanol or other oxygenates meet meets the following requirements in ASTM D4806 and the following:
- ~~1. A sulfur content not exceeding 10 ppm by weight,~~
  - ~~2. An olefins content not exceeding 0.5 percent by volume, and~~
  - ~~3. An aromatic hydrocarbon content not exceeding 1.7 percent by volume.~~
  1. A sulfur content not exceeding 10 ppm by weight;
  2. The fuel ethanol or other oxygenate must be composed solely of carbon, hydrogen, nitrogen, oxygen, and sulfur;



- 3. For fuel ethanol, only gasoline previously certified under 40 CFR Part 80 (including previously certified blendstocks for oxygenate blending), gasoline blendstocks, or natural gas liquids may be used as denaturants; and
- 4. For fuel ethanol, the concentration of all denaturants is limited to a maximum of 3.0 volume percent.

- D.** No change
  - 1. No change
  - 2. No change
- E.** No change
  - 1. No change
  - 2. No change
- F.** No change
- G.** No change
- H.** No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. No change
  - 3. No change
  - 4. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. No change
      - iii. No change
    - c. No change
    - d. No change
      - i. No change
      - ii. No change
- I.** No change
  - No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
    - a. No change
    - b. No change
- J.** No change
- K.** No change
  - 1. No change
  - 2. No change
  - 3. No change
- L.** No change
  - 1. No change
    - a. No change
    - b. No change
  - 2. No change
    - a. No change
      - i. No change
      - ii. No change
    - b. No change
    - c. No change
    - d. No change
  - 3. No change
    - a. No change
    - b. No change
  - 4. No change
- M.** No change
- N.** No change
- O.** No change
  - 1. No change
  - 2. No change
- P.** No change
  - 1. No change
  - 2. No change
  - 3. No change



- Q.** No change  
**R.** The use of oxygenates other than ethanol under subsection (A)(7)(a)(i) and (B)(7)(a) is prohibited until EPA approves a revision to the state implementation plan allowing the use of oxygenated other than ethanol.”

**R3-7-752. General Requirements for Registered Suppliers**

- A.** No change  
**B.** No change  
**C.** No change  
1. No change  
a. No change  
b. No change  
c. No change  
d. No change  
e. No change  
2. No change  
3. No change  
**D.** No change  
**E.** No change  
**F.** No change  
1. No change  
a. No change  
b. No change  
i. No change  
ii. No change  
iii. No change  
2. No change  
3. No change  
a. No change  
b. No change  
c. No change  
i. No change  
ii. No change  
iii. No change  
d. No change  
e. No change  
4. No change  
a. No change  
i. No change  
ii. No change  
iii. No change  
iv. No change  
v. No change  
vi. No change  
vii. No change  
b. No change  
c. No change  
i. No change  
ii. No change  
d. No change  
**G.** No change  
**H.** No change  
1. No change  
a. No change  
b. No change  
c. No change  
d. No change  
e. Isobutanol: 0.6% by volume  
~~e-f.~~ No change  
~~f-g.~~ No change  
~~g-h.~~ No change  
~~h-i.~~ No change  
~~i-j.~~ No change  
~~j-k.~~ No change  
2. No change  
a. No change



- b. No change

**R3-7-755. Additional Requirements for AZRBOB and Downstream Oxygenate Blending**

**A. No change**

1. No change

- a. If a registered supplier designates a final blend as AZRBOB and complies with the provisions of this Section, the fuel properties and performance standards of the AZRBOB, for purposes of compliance with Table 2, are determined by adding the specified type and amount of fuel ethanol oxygenate to a representative sample of the AZRBOB and determining the fuel properties and performance standards of testing the resulting gasoline using the test methods in R3-7-759 or, in the case of fuel ethanol blends, certifying the AZRBOB using the CARBOB model. If the registered supplier designates a range of amounts of fuel ethanol oxygenate to be added to the AZRBOB, the minimum designated amount of fuel ethanol oxygenate shall be added to the AZRBOB to determine the fuel properties and performance standards of the resulting Arizona CBG. If a registered supplier does not comply with this subsection, the Division shall determine whether the AZRBOB complies with applicable fuel properties and performance standards, excluding requirements for vapor pressure, without adding fuel ethanol oxygenate to the AZRBOB.
  - b. In determining whether AZRBOB complies with the Arizona CBG standards, the registered supplier shall ensure that the fuel ethanol oxygenate added to the representative sample under subsection (A)(1)(a) is representative of the fuel ethanol oxygenate the registered supplier reasonably expects will be subsequently added to the AZRBOB.
2. Calculating the volume of AZRBOB. If a registered supplier designates a final blend as AZRBOB and complies with this Section, the volume of AZRBOB is calculated for compliance purposes under R3-7-751 by adding the minimum amount of fuel ethanol oxygenate designated by the registered supplier. If a registered supplier fails to comply with this subsection, the Division shall calculate the volume of AZRBOB for purposes of compliance with applicable fuel properties and performance standards without adding the amount of fuel ethanol oxygenate to the AZRBOB.

**B. No change**

1. No change

- a. The transferee is a registered oxygenate blender and will add fuel ethanol oxygenate in the type and amount (or within the range of amounts) designated in R3-7-757 before the AZRBOB is transferred from a final distribution facility, or
  - b. The transferee will take all reasonably prudent steps necessary to ensure that the AZRBOB is transferred to a registered oxygenate blender that adds the type and amount (or within the range of amounts) of fuel ethanol oxygenate designated in R3-7-757 to the AZRBOB before the AZRBOB is transferred from a final distribution facility.
2. A person shall not sell or supply Arizona CBG from a final distribution facility if the type and amount or range of amounts of fuel ethanol oxygenate designated in R3-7-757 ~~has~~ have not been added to the AZRBOB.

**C. No change**

- 1. Fuel ethanol Oxygenate in the type and amount (or within the range of amounts) specified by the registered supplier at the time the AZRBOB is supplied from the production or import facility, or
- 2. Other AZRBOB for which the same fuel ethanol oxygenate type and amount (or range of amounts) is specified by the registered supplier at the time the AZRBOB is supplied from the production or import facility.

**D. No change**

- 1. No change
- 2. No change
- 3. No change

**E. No change**

- 1. No change
  - a. No change
  - b. No change
  - c. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change
- 8. No change
- 9. No change
- 10. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
  - h. No change
  - i. No change
  - j. No change
  - k. No change

**F. No change**



- G. No change
- No change
  - No change
- H. No change
- I. Requirements for oxygenate blenders.
- Requirement to add ~~fuel-ethanol~~ oxygenate to AZRBOB. If an oxygenate blender receives AZRBOB from a transferor to whom the oxygenate blender represents that ~~fuel-ethanol~~ oxygenate will be added to the AZRBOB, the oxygenate blender shall add ~~fuel-ethanol~~ oxygenate to the AZRBOB in the type and amount (or within the range of amounts) identified in the documentation accompanying the AZRBOB.
  - Additional requirements for oxygenate blending at terminals. An oxygenate blender that makes Arizona CBG by blending ~~fuel-ethanol~~ oxygenate with AZRBOB in a motor fuel storage tank, other than a truck used to deliver motor fuel to a retail outlet or bulk-purchaser consumer facility, shall determine the oxygen content and volume of the Arizona CBG before shipping, by collecting and analyzing a representative sample of the Arizona CBG, using the methodology in R3-7-759.
  - No change
    - No change
    - No change
    - No change
  - No change
    - An oxygenate blender that produces Arizona CBG by blending ~~fuel-ethanol~~ oxygenate with AZRBOB into a pipeline using computer-controlled in-line blending shall, for each batch of Arizona CBG produced:
      - Obtain a flow proportional composite sample after the addition of ~~fuel-ethanol~~ oxygenate and before combining the resulting Arizona CBG with any other Arizona CBG;
      - No change
      - No change
    - If the test results for the Arizona CBG indicate that it does not contain the amount of ~~fuel-ethanol~~ oxygenate specified by the ranges of the applicable test methods, the oxygenate blender shall:
      - No change
      - No change
      - Collect a representative sample every two hours during each in-line blend of AZRBOB and ~~fuel-ethanol~~ oxygenate, and analyze the samples within 12 hours of collection, until the cause of the noncompliance is determined and corrected; and
      - No change
    - No change
  - No change
    - No change
      - No change
      - No change
      - No change
      - No change
      - No change
      - No change
    - No change
    - Within 20 days of the associate director's ~~Director's~~ written request, an oxygenate blender shall provide any records maintained by the oxygenate blender under this Section. If the oxygenate blender fails to provide records requested for a blend or shipment of Arizona CBG, the associate director shall deem that the blend or shipment of Arizona CBG violates R3-7-751 or exceeds the comparable PM averaging limits, if applicable, unless the oxygenate blender demonstrates to the associate director that the Arizona CBG meets the standards and limits under R3-7-751.
  - No change
  - No change
  - No change
  - No change
- J. No change

**R3-7-757. Product Transfer Documentation; Records Retention**

- A. No change
- No change
  - No change
  - No change
  - No change
  - No change
  - No change
  - For oxygenated Arizona CBG designated for sale for use in motor vehicles from November 1 through March 31, the type and minimum quantity of ~~fuel-ethanol~~ oxygenate contained in the Arizona CBG;
  - If the product transferred is AZRBOB for which ~~fuel-ethanol~~ oxygenate blending is intended:
    - Identification of the fuel as AZRBOB and a statement that the "AZRBOB does not comply with the standards for Arizona CBG without the addition of ~~fuel-ethanol~~ oxygenate";



- b. ~~Fuel ethanol~~ Oxygenate type or types and amount or range of amounts that the AZRBOB requires to meet the fuel properties or performance standards claimed by the registered supplier of the AZRBOB, and the applicable specifications for volume percent ~~fuel ethanol~~ of oxygenate and weight percent oxygen content; and
  - c. Instructions to the transferee that the AZRBOB may not be combined with any other AZRBOB unless the other AZRBOB has the same requirements for ~~fuel ethanol~~ oxygenate type or types and amount or range of amounts; and
9. No change
- a. No change
  - b. No change
  - c. No change
- B. No change  
 C. No change  
 D. No change  
 E. No change  
 F. No change  
 G. When a person transfers custody or title of ~~fuel ethanol~~ an oxygenate that is intended for use in AZRBOB or Arizona CBG, the person shall provide the transferee a document that prominently states that the ~~fuel ethanol~~ oxygenate complies with the standards for ~~fuel ethanol~~ an oxygenate intended for use in AZRBOB or Arizona CBG.  
 H. No change

**R3-7-759. Testing Methodologies**

- A. No change
- B. An oxygenate blender or third-party terminal certifying Arizona CBG or AZRBOB before transport to the CBG-covered area shall measure ~~fuel ethanol~~ the oxygenate content in accordance with the oxygenate blender's or third-party terminal's approved QA/QC program or in accordance with one of the methods listed in Table A.
- C. No change
- D. No change
- E. No change

**Table 1. Type 1 Arizona CBG Standards**

	Non-averaging Option	Averaging Option		
	A	B	C	D
Performance Standard/Fuel Property**	Per-Gallon (minimum)	Average	Minimum (per-gallon)	Maximum (per-gallon)
VOC Emission Reduction (%) May 1 -through Sept. 15	27.5	29.0	25.0	N/A
NOx Emission Reduction (%) May 1 -through Sept. 15	5.5	6.8	N/A	N/A
NOx Emission Reduction (%) Sept. 16 - October 31 and February 1 - April 30***	0.0	N/A	N/A	N/A
Oxygen content: fuel ethanol, (% by weight unless otherwise noted) November 1 - March 31**** April 1 - October 31	N/A 0.0*	N/A N/A	N/A 0.0	N/A 4.0
Oxygen content: other than fuel ethanol, (% by weight) November 1 - March 31**** April 1 - October 31	N/A 0.0	N/A N/A	N/A 0.0	N/A **** <u>3.5</u>

\* Maximum oxygen content shall comply with the EPA oxygenate waiver requirements and with A.R.S. § 3-3491.  
 \*\* Dates represent compliance dates for the owner of a motor fuel dispensing site or a fleet vehicle fueling facility.  
 \*\*\* A registered supplier shall certify all Arizona CBG as Type 2 Arizona CBG meeting the standards in Table 2 beginning November 1 through March 31.  
 \*\*\*\* Unless prohibited by A.R.S. § 3-3491.





federal criminal records check pursuant to A.R.S. § 41-1750 and Public Law 92-544. Effective August 8, 2017 pursuant to A.R.S. § 28-3228(C)(1) and (D), additional language requiring an identify verified fingerprint clearance card to become a certified school bus driver needs to be added to the rules. Additionally, language to allow for the cancellation or suspension of a school bus driver’s certification should be added if the school bus driver violates the restrictions set forth in A.R.S. §§ 28-3228, 41-1758.03(D) and 41-1758.07(D).

In accordance with A.R.S. § 28-3228, the Department consulted with the Arizona School Bus Advisory Council on March 6, 2018 where the council voted and approved the proposed rulemaking.

The Department received a rulemaking waiver from Mr. Tim Roemer, Public Safety Policy Advisor to Governor Ducey on November 30, 2017.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or 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:**

The Department did not review or rely on any study relevant to the rule.

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

The rulemaking does not diminish a previous grant of authority of a political subdivision of this state.

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

The Department intends to amend R13-13-101 and R13-13-102 for the purpose of updating the language relating to recently signed House Bill 2247; which eliminated the need for school bus driver applicants to submit processing fees and a full set of fingerprints to the Department for the purpose of obtaining a state and federal criminal records check pursuant to A.R.S. § 41-1750 and Public Law 92-544. Effective August 8, 2017, and in accordance with A.R.S. § 28-3228, additional language requiring an identity verified fingerprint clearance card to become a certified school bus driver needs to be added to the text of the rule.

Under the current rule, all school bus drivers undergo a background check at a cost of \$22 per application, which is now outdated. There are approximately 7,856 bus drivers statewide with an approximate average annual new driver application rate of 1,178. As a result of new legislation, all existing and new school bus drivers will be required to obtain an identity verified fingerprint clearance card. The cost to obtain an identity verified fingerprint clearance card is \$67, which is valid for six years. The Department assesses a \$67 fee under A.R.S. § 15-106 for every clearance card application and renewal. The \$67 is derived from the following: \$15 is deposited into the Records Processing Fund to pay for the initial state criminal history check (A.R.S. § 41-1750(J)); \$10 is allocated to the FBI for the federal criminal history check; \$35 is deposited into the Fingerprint Clearance Card Fund (A.R.S. § 41-1758.06) for the administration of the fingerprint clearance card program; and, \$7 is distributed to the Board of Fingerprinting Fund (A.R.S. § 41-619.56) to fund their operations.

The Department estimates there are approximately 5,971 existing school bus drivers that will need to obtain an identity verified fingerprint clearance card by December 31, 2018. The cost associated with the identity verified fingerprint clearance card will be the responsibility of the school bus driver applicants, school districts, and private transportation providers.

**9. The agency’s contact person who can answer questions about the economic, small business, and consumer impact statement:**

Name: Lance Larson, Sergeant  
Address: Arizona Department of Public Safety  
POB 6638, Mail Drop 1240  
Phoenix, AZ 85005-6638  
Telephone: (602) 712-5808  
E-mail: llarson@azdps.gov

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: Tuesday May 8, 2018  
Time: 9:00 a.m. MST  
Location: Arizona Department of Public Safety  
Public Services Center – Auditorium (check in with security in the lobby)  
2222 W. Encanto Blvd.  
Phoenix, AZ 85009

Close of record: Tuesday May 8, 2018 at 5:00 p.m. MST.

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

**a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:**

The rules require a permit for each individual driver of a school bus. For the safety of the transported children, each individual school bus driver is subject to a physical examination, controlled substance and alcohol testing, physical performance tests, must possess a driver license of sufficient endorsements, have a driving record review, and receive specialty training including first aid and cardiopulmonary resuscitation. These driver-specific requirements do allow for a general permit to be issued.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal**



**law, and if so, citation to the statutory authority to exceed the requirements of federal law:**

There is no corresponding federal law applicable to the rules.

**c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:**

The Department did not receive any analysis that compare the rule’s impact on business competitiveness in this state compared to other states.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

Not applicable

**13. The full text of the rules follows:**

**TITLE 13. PUBLIC SAFETY**

**CHAPTER 13. DEPARTMENT OF PUBLIC SAFETY - SCHOOL BUSES**

**ARTICLE 1. SCHOOL BUS MINIMUM STANDARDS**

Section

R13-13-101. Definitions

R13-13-102. Certification of School Bus Drivers

**ARTICLE 1. SCHOOL BUS MINIMUM STANDARDS**

**R13-13-101. Definitions**

In this Chapter, unless otherwise specified:

“Accident” means any unexpected occurrence involving a moving or non-moving school bus that results in any bodily injury or fatality to a passenger or non-passenger, damage to personal or real property outside the school bus, or damage to the school bus that affects the integrity of the school bus or results in a major defect as described in R13-13-108(B).

“Alternately flashing signal lamps” means a system of red or red and amber lamps that are mounted horizontally to both the front and rear of the school bus body and used to inform the public that the school bus is preparing to stop or has stopped to load or unload passengers. Alternately flashing signal lamps can be either a four-lamp system as described in R13-13-107(17)(c)(i) or an eight-lamp system as described in R13-13-9-107(c)(ii).

“Alteration” means any addition, modification, or removal of any equipment or component after a school bus is inspected by the Department, which may affect the operations of the school bus; compliance with the statutes or rules applicable to school buses; or the health, safety, or welfare of any individual.

“Applicant” means an individual who submits an application to the Department to obtain a certificate to operate a school bus.

“ASE” means National Institute of Automotive Service Excellence.

“Auxiliary fan” means a device mounted inside the school bus body used to supplement the heating, defrosting, or air-conditioning systems by circulating air in the school bus.

“Behind-the-wheel instructor” means an individual qualified under R13-13-103 to provide behind-the-wheel training to applicants.

“Behind-the-wheel training” means the complete physical control of a school bus by an applicant while accompanied by and under direct observation of a behind-the-wheel instructor.

“Belt cutter” means a hand-held instrument containing a blade used to sever a seat belt or a wheelchair-securement device.

“Certificate” means a written authorization issued by the Department to operate a school bus in Arizona.

“Chassis” means the part of a school bus that consists of all base components, including the frame, front and rear suspension, exhaust system, brakes, engine, engine hood or cover, transmission, front and rear axles, front fenders, drive train and shaft, fuel system, engine air intake and filter, clutch and accelerator pedals, steering wheel, tires, heating and cooling system, battery, and controls and instruments to operate the school bus.

“Chassis cowl” means those parts of a Type C school bus that are located in front of the cowl and attached before a school bus manufacturer adds the school bus body.

“Citation” has the same meaning as at A.R.S. § 28-1872.

“Classroom instructor” means an individual qualified under R13-13-103 to provide classroom training to:

- Applicants to operate a school bus,
- Individuals becoming qualified to teach classroom training,
- Individuals becoming qualified to teach techniques of behind-the-wheel training, or
- School bus drivers taking refresher training.

“Classroom training” means the courses required by the Department of an applicant before the applicant is certified or of an individual seeking qualification as a classroom or behind-the-wheel instructor.

“Commercial driver license” has the same meaning as at A.R.S. § 28-3001.

“Controlled substances and alcohol testing” means a determination of an applicant's or school bus driver's use of marijuana, cocaine, phencyclidine, opiates, amphetamines, and alcohol prescribed by 49 CFR 382, October 2006 (no later amendments or editions), and



conducted in accordance with the procedures at 49 CFR 40, October 2006 (no later amendments or editions), both published by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference, and on file with the Department; and a determination of an applicant's or school bus driver's use of marijuana, cocaine, phencyclidine, opiates, amphetamines, barbiturates, benzodiazepines, methadone, and propoxyphene as required by these rules and conducted in accordance with a procedure that is generally accepted in the scientific community to be accurate and reliable.

“Cowl” means the portion of the chassis in a Type C school bus that separates the school bus engine from the school bus driver’s compartment.

“Cutaway van” means a chassis to which a completed driver's compartment is attached before a school bus manufacturer adds a school bus body.

“dB(A)” means decibels A scale, a term denoting that noise level has been adjusted to duplicate human hearing.

“Driver’s compartment” means the part of a school bus body that is separated from the passenger compartment by a barrier and contains the controls and instruments for the operation of the school bus.

“Emergency-brake system” means mechanical components used to slow or stop a school bus after a failure of the service-brake system.

“Emergency exit” means an opening in a school bus, including a door, push-out window, or roof hatch, used to unload passengers in the event of an occurrence that requires immediate evacuation of the school bus.

“Employer” means a private business or school district that hires applicants and certified school bus drivers to operate school buses.

“Fingerprint clearance card” has the same meaning as in A.R.S. Title 41, Chapter 12, Article 3.1.

“Frame” means the structural foundation upon which a school bus chassis is constructed.

“Frontage road” means a street that parallels an interstate highway and furnishes access to streets and property that would otherwise be unreachable from the interstate highway.

“Gross vehicle weight rating” means the value specified by the manufacturer as the maximum total loaded weight of a school bus, calculated in accordance with R13-13-106(27).

“Health care professional” means:

A physician licensed to practice medicine under A.R.S. § 32-1401 et seq., osteopathy under A.R.S. § 32-1800 et seq., or chiropractic under A.R.S. § 32-900 et seq.;

A physician licensed to practice medicine, osteopathy, or chiropractic in a state contiguous to Arizona;

A physician employed by the United States government and licensed by a state or territory of the United States;

A physician assistant licensed under A.R.S. § 32-2501 et seq.; or

A registered nurse practitioner licensed under A.R.S. § 32-1601 et seq.

“Highway” has the same meaning as at A.R.S. § 28-101.

“Identification” means the signs, lettering, or numbers placed on the interior or exterior of a school bus body, including the glass areas, but does not include the lettering, numbers, or logos of a manufacturer or distributor of the manufacturer's product.

“Identity verified fingerprint clearance card” has the same meaning as A.R.S. §§ 15-106 and 28-3228.

“Ignition power-deactivation switch” means a device that when set causes the engine of a motor vehicle to stop operating if the transmission is placed into gear or the parking-brake system is released.

“Interstate highway” means the designation given by the federal government to the system of highways connecting two or more states of the United States.

“Lamp” means a device that is covered by a lens and used to produce artificial light.

“Major defect” means a condition that exists to the interior or exterior of a school bus that causes the Department or owner to place the school bus out of service while the defect is being corrected.

“Manufacturer” means an entity engaged in the manufacturing or assembling of a school bus chassis, school bus body, or school bus chassis and body.

“Medical practitioner” has the same meaning as at A.R.S. § 32-1901.

“Minor defect” means a condition that exists to the interior or exterior of a school bus that is not a major defect and allows the school bus to remain in operation while the defect is being corrected.

“Off-duty” means the time a school bus driver is not on-duty.

“On-duty” means the period between the time a school bus driver begins to work for the employer or is required to be ready to work for the employer until the time the school bus driver is relieved from work and all responsibility for performing work for the employer. The time on-duty is used only to determine when a school bus driver must be provided time off-duty. Time on-duty may be compensated by the employer or an entity other than the employer or may be uncompensated. On-duty includes:

All time at an employer's place of business, waiting to be dispatched;

All time performing an operations check of a school bus in accordance with R13-13-108, or servicing or conditioning a school bus;

All time driving a school bus, including loading or unloading the school bus, and remaining in readiness to drive a school bus;

All time, at the direction of the employer, travelling but not driving a school bus or assuming any other responsibility to the employer. If the school bus driver is afforded at least eight consecutive hours off-duty upon arrival at the school bus driver's des-



termination after travelling but not driving a school bus or assuming any other responsibility to the employer, the school bus driver shall be considered off-duty for the entire period travelling but not driving the school bus or assuming any other responsibility to the employer;

All time repairing, obtaining assistance, or remaining in attendance upon a disabled school bus;

All time preparing required reports and records;

All time providing a breath or urine sample, including travel time to and from the collection site, to comply with the testing requirements of this Chapter;

All time performing any other work for the employer; and

All time performing any compensated work for any entity other than the employer.

“Out of service” means a school bus cannot be used to transport passengers.

“Owner” means the public or governmental agency or institution or private company in whose name a school bus is titled.

“Parking-brake system” means mechanical components used to prevent the movement of a school bus while loading or unloading a passenger or when the school bus is parked.

“Passenger” means an individual who rides in a school bus but does not participate in the operation of the school bus.

“Passenger compartment” means that part of the school bus body that is separated from the school bus driver's compartment by a barrier and holds the passengers to be transported.

“Physical examination” means an evaluation of an applicant's or school bus driver's medical status performed by a health care professional according to this Article.

“Physical examination form” means the Arizona Department of Transportation, Motor Vehicle Division, Medical Examination Report, which is used to record the results of a physical examination and may be obtained from the Department or Arizona Department of Transportation, Motor Vehicle Division.

“Physical performance test” means an evaluation of an applicant's or school bus driver's reflexes, agility, and strength performed according to this Article.

“Physical performance test form” means the document used to record the results of a physical performance test and may be obtained from the Department.

“Push-out window” means safety glass enclosed in a frame on a school bus that moves to the outside of the school bus when force is applied to the window from inside the school bus.

“Refresher training” means the courses required by the Department of each school bus driver to maintain certification as a school bus driver in Arizona.

“Restraining barrier” means a structure located in front of any school bus seat that restricts the forward motion of a passenger.

“Rub rail” means a horizontal steel bar attached to the outside of a school bus body used to reinforce the sides of the school bus.

“Safety glass” has the same meaning as at A.R.S. § 28-959(F).

“School” means a school as defined by A.R.S. § 15-101(19), accommodation school as defined by A.R.S. § 15-101(1), charter school as defined by A.R.S. § 15-101(3), or private school as defined by A.R.S. § 15-101(18).

“School bus” has the same meaning as at A.R.S. § 28-101.

“School bus body” means a structure assembled upon a chassis designed to carry a school bus driver and passengers.

“School bus driver” means an individual who is certified by the Department as meeting the requirements at A.R.S. § 28- 3228 and R13-13-102 to operate a school bus in Arizona.

“School district” has the same meaning as at A.R.S. § 15-101 (20).

“Service-brake system” means mechanical components used to slow or stop a school bus.

“Service door” means a metal structure used to close the opening of a service entrance.

“Service entrance” means an opening in a school bus used to load or unload passengers.

“Special needs school bus” means a school bus that is designed to transport disabled passengers, some of whom may use a wheelchair, and is constructed with a service entrance and a special-service entrance.

“Special-service entrance” means an opening in a school bus that accommodates a wheelchair lift for the loading or unloading of a passenger who uses a wheelchair.

“Special-service entrance door” means a metal structure used to close the opening of a special-service entrance.

“Street” has the same meaning as at A.R.S. § 28-101.

“Traffic control signal” has the same meaning as at A.R.S. § 28-601.

“Training” means the instruction, courses, classes, or workshops provided by the Department or the employer that are required to obtain or maintain certification as a school bus driver or qualification as a classroom or behind-the-wheel instructor, or qualification to administer the physical performance test in Arizona.

“Transport” or “transporting” means a school bus driver sets a school bus in motion to carry passengers or objects authorized by the school district to be carried in a school bus.



“Type A school bus” means a conversion bus constructed utilizing a cutaway front section vehicle with a left side driver's door. This definition includes two classifications: Type A-1, with a Gross Vehicle Weight Rating (GVWR) of 14,500 pounds or less; and Type A-2, with a GVWR greater than 14,500 pounds and less than or equal to 21,500 pounds.

“Type B school bus” means a school bus constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications: Type B-1, with a GVWR of 10,000 pounds or less, and Type B-2, with a GVWR greater than 10,000 pounds.

“Type C school bus,” also known as a conventional style school bus, means a school bus constructed utilizing a chassis with a hood and front fender assembly. The entrance door is behind the front wheels. A Type C school bus may have a cutaway truck chassis or truck chassis with cab with or without a left side door and with a GVWR greater than 21,500 pounds.

“Type D school bus,” also known as a rear engine or front engine transit-style school bus, means a school bus constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels.

“Van” means a covered or enclosed truck.

“Wheelchair” means a mobility aid consisting of a frame, seat, and three or four wheels, which is used to support and carry a disabled passenger.

“Wheelchair lift” means an electric hydraulic mechanism and platform in a school bus used to raise and lower a passenger in a wheelchair.

“Wheelchair-lift platform” means a horizontal surface upon which a wheelchair sits while being raised or lowered.

“Wheelchair-passenger restraint” means a combination of a pelvic and an upper torso restraint, including buckles and fasteners, designed to secure a passenger in a wheelchair within a school bus.

“Wheelchair-passenger restraint anchorage” means equipment for fastening wheelchair-passenger restraints to the interior of a school bus.

“Wheelchair-securement anchorage” means equipment for fastening a wheelchair-securement device to a school bus floor.

“Wheelchair-securement device” means a strap or webbing, including buckles and fasteners, used for fastening a wheelchair to a wheelchair-securement anchorage.

“Wheelchair-securement system” means components used to fasten a wheelchair to the interior of a school bus, including a wheelchair-securement anchorage and a wheelchair-securement device.

**R13-13-102. Certification of School Bus Drivers**

A. Certification requirements: An individual shall not operate a school bus in Arizona without being certified by the Department. An applicant for certification shall:

1. Be a minimum of 18 years of age;
2. Possess a valid identity verified fingerprint clearance card.
- ~~2-3.~~ Submit all of the following to the Department through the employer:
  - ~~a.~~ A completed fingerprint card and fingerprint card processing fee.
  - ~~b-a.~~ An application signed and dated by the applicant that states the applicant's:
    - i. Name, home address, and home phone number;
    - ii. Any alias ever used by the applicant;
    - iii. Social Security number;
    - iv. Date of birth;
    - v. Arizona commercial driver license number;
    - vi. Date of previous application for certification, if any;
    - vii. Intended employer's name;
    - viii. Convictions for a felony or misdemeanor, if any, in this state or any other state; ~~and~~
    - ix. Total points accumulated against the applicant's driving record during the two years immediately preceding the date of application using the point system contained in A.A.C. R17-4-404; and
    - x. Identity verified fingerprint clearance card number.
  - ~~e-b.~~ Completed physical examination form, completed physical performance test form, and results of controlled substances testing; and
  - ~~e-c.~~ A verification made under penalty of perjury that all submitted information is true and complete;
- ~~3-4.~~ Possess a current Arizona commercial driver license under A.R.S. § 28- 3101;
- ~~4-5.~~ Possess any Arizona driver license endorsement required under A.R.S. § 28-3103;
- ~~5-6.~~ Meet the driving record requirements listed in this Article; and
- ~~6-7.~~ Complete the training requirements listed in this Article.

B. Physical examination

1. An applicant or school bus driver shall submit to a physical examination that is conducted by a health care professional in accordance with the physical examination form. An applicant or school bus driver is qualified to be certified as a school bus driver only if the health care professional conducts the physical examination in accordance with the physical examination form and concludes that the applicant or school bus driver has no condition that would interfere with the applicant's or school bus driver's ability to:
  - a. Operate a school bus safely,
  - b. Evacuate a school bus during an emergency or during a drill required under R13-13-104(D), and
  - c. Perform the operations checks required under R13-13-108(D).
2. An applicant or school bus driver who is insulin dependent shall obtain the waiver described in A.A.C. R17-5-208.



3. An applicant shall submit the completed physical examination form and, if applicable, a copy of the waiver required under subsection (B)(2), to the Department through the employer.
  4. The initial physical examination of an applicant, conducted in accordance with the physical examination form, expires 24 months from the date of the physical examination unless a shorter time is specified by the health care professional who administers the physical examination. A school bus driver shall submit to a physical examination before the expiration date of the previous physical examination and send the completed physical examination form to the Department through the employer before the end of the month in which the previous physical examination expires.
  5. If a health care professional determines that further testing of an applicant or school bus driver is needed by an ophthalmologist or optometrist, the health care professional shall refer the applicant or school bus driver to:
    - a. An ophthalmologist licensed under A.R.S. § 32-1401 et seq.,
    - b. An optometrist licensed under A.R.S. § 32-1701 et seq.,
    - c. An ophthalmologist licensed to practice ophthalmology or optometrist licensed to practice optometry by a state contiguous to Arizona, or
    - d. An ophthalmologist licensed to practice ophthalmology or optometrist licensed to practice optometry by any state or territory of the United States and employed by the United States government.
  6. In addition to the physical examinations required by this Article, the Department or the employer may require a physical examination of an applicant or school bus driver for an impairment that would affect the ability to perform the activities listed in subsection (B)(1). The Department or employer shall base its decision to require an additional physical examination upon consideration of the appearance or actions of the applicant or school bus driver or of medical information received by the Department regarding the applicant or school bus driver. The applicant or school bus driver shall submit results of a physical examination conducted under this subsection to the Department through the employer within 30 days of the date of the physical examination.
- C. Controlled substances and alcohol testing**
1. An applicant or school bus driver shall submit to alcohol and controlled substances testing as required by A.R.S. § 28-3228(C)(2) and as prescribed by this Article and 49 CFR 382 October 2006 (no later amendments or editions). The testing shall be conducted in accordance with the procedures at 49 CFR 40 October 2006 (no later amendments or editions), both published at the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference and on file with the Department, except for the changes in 49 CFR 40 and 49 CFR 382 listed in subsections (C)(1)(a) through (C)(1)(i).
    - a. 49 CFR 40.3
      - i. “Employee,” means an applicant or a school bus driver as defined at R13-13-101.
      - ii. “Employer” has the same meaning as at R13-13-101.
    - b. 49 CFR 382.107
      - i. “Commercial motor vehicle” has the same meaning as at A.R.S. § 28-3001(3).
      - ii. “Driver” means a school bus driver as defined at R13-13-101.
      - iii. “Employer” has the same meaning as at R13-13-101.
      - iv. “Performing a safety-sensitive function” means any time during which a school bus driver is on-duty except when the school bus driver is being compensated by an entity other than the employer.
      - v. “Safety-sensitive function” means any activity for which a school bus driver is on-duty except when the school bus driver is performing an activity for and being compensated by an entity other than the employer.
    - c. 49 CFR 382.207. In both sentences, the word “four” is changed to “eight.”
    - d. 49 CFR 382.301(b), (c), and (d): Delete these subsections.
    - e. 49 CFR 382.303(a) and (b): Change the word “occurrence” to “accident,” as defined in R13-13-101, and delete the words “operating on a public road in commerce.”
    - f. 49 CFR 382.303(a)(1) and (b)(1): Delete the words “, if the accident involved the loss of human life”
    - g. 49 CFR 382.303(a)(2) and (b)(2): Delete the words “, if the accident involved:”
    - h. 49 CFR 382.303(a)(2)(i) and (ii) and (b)(2)(i) and (ii): Delete these subsections.
    - i. 49 CFR 382.303(c): In the table, in the column headed “Test must be performed by employer,” change “No” to “Yes.”
  2. In addition to the testing required by 49 CFR 382, an applicant shall submit to testing for the use of marijuana, cocaine, opiates, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, and propoxyphene by a procedure that is generally accepted in the scientific community to be accurate and reliable.
  3. In addition to the testing required by 49 CFR 382, a school bus driver shall submit annually to testing for the use of marijuana, cocaine, opiates, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, and propoxyphene by a procedure that is generally accepted in the scientific community to be accurate and reliable.
  4. The employer shall ensure that a school bus driver is tested for use of marijuana, cocaine, opiates, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, or propoxyphene or alcohol when required to do so by these rules or when requested by the Department.
  5. The employer shall submit any and all negative results of testing done under subsection (C) to the Department within 30 days of the date of testing or within 12 months of the school bus driver's previous test, whichever is sooner, by providing the Department a copy of the report submitted to the employer by the entity that conducted the testing.
  6. The employer shall immediately notify the Department by telephone of any and all positive results of testing done under subsection (C) and shall submit to the Department within five days a copy of the report submitted to the employer by the entity that conducted the testing.
- D. Physical performance test**
1. An applicant shall pass a physical performance test that consists of the following eight standards:
    - a. Climbing and descending the steps of a school bus three times in 30 seconds;



- b. Alternately activating the throttle and the service-brake system of a school bus 10 times in 10 seconds;
  - c. Depressing and holding the clutch, if applicable, and service-brake system of a school bus for three seconds, five consecutive times;
  - d. Opening and closing a manually operated service door three times without stopping. If the school bus has an automatic service door, operate the manual override of the service door;
  - e. Operating at least two hand controls, one on each side of the steering wheel, within eight seconds while maintaining control of a moving school bus;
  - f. Starting in a seat-belted position, exit a school bus from the rear-most floor-level emergency exit within 20 seconds;
  - g. Carrying or dragging a 125-pound object 30 feet in 30 seconds; and
  - h. Lowering a 30-pound object from a floor-level emergency exit to the ground and lifting the same object from the ground to the school bus floor.
- 2. A school bus driver who is certified on the effective date of this subsection shall pass the physical performance test within one year from the effective date of this subsection.
  - 3. A school bus driver shall pass the physical performance test again no later than 24 months after previously passing the physical performance test.
  - 4. An applicant or school bus driver who fails the physical performance test may take the test again after 24 hours. An applicant or school bus driver may take the physical performance test no more than three times in 90 days. If an applicant fails the physical performance test on the third attempt, the Department shall not further consider the applicant for certification unless the applicant complies again with the requirements of this Section.
  - 5. The employer shall ensure that a school bus driver who fails the physical performance test does not operate a school bus until the school bus driver passes the physical performance test.
  - 6. If a school bus driver takes and fails the physical performance test three times, the Department shall cancel the school bus driver's certification.
  - 7. An employer shall ensure that the physical performance test is administered by a person who has completed Department-authorized training, using the largest type of school bus that an applicant or school bus driver may be required to operate.
  - 8. A person who administers the physical performance test shall either pass or fail the applicant or school bus driver taking the test, complete the physical performance test form, and submit the completed form to the Department and the employer within seven days of the physical performance test.
- E. Driving record**
- 1. During the 24 months before the date of application or during any 24-month period while certified as a school bus driver, an applicant or school bus driver shall not accumulate eight or more points against a driving record in this state using the point system contained in A.A.C. R17-4-404.
  - 2. During the 10 years before the date of application, an applicant shall not have repeatedly received citations for violation of traffic law.
- F. Training requirements of a school bus driver**
- 1. Before being certified by the Department as a school bus driver, an applicant shall complete a minimum of 14 hours of classroom training in the following:
    - a. State and federal traffic laws,
    - b. Behind-the-wheel driving operations,
    - c. School bus driver's responsibilities to passengers and school,
    - d. Inspections and operations checks,
    - e. Records and reports,
    - f. Special needs transportation, and
    - g. Accidents and emergencies.
  - 2. An employer shall ensure that classroom training is taught by a classroom instructor who is qualified under R13-13-103.
  - 3. At least seven days before classroom training, the classroom instructor shall notify the Department in writing of the date, time, and location of classroom training. The classroom instructor shall notify the Department by any means available at least 24 hours before the date, time, or location of classroom training is changed or canceled.
  - 4. After completion of classroom training, the classroom instructor shall administer to the applicant a written examination standardized by the Department.
    - a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the topics listed in subsection (F)(1).
    - b. Each question has a value of two points. To pass the examination an applicant shall receive a score that equals or exceeds 80% of the total possible score.
    - c. If an applicant is unable to read or speak English, the employer shall arrange to have the examination administered orally to the applicant in the language with which the applicant is most familiar.
    - d. If an applicant does not pass the examination on the first attempt, the applicant may take an examination two more times within 12 months of the first attempt. A different examination shall be administered to an applicant who is taking an examination for the second or third time. The period between examinations shall be a minimum of 24 hours. If the applicant fails the examination on the third attempt, the applicant shall be considered further only if the applicant complies again with the requirements in this Section.
  - 5. The classroom instructor shall submit the following information in a written report to the Department and the employer within seven days from the date of the conclusion of a classroom training course:
    - a. Instructor's name,
    - b. Instructor's identification number,
    - c. Date of training,



- d. Location of training,
  - e. Number of hours of training taught by the classroom instructor,
  - f. Each applicant's name, and
  - g. Each applicant's examination score.
6. In addition to the report required under subsection (F)(5), the classroom instructor shall maintain and submit to the employer within seven days from the conclusion of a classroom training course, a classroom-training course log that includes:
- a. Instructor's name,
  - b. Instructor's identification number,
  - c. Date of the training course,
  - d. Name of each applicant attending the training course,
  - e. Subject matter taught in each hour, and
  - f. Which hours of training were attended by each applicant.
7. In addition to the classroom training, an applicant shall complete behind-the-wheel training consisting of a minimum of 20 hours operating a school bus in Arizona.
- a. An employer shall ensure that behind-the-wheel training is taught by a behind-the-wheel instructor who is qualified under R13-13-103.
  - b. During behind-the-wheel training, a behind-the-wheel instructor shall be present and observing the applicant while the applicant is operating the school bus.
  - c. The employer shall ensure that no one except the applicant, behind-the-wheel instructor, employer, and Department employees are aboard the school bus while the applicant actually operates the school bus.
  - d. The behind-the-wheel instructor shall maintain and submit to the employer within seven days from the conclusion of the applicant's behind-the-wheel training, a behind-the-wheel training log that includes:
    - i. Instructor's name,
    - ii. Instructor's identification number,
    - iii. Applicant's name,
    - iv. Date of each behind-the-wheel training session, and
    - v. Actual number of hours at each training session that the applicant operates a school bus.
  - e. At the conclusion of behind-the-wheel training, the behind-the-wheel instructor shall use a copy of the Proof of Completion of Behind-the-wheel Training and Driving Test form to administer to the applicant the driving test described on the form. The driving test shall measure the applicant's ability to operate a school bus safely and in a manner consistent with state law. The behind-the-wheel instructor shall either pass or fail the applicant and submit the completed form to the Department and the employer within seven days of the driving test.
- G.** First aid and cardiopulmonary resuscitation
1. Before being certified, an applicant shall complete classroom instruction in cardiopulmonary resuscitation and basic first aid. The instruction in cardiopulmonary resuscitation shall include performing cardiopulmonary resuscitation on adults, children, and infants.
  2. The instruction shall be conducted by an individual currently certified as an instructor in first aid and cardiopulmonary resuscitation by a program approved by a nationally recognized organization such as the American Heart Association, American Red Cross, National Safety Council, American Safety and Health Institute, or Arizona Bureau of Mines; by an emergency medical technician licensed in Arizona; or by an agency of the U.S. government.
  3. An applicant shall submit to the Department, through the employer, a copy of the front and back of the first-aid card and cardiopulmonary resuscitation card issued to the applicant or other written documentation as proof of completion of the first-aid and cardiopulmonary resuscitation training.
  4. A school bus driver shall renew first-aid and cardiopulmonary resuscitation training before expiration of the current training. Renewal instruction shall be provided by an individual described in subsection (G)(2). The school bus driver shall submit to the Department, through the employer, a copy of the front and back of the first-aid card and cardiopulmonary resuscitation card or other written documentation as proof of renewal of training.
- H.** The Department shall process an application for certification as a school bus driver under R13-13-109.
- I.** Refresher training
1. A school bus driver shall have refresher training no later than 24 months following completion of the training required by subsection (F). Refresher training shall consist of a minimum of 6 1/2 hours of classroom training in the topics listed in subsection (F)(1).
  2. After completing the first refresher training, the school bus driver shall complete a minimum of 6 1/2 hours of classroom training in the topics listed in subsection (F)(1) every 24 months following the last refresher training.
  3. An employer shall ensure that refresher training is taught by a classroom instructor who is qualified under R13-13-103.
  4. A classroom instructor shall teach refresher training and shall submit the following information in a written report to the Department and the employer within seven days from completion of the refresher training:
    - a. Instructor's name,
    - b. Instructor's identification number,
    - c. Date of training,
    - d. Location of training,
    - e. Number of hours of training taught by the classroom instructor,
    - f. Each school bus driver's name, and
    - g. Each school bus driver's certification number.
  5. In addition to the report required under subsection (I)(4), the classroom instructor shall maintain and submit to the employer within seven days from the conclusion of a refresher training course, a refresher-training course log that includes:



- a. Instructor's name,
- b. Instructor's identification number,
- c. Date of the refresher training course,
- d. Name and certification number of each school bus driver attending the refresher training course,
- e. Subject matter taught in each hour, and
- f. Which hours of refresher training were attended by each school bus driver.

**J. Records**

1. The employer shall maintain qualification and training records of an applicant who is certified and of a school bus driver who terminates employment, and qualification records of an applicant who is denied certification, for 24 months from the date of certification, termination of employment, or denial of certification.
2. The employer shall maintain records of testing required under subsection (C) in accordance with 49 CFR 382.401, October 2006 (no later amendments or editions), published at the U. S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference, and on file with the Department. In this subsection, "controlled substances," as used in 49 CFR 382.401, means marijuana, cocaine, opiates, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, and propoxyphene.
3. The employer shall transfer the records of a school bus driver to a subsequent employer upon written request by the subsequent employer or school bus driver.
4. Qualification records include:
  - a. Application,
  - b. Driving record,
  - c. Copy of physical examination form, and
  - d. Physical performance test form.
5. Training records include:
  - a. A copy of the classroom-training course log required under subsection (F)(6) that shows the applicant's attendance,
  - b. A copy of the refresher-training course log required under subsection (I)(5) that shows the school bus driver's attendance,
  - c. The classroom training examination score,
  - d. The applicant's behind-the-wheel training log,
  - e. The Proof of Completion of Behind-the-wheel Training and Driving Test form,
  - f. A copy of the first-aid card and cardiopulmonary resuscitation card or other written documentation of completion of first-aid and cardiopulmonary resuscitation training, and
  - g. A copy of the school bus driver certification card issued by the Department.

**K. Denial, cancellation, or suspension of certificate**

1. Based on an assessment of the totality of the circumstances, the Department may deny a certificate to an applicant or may cancel or suspend a certificate of a school bus driver for:
  - a. Failing to meet or comply with the requirements of this Article;
  - b. Being convicted of or subject to an outstanding warrant for any felony;
  - c. Being convicted of or subject to an outstanding warrant for any misdemeanor reasonably related to the occupation of a school bus driver including, but not limited to:
    - i. Citation for any moving motor vehicle violation, including but not limited to, violations of A.R.S. § 28-1591 et seq.;
    - ii. Driving under the influence (A.R.S. § 28-1381 et seq.);
    - iii. Any sexual offense (A.R.S. § 13-1401 et seq.);
    - iv. Any abuse of a child (A.R.S. § 13-3623); or
    - v. Use, sale, or possession of a controlled substance (A.R.S. § 13-3401 et seq.).
  - d. Demonstrating behavior that endangers the educational welfare or personal safety of students, teachers, or school bus drivers or other co-workers;
  - e. Providing false, incomplete, or misleading information to the Department;
  - f. Driving or being in actual physical control of a school bus under a circumstance listed in A.R.S. § 28-1381(A);
  - g. Under A.R.S. §§ 28-3301 through 28-3322, having a commercial driver license canceled, suspended, revoked, or denied; or
  - h. Having a verified positive result to any controlled substance or alcohol test required by subsections (C)(1), (2), or (3), at any time.
2. Based on an assessment of the totality of the circumstances, the Department shall cancel or suspend a certificate of a school bus driver for:
  - a. Having a fingerprint clearance card that is invalid, suspended, canceled or revoked pursuant to A.R.S. § 28-3228 and A.R.S. Title 41, Chapter 12, Article 3.1; or
  - b. Operating a school bus in violation of A.R.S. § 41-1758.03(D) or A.R.S. § 41-1758.07(D) which preclude a person from driving any vehicle to transport employees or clients of the employer as part of the person's employment including students, teachers or other co-workers.
23. Any conviction, violation, warrant, or other misconduct described in this Section shall be considered, whether or not the school bus driver was operating a school bus at the time of the conviction, violation, warrant, or other misconduct.
34. An applicant who is denied a certificate or a school bus driver whose certificate is canceled or suspended may request a hearing within 30 days from the date of receipt of the notice of the denial, cancellation, or suspension. The hearing shall be conducted according to the procedures contained in A.R.S. Title 41, Chapter 6, Article 10.
45. The Department shall inform an applicant who is denied a certificate or a school bus driver whose certificate is canceled or suspended of the amount of time that must elapse before the applicant or the school bus driver may reapply for certification. The Department shall include this information in the notice of denial, cancellation, or suspension and the notice of final order, if any,



served on the applicant or school bus driver. In determining the amount of time that must elapse before reapplication, the Department shall consider:

- a. The seriousness of the offense leading to denial, cancellation, or suspension;
  - b. The frequency with which the offense occurred; and
  - c. The amount of time required to correct the offense.
- L. If a school bus driver is terminated from or leaves employment, the employer shall provide written notice to the Department within 30 days of the termination or leaving. If a school bus driver transfers employment from one employer to a second employer, within 14 days of the transfer the second employer shall provide written notice to the Department of the:
- 1. School bus driver's name,
  - 2. School bus driver's certification number,
  - 3. Name of the transferring employer, and
  - 4. Effective date of the transfer.

**NOTICE OF PROPOSED RULEMAKING  
TITLE 16. TAX APPEALS  
CHAPTER 4. STATE BOARD OF EQUALIZATION**

[R18-53]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| Article 1   | New Article                     |
| R16-4-101   | New Section                     |
| R16-4-102   | New Section                     |
| R16-4-103   | New Section                     |
| R16-4-104   | New Section                     |
| R16-4-105   | New Section                     |
| R16-4-106   | New Section                     |
| R16-4-107   | New Section                     |
| R16-4-108   | New Section                     |
| R16-4-109   | New Section                     |
| R16-4-110   | New Section                     |
| R16-4-111   | New Section                     |
| R16-4-112   | New Section                     |
| R16-4-113   | New Section                     |
| R16-4-114   | New Section                     |
| R16-4-115   | New Section                     |
| R16-4-116   | New Section                     |
| R16-4-117   | New Section                     |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 42-16154(C)  
 Implementing statute: A.R.S. §§ 42-16157, 42-16158, and 42-16159
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**  
 Notice of Rulemaking Docket Opening: 23 A.A.R. 3314, December 1, 2017
- 4. The agency's contact person who can answer questions about the rulemaking:**  
 Name: George Shook  
 Address: State Board of Equalization  
 100 N. 15th Ave., Suite 130  
 Phoenix, AZ 85007  
 Telephone: (602) 364-1600  
 Fax: (602) 364-1616  
 E-mail: gshook@sboe.state.az.us  
 Web site: www.sboe.state.az.us
- 5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**  
 The State Board of Equalization (SBOE) is required under A.R.S. § 42-16154(C) to make rules of procedure for hearings before the SBOE. In 1996, the SBOE made the required rules using the emergency rulemaking procedure. Under the provisions of A.R.S. § 41-1026, the rules expired on July 30, 1996. Since then, the SBOE has functioned with procedures that have not been formally



made as rules. In this rulemaking, the SBOE makes the required rules.

An exemption from EO2016-03 was provided by Mara Mellstrom, Policy Advisor in the Governor’s Office, by e-mail dated February 8, 2017.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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:**

The Board does not intend to review or rely on a study in its evaluation of or justification for any rule in this rulemaking.

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

Not applicable

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

The economic impact of the rulemaking will be positive for the Board, petitioners, and respondents. All parties will have rules on which to rely regarding procedures before the SBOE. This will create efficiencies in functioning for the SBOE and eliminate uncertainty caused by failure to have the required procedural rules.

**9. The agency’s contact person who can answer questions about the economic, small business, and consumer impact statement:**

Name: George Shook  
Address: State Board of Equalization  
100 N. 15th Ave., Suite 130  
Phoenix, AZ 85007  
Telephone: (602) 364-1600  
Fax: (602) 364-1616  
E-mail: gshook@sboe.state.az.us  
Web site: www.sboe.state.az.us

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

An oral proceeding regarding the proposed rules will be held as follows:

Date: Monday, April 30, 2018  
Time: 9:00 a.m.  
Location: 100 N. 15th Ave., Conference room 101  
Phoenix, AZ 85007

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

None

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

None of the rules requires a permit.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

Federal law is not applicable to the subject of the rules.

**c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:**

No analysis was submitted.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 16. TAX APPEALS**

**CHAPTER 4. STATE BOARD OF EQUALIZATION**

**ARTICLE 1. ~~EMERGENCY EXPIRED~~ PROCEDURES BEFORE THE STATE BOARD OF EQUALIZATION**

Section

- R16-4-101. ~~Emergency Expired~~ Definitions
- R16-4-102. ~~Emergency Expired~~ Jurisdiction of the SBOE
- R16-4-103. ~~Emergency Expired~~ Representation before the SBOE
- R16-4-104. ~~Emergency Expired~~ Filing a Petition; Filing Deadlines
- R16-4-105. ~~Emergency Expired~~ Motions
- R16-4-106. ~~Emergency Expired~~ Hearing
- R16-4-107. ~~Emergency Expired~~ On-the-record Hearing; Failure to Appear
- R16-4-108. ~~Emergency Expired~~ Hearing Procedure



R16-4-109.	<del>Emergency Expired</del> <u>Rules of Evidence</u>
R16-4-110.	<del>Emergency Expired</del> <u>Proof</u>
R16-4-111.	<del>Emergency Expired</del> <u>Subpoenas</u>
R16-4-112.	<del>Emergency Expired</del> <u>Records of a Hearing</u>
R16-4-113.	<del>Emergency Expired</del> <u>Withdrawal</u>
R16-4-114.	<u>Ex Parte Communications</u>
R16-4-115.	<u>Board Decision</u>
R16-4-116.	<u>Review or Rehearing of the SBOE Decision</u>
R16-4-117.	<u>Board Member Participation in Matters before the SBOE</u>

## ARTICLE 1. ~~EMERGENCY EXPIRED~~ PROCEDURES BEFORE THE STATE BOARD OF EQUALIZATION

### R16-4-101. ~~Emergency Expired~~ Definitions

“Assessor” means the county assessor of the county in which the property at issue in an appeal is located.

“County board” has the meaning specified at A.R.S. § 42-16101.

“Department” means the Arizona Department of Revenue.

“Motion” means a written or oral request to the SBOE for an order or ruling regarding an appeal.

“On-the-record” means a hearing conducted by reviewing submitted materials rather than taking oral testimony.

“Petitioner” means a taxpayer or other person, as defined at A.R.S. § 1-215, qualified to file an appeal and appear before the SBOE and, if applicable, an authorized representative of the petitioner.

“Respondent” means a person or entity qualified to answer an appeal filed by a petitioner.

“SBOE” means:

The State Board of Equalization,

A member of the SBOE,

A panel of members of the SBOE, or

A hearing officer employed by the SBOE under A.R.S. § 41-16155 to hear appeals.

### R16-4-102. ~~Emergency Expired~~ Jurisdiction of the SBOE

**A.** The SBOE hears appeals from a taxpayer regarding the valuation or legal classification of real and certain personal property made by the assessor only if one of the following conditions is met:

1. A petition previously filed was denied in whole or in part by both the assessor and county board; or
2. A petition previously filed was denied in whole or in part by the assessor and there is no county board.

**B.** The SBOE hears an appeal from a taxpayer regarding the following:

1. A.R.S. § 42-15105. Valuation or classification by the assessor of new construction, changes to, or changes in use of real property;
2. A.R.S. § 42-16053. Rejection by the assessor of a petition for failure to include substantial information;
3. A.R.S. § 42-16056. Denial by the assessor of a petition for review of an improper valuation or classification;
4. A.R.S. § 42-16158. Valuation or classification of property by the Department;
5. A.R.S. § 42-16252: Review of a Notice of Proposed Correction issued by the assessor or Department regarding a property valuation or classification;
6. A.R.S. § 42-16254: Review of Notice of Claim regarding an error in valuation or classification by the assessor or Department or error in tax rate imposed by the assessor; and
7. A.R.S. § 42-19052: Valuation or classification by the assessor of personal property.

**C.** The SBOE hears an appeal from an assessor under A.R.S. § 42-16159 regarding an equalization order issued by the Department.

**D.** The SBOE hears an appeal from the Department under A.R.S. § 42-16157 regarding a proposed valuation or classification or change in a valuation or classification made by the assessor.

**E.** If the SBOE lacks jurisdiction regarding an appeal, the SBOE shall dismiss the appeal on its own motion.

### R16-4-103. ~~Emergency Expired~~ Representation before the SBOE

The following individuals may appear before the SBOE:

1. An individual representing:
  - a. The individual’s interest,
  - b. An estate or trust of which the individual is the legal representative,
  - c. A partnership of which the individual is a partner, or
  - d. A corporation of which the individual is an officer or an authorized representative;
2. An attorney licensed to practice law in Arizona;
3. A property tax agent, as defined at A.R.S. § 32-3651, who has been designated under A.R.S. § 42-16001;
4. An authorized representative from the assessor’s office;
5. An authorized representative from the Department; and
6. Other individuals allowed under Arizona Supreme Court Rule 31(d)(13).

### R16-4-104. ~~Emergency Expired~~ Filing a Petition; Filing Deadlines

**A.** To initiate an appeal under R16-4-102(B), a taxpayer shall submit a petition to the SBOE.



1. The petitioner shall use the correct petition form when initiating an appeal. The SBOE shall not accept a letter in place of the correct petition form;
2. If the petition is made under A.R.S. § 42-15105 and is submitted to the SBOE by an authorized representative of the taxpayer, the authorized representative shall attach to the correct petition form a copy of the current AZDOR Form 82130AA;
3. The petitioner shall attach to the correct petition form a copy of all communication to or from the assessor, county board, and Department, as applicable, regarding valuation or legal classification of the property at issue.
4. Evidence previously submitted to the assessor, county board, or Department is not forwarded to the SBOE. Therefore, in addition to the attachments required under subsection (A)(3), the petitioner shall submit to the SBOE, by U.S. postal service or in person, the following copies of any evidence the petitioner wants the SBOE to consider:
  - a. For property that is owner-occupied legal class 3 or another legal classification with a full-cash-value less than \$3million: one copy to the SBOE;
  - b. For property not described under subsection (A)(4)(a) and not valued by the Department: three copies to the SBOE; and
  - c. For property valued or classified by the Department under A.R.S. § 42-16158: four copies to the SBOE and one copy to the Department at least five days before the scheduled hearing. For a petition made under A.R.S. § 42-16158, the Department shall provide one copy of evidence regarding the property valuation or classification to the petitioner at least five days before the scheduled hearing.
5. The SBOE shall consider only an issue previously raised with the assessor, county board, or Department, as applicable. The SBOE shall admit new or additional evidence only if:
  - a. The evidence relates to an issue previously raised with the assessor, county board, or Department, as applicable; and
  - b. A copy of the new or additional evidence has been provided to the assessor or Department, as applicable, at least two days before the scheduled hearing.
6. Except as provided in subsection (A)(7), the petitioner shall submit the correct petition form and attachments required under subsections (A)(3) to the SBOE using the U.S. postal service, in person, or by e-mail upon notification by the SBOE. The petitioner may check the SBOE web site to determine the maximum size file accepted in a single e-mail transmission. If necessary, the petitioner may submit the attachments required under subsection (A)(3) by multiple e-mail transmissions;
7. For the following appeals, the petitioner shall submit the correct petition form and attachments required under subsection (A)(3) to the SBOE using only the U.S. postal service or in person:
  - a. Petition for Review a Notice of Proposed Correction under A.R.S. § 42-16252,
  - b. Petition for Review of a Notice of Claim under A.R.S. § 42-16254; and
  - c. Any petition previously rejected by the assessor;
8. A petitioner that wants multiple appeals heard together as one case or on the same agenda shall make a written request to the SBOE when the materials required under this Section for all of the appeals are filed. The petitioner shall ensure the written request clearly identifies all property at issue in the appeals.
9. The petitioner shall comply with all statutory requirements, including the time within which to file a petition.
- B.** To initiate an appeal under R16-4-102(C) or (D), the Department or assessor shall submit a petition and proof of service of the appeal on the respondent to the SBOE before the date of the scheduled hearing.
- C.** The time period within which to file a petition is stated in statute and differs depending on the kind of petition. It is the petitioner's responsibility to ensure a petition is timely filed.
  1. The SBOE shall compute the period for filing a petition according to A.R.S. § 1-243.
  2. The SBOE shall consider a petition timely filed if the petition is properly directed to the SBOE office and:
    - a. Is received in the SBOE office before the end of the time period;
    - b. Is postmarked on or before the end of the time period; or
    - c. Contains an electronic date that is on or before the end of the time period.
- D.** The SBOE shall respect a designation of confidentiality previously found by the assessor, county board, or Department, as applicable.

**R16-4-105. Emergency Expired Motions**

- A.** A party shall:
  1. Serve a copy of any motion on all other parties. The party shall ensure a motion includes the factual and legal grounds supporting the motion and the requested action; and
  2. Unless the motion is made at the time of a scheduled hearing, submit proof of service on the other parties to the SBOE.
- B.** A party may file a response stating any objection to the motion served under subsection (A).
- C.** The SBOE, in its discretion, shall:
  1. Decide whether to allow oral argument regarding a motion; and
  2. Decide whether to rule on a motion before or during a scheduled hearing. If the SBOE rules on a motion before a scheduled hearing, the SBOE shall serve the written ruling on all parties.

**R16-4-106. Emergency Expired Hearing**

- A.** As required under A.R.S. § 42-16163, the SBOE shall mail notice of an appeal hearing to all parties at least 14 days before the hearing. The SBOE shall include in the notice the date, time, and location of the hearing.
- B.** At least seven days before a scheduled hearing, all members of the Board shall make known, as defined at A.R.S. § 38-502, whether the member has a substantial interest, as defined at A.R.S. § 38-502, in the matter to be heard by the SBOE. As required by A.R.S. § 38-509, the SBOE shall maintain the disclosure documents and make them available for public inspection.
- C.** When the SBOE determines it is in the interest of the parties and the state, the SBOE shall allow one or all parties to participate in a hearing telephonically.

**R16-4-107. Emergency Expired On-the-record Hearing; Failure to Appear**

- A.** The SBOE shall conduct a hearing entirely on-the-record only if all parties to the hearing agree.



- B. If all parties agree to an on-the-record hearing, the SBOE shall review the evidence submitted by the parties, read the evidence into the record, and render a decision based on the submitted evidence.
- C. If the parties do not agree regarding an on-the-record hearing, the SBOE shall:
  - 1. Review the evidence submitted by the parties and read the evidence into the record;
  - 2. Take oral testimony from or on behalf of the party opposing the on-the-record hearing; and
  - 3. Render a decision based on both the submitted evidence and oral testimony.
- D. If a party fails to appear at a scheduled hearing, the SBOE shall conduct the hearing as described in subsection (C).

**R16-4-108. ~~Emergency Expired Hearing Procedure~~**

- A. Unless otherwise provided by law, all SBOE hearings are open to the public.
- B. The SBOE shall ordinarily proceed as follows at a hearing:
  - 1. Identification for the record of the proceeding, the property at issue, and those participating in the proceeding;
  - 2. Administration of oath or affirmation to all parties and witnesses who will offer testimony;
  - 3. Opening statements by all parties, if requested by the SBOE;
  - 4. Presentation of testimony and evidence by the petitioner and witnesses;
  - 5. Presentation of testimony and evidence by the respondent and witnesses;
  - 6. Final arguments, if requested by the SBOE;
  - 7. Petitioner's rebuttal; and
  - 8. Board deliberation and decision.
- C. The SBOE may direct a party to submit additional information in the party's possession or control. The SBOE shall allow the party a reasonable time in which to submit the additional information.
- D. The SBOE may recess or continue a hearing for good cause.
- E. The SBOE shall conduct all deliberation verbally in the presence of all parties.

**R16-4-109. ~~Emergency Expired Rules of Evidence~~**

- A. The SBOE shall accept oral evidence only when presented under oath or affirmation.
- B. The SBOE is not required to follow rules of evidence usually used in a court proceeding.
- C. The SBOE shall admit any evidence the SBOE determines is relevant to the proceeding. The SBOE shall be liberal in admitting evidence and consider objections to the admission in assigning weight to the evidence.
- D. All parties may call and examine witnesses, cross-examine witnesses, and introduce written evidence relevant to the proceeding.
- E. The SBOE may call and examine a witness and may examine a witness called by a party.
- F. The SBOE shall admit into evidence a copy of an original document if there is a showing of authenticity.

**R16-4-110. ~~Emergency Expired Proof~~**

Unless otherwise provided by law:

- 1. The standard of proof in a hearing before the SBOE is a preponderance of the evidence;
- 2. The petitioner has the burden of proof; and
- 3. The proponent of a motion shall establish the grounds to support the motion.

**R16-4-111. ~~Emergency Expired Subpoenas~~**

- A. The SBOE may issue subpoenas for the attendance of a witness or production of books, records, documents, or other evidence that is not confidential or privileged.
- B. The SBOE may issue a subpoena at its discretion or upon written request by a party. A party shall include the following in a written request for a subpoena:
  - 1. Identification of the property, including parcel number if applicable, at issue;
  - 2. A list or description of all records sought;
  - 3. A statement showing proper foundation for the request;
  - 4. The name and address of the custodian of the records sought or all persons to be subpoenaed;
  - 5. The date, time, and place to appear or to produce the records; and
  - 6. The name, address, and telephone number of the party requesting the subpoena.
- C. If the SBOE issues a subpoena upon the request of a party, the requesting party shall:
  - 1. Ensure the subpoena is served no later than five business days before the time specified in the subpoena for attendance of a witness or production of records;
  - 2. Ensure the person serving the subpoena provides proof of service to the SBOE; and
  - 3. Pay the cost to serve the subpoena.

**R16-4-112. ~~Emergency Expired Records of a Hearing~~**

- A. The SBOE shall make a recording of every hearing. If a person makes a request, the SBOE shall place a copy of a hearing recording on its web site. If the person wants a copy of the hearing recording in another format, the SBOE may charge the cost of providing the copy in the other format.
- B. A party to a proceeding may, at the party's expense, record the proceeding using a recording device or court reporter.
- C. Subject to the limits imposed at A.R.S. § 39-121.03, a person may submit a written request to examine or be furnished a copy of a public record in the custody of the SBOE. As allowed under A.R.S. § 39-121.01, the SBOE may charge a fee for providing a copy of a public record.
- D. While examining a public record, a person shall not remove the public record from the SBOE office.

**R16-4-113. ~~Emergency Expired Withdrawal~~**

- A. The petitioner may withdraw an appeal by providing written notice to the SBOE at least 48 hours before the scheduled start of the hearing.



- B.** If the petitioner submits a written notice of withdrawal to the SBOE fewer than 48 hours before the scheduled start of a hearing, the SBOE shall accept the notice of withdrawal at the hearing.
- C.** The petitioner may withdraw an appeal by providing written or oral notice to the SBOE at the hearing.

**R16-4-114. Ex Parte Communications**

A party shall not communicate, either directly or indirectly, with the SBOE about a substantive issue in a pending appeal unless:

- 1. All parties are present.
- 2. It is during a scheduled hearing where an absent party fails to appear after proper notice, or
- 3. It is by written motion with a copy to all parties.

**R16-4-115. Board Decision**

A. The SBOE shall issue a written decision at the end of a hearing or, as authorized under A.R.S. § 42-16164, after continuing the hearing for additional deliberation.

B. The SBOE shall include the following in its decision:

- 1. Docket number of the appeal;
- 2. Parcel number or other identification of the property at issue;
- 3. Separately stated findings of fact and conclusions of law;
- 4. The decision regarding the property valuation or classification;
- 5. Other matters before the SBOE related to the appeal; and
- 6. The right of an aggrieved party to appeal the SBOE’s decision under A.R.S. § 42-16203 or 42-16254(G).

C. The SBOE shall mail a copy of the written decision to all parties and to the Department.

D. The SBOE’s decision is final 60 days after it is mailed under subsection (C) unless an appeal is taken under A.R.S. § 42-16203 or 42-16254(G).

**R16-4-116. Review of a SBOE Decision**

A. As provided under A.R.S. § 42-16164(A), the chairman of the SBOE may review a SBOE decision to ensure the decision is consistent with due process for all parties. In conducting the review, the chairman shall assess whether:

- 1. The findings of fact, conclusions of law, and decision are supported by the evidence or are contrary to law;
- 2. The hearing involved irregularity, abuse of discretion, or misconduct by a party;
- 3. The hearing involved accident or surprise that could not have been prevented by ordinary prudence;
- 4. Newly discovered material evidence exists that could not, with reasonable diligence, have been discovered and produced at the hearing;
- 5. Error in the admission or rejection of evidence or other errors of law occurred at the hearing or during the progress of the proceedings; or
- 6. The decision was the result of passion, bias, or prejudice.

B. The chairman shall complete the review provided under A.R.S. § 42-16164(A) within 30 days after the decision is issued under R16-4-115.

C. If the chairman determines the SBOE decision is inconsistent with due process for all parties, the SBOE shall:

- 1. Provide written notice of this determination to all parties including the grounds listed in subsection (A) on which the determination is based;
- 2. Stay enforcement of the SBOE’s decision issued under R16-4-115 pending further review of the decision; and
- 3. Within 30 days after providing the notice under subsection (C)(1), take additional testimony or review newly discovered material evidence, amend findings of fact or conclusions of law or make new findings or conclusions, and issue a new decision.

D. Under A.R.S. § 42-16169, the written decision issued under subsection (C)(3) becomes final 60 days after it is mailed to all parties and the Department.

**R16-4-117. Board Member Participation in Matters before the SBOE**

A. A member of the SBOE shall comply fully with A.R.S. Title 38, Chapter 3, Article 8, regarding conflicts of interest. This requires, among other things:

- 1. Timely submitting the disclosure required under R16-4-106(B) before every hearing scheduled before the SBOE;
- 2. Refraining from participating in any manner in a SBOE decision regarding property in which the member or the member’s relative has a substantial interest; and
- 3. Refraining from participating in any manner in a SBOE decision regarding a petition submitted to the SBOE by an entity in which the member or the member’s relative has a substantial interest.

B. Remedies and penalties for violating A.R.S. Title 38, Chapter 3, Article 8 are specified at A.R.S. §§ 38-506 and 38-510.





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**6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

This rulemaking was undertaken to address the Governor's request that agencies eliminate rules that are antiquated, redundant, or otherwise unnecessary. The Department determined the rules, as they currently exist, are antiquated and redundant because they focus on the means of transportation, by a public or private provider or by vanpool, rather than on reducing travel by any means of transportation. The amended rules focus on reducing travel by any means of commuter transportation. This includes not only public and private providers and vanpool but also some means, such as light rail and bicycle, which were not addressed in the existing rules.

The rulemaking relates, in part, to a five-year-review report approved by the Council on February 7, 2017. An exemption from Executive Order 2017-02 was provided for this rulemaking by Mara Mellstrom, Policy Advisor in the Governor's Office, in an e-mail dated July 7, 2017.

**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:**

The Department did not review or rely on a study in its evaluation of or justification for any rule in this rulemaking.

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

Not applicable

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

The rulemaking does not change the substance of the rules regarding travel reduction. As a result, the economic impact is minimal. There will be minimal, if any, economic impact on employees or transportation providers. The Department incurred the cost of making the rules but will have the benefit of complying with the Governor's request.

**10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**

In response to comments by GRRC staff, minor word-choice changes were made in R2-1-801(4), R2-1-803(B)(1) and (2), and R2-1-804(A). Also, a more detailed explanation of the Department's reasons for the rulemaking was added to item 6 of the Preamble.

**11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:**

No comments were received regarding the rulemaking. No one attended the oral proceeding on January 8, 2018.

**12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

None

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

No rule in the rulemaking involves a permit.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

No federal law is directly applicable to the subject of any rule in this rulemaking

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

No analysis was submitted.

**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**

None

**14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

No rule in the rulemaking was previously made, amended, or repealed as an emergency rule.

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

**TITLE 2. ADMINISTRATION  
CHAPTER 1. DEPARTMENT OF ADMINISTRATION  
ARTICLE 6. ~~ADJUSTED WORK HOURS~~ REPEALED**

Section  
R2-1-601. ~~Definitions~~ Repealed



- R2-1-602. ~~Requirements Renumbered~~
- R2-1-603. ~~Monitoring Repealed~~

**ARTICLE 8. REIMBURSEMENT FOR PUBLIC OR PRIVATE TRANSPORTATION TRAVEL REDUCTION PROGRAMS**

Section

- R2-1-801. ~~Definitions~~
- R2-1-802. ~~Eligibility for Commuter Transportation Program Reimbursement Subsidy Eligibility~~
- R2-1-803. ~~Commuter Transportation Program Reimbursement Subsidy Amount~~
- R2-1-804. ~~Commuter Transportation Program Reimbursement Subsidy Procedure~~
- ~~R2-1-602~~R2-1-805. ~~Transportation Program Reduced-Cost Procedure Adjusted Work Hours~~

**ARTICLE 9. REIMBURSEMENT FOR VAN POOL TRANSPORTATION REPEALED**

Section

- R2-1-901. ~~Definitions Repealed~~
- R2-1-902. ~~Vanpool Reimbursement Subsidy Eligibility Repealed~~
- R2-1-903. ~~Vanpool Reimbursement Subsidy Amount Repealed~~
- R2-1-904. ~~Vanpool Reimbursement Subsidy Procedure Repealed~~
- R2-1-905. ~~Vanpool Reduced-Cost Procedure Repealed~~

**ARTICLE 6. ADJUSTED WORK HOURS REPEALED**

**R2-1-601. Definitions Repealed**

In this Article, unless the context otherwise requires:

- ~~1. “Agency head” means the head of each department, agency, board and commission of this state.~~
- ~~2. “Area A” has the same meaning in A.R.S. § 49-541(1).~~
- ~~3. “Area B” has the same meaning in A.R.S. § 49-541(2).~~
- ~~4. “Director” means the Director of the Department of Administration or the Director’s designee.~~
- ~~5. “Employee” means any person elected or appointed to a state position, or employed on a part-time or full-time basis by a department, agency, board, or commission of this state.~~
- ~~6. “Period” means October 1 through the following April 1.~~
- ~~7. “Travel Reduction Survey Data” means information collected pursuant to A.R.S. § 49-588, Pima County Ordinance 1988-72, and Pinal County Ordinance 121300-AQ1.~~

**R2-1-602. Requirements Renumbered**

**R2-1-603. Monitoring Repealed**

The Director shall utilize existing travel reduction survey data to determine the percentage of employee work schedules that are in compliance with R2-1-602(A).

**ARTICLE 8. REIMBURSEMENT FOR PUBLIC OR PRIVATE TRANSPORTATION TRAVEL REDUCTION PROGRAMS**

**R2-1-801. Definitions**

In this Article, unless otherwise specified:

- ~~1. “Bus” means a motor vehicle designed to carry 16 or more passengers, including the driver. “Agency head” means the head of each department, agency, board, and commission of this state.~~
- ~~2. “Commute” means travel to and from an employee’s place of employment. “Area A and Area B” have the same meaning in A.R.S. § 49-541.~~
- ~~3. “Commuter transportation” means a mode of transportation used by an eligible employee to travel to or from the eligible employee’s place of employment and made available to the eligible employee by a transportation provider under contract with the state of Arizona.~~
- ~~3.4. “Director” means the chief executive officer Director of the Department of Administration or the director’s designee.~~
- ~~4.5. “Eligible employee” means an individual who is employed by the state of Arizona employee, in pay status, and lives or works in a vehicle emissions control area, as defined in A.R.S. § 49-541 Area A or Area B, except a university employee or an employee of the State Compensation Fund under A.R.S. § 23-981.01.~~
- ~~6. “Employee” means an individual elected or appointed to a state position, or employed on a part-time or full-time basis by a department, agency, board, or commission of this state.~~
- ~~5.7. “Pay status” has the meaning in R2-5A-101.~~
- ~~6.8. “Private transportation” means the conveyance of passengers, by a commercial enterprise, on scheduled routes by bus for which an individual passenger pays a fare. “Period” means October 1 through the following April 1.~~
- ~~7. “Public transportation” has the meaning in A.R.S. § 41-710.01(B).~~
- ~~8.9. “Reduced cost” means an eligible employee’s share the portion of the total cost of public or private commuter transportation that is paid by an eligible employee remains after the reimbursement subsidy is paid.~~
- ~~9.10. “Reimbursement subsidy” means the portion of the total cost of public or private commuter transportation that is paid on behalf of an eligible employee to a transportation provider through a contract with the state of Arizona on behalf of an eligible employee under A.R.S. § 41-710.01.~~
- ~~10. “Transportation card” means the evidence of an eligible employee’s participation in a transportation program, issued to the employee by the Department of Administration.~~
- ~~11. “Transportation program” means a system for reimbursement or subsidy of public or private transportation expenses under A.R.S. § 41-710.01. “Telework” has the same meaning as at 5 U.S.C. 6501.~~



- 12. "Transportation provider" means:
  - a. An incorporated city or town.
  - b. A regional public transportation authority established under A.R.S. § 48-5102.
  - c. A regional transportation authority established under A.R.S. § 48-5302.
  - d. A commercial enterprise, or
  - e. An Arizona state agency.

**R2-1-802. Eligibility for Commuter Transportation Program Reimbursement Subsidy Eligibility**

- A. The Director shall pay a reimbursement subsidy on behalf of an eligible employee who:
  - 1. ~~Commutes by public or private transportation;~~ Completes an application, using a form available from the Department of Administration, for authorization to pay the reduced cost for commuter transportation; and
  - 2. ~~Is enrolled in a transportation program; and~~ Uses commuter transportation to travel to or from the eligible employee's place of employment.
  - 3. ~~Has authorized payroll deductions under A.R.S. § 38-612(B)(9).~~
- B. An eligible employee who uses public or private bus or light rail as a means of commuter transportation shall:
  - 1. Authorize payroll deduction under A.R.S. § 38-612(B)(9) of the reduced cost; and
  - 2. As a condition of being authorized to pay the reduced cost for commuter transportation and being issued a transportation card, agree:
    - a. Not to allow anyone else to use the transportation card;
    - b. To use the transportation card only for commuter transportation unless the eligible employee incurs the transportation provider's maximum monthly charge;
    - c. To maintain payroll deduction authorization;
    - d. To notify the Department of Administration if the transportation card is lost or stolen;
    - e. To pay \$5 on a payroll deduction to replace a lost, damaged, or stolen transportation card;
    - f. To surrender the transportation card upon termination of employment with the state; and
    - g. That use of the transportation card after receiving notice of a change to the terms of using the transportation card constitutes agreement to the change.

**R2-1-803. Commuter Transportation Program Reimbursement Subsidy Amount**

- A. The Director shall determine the amount of reimbursement subsidy, up to 100% of the actual cost of ~~public or private~~ commuter transportation, based upon:
  - 1. The number of eligible employees ~~participating in the program~~ authorized under R2-1-802 to pay reduced cost for commuter transportation;
  - 2. The cost of ~~public or private~~ the commuter transportation; and
  - 3. The amount of state funds appropriated by the Legislature for reimbursement subsidy purposes.
- B. The Director shall notify an eligible employee of:
  - 1. The initial percentage of reimbursement subsidy before the employee ~~enrolls in the program~~ applies under R2-1-802(A)(1); and
  - 2. Any change in ~~that percentage~~ the amount of reimbursement subsidy at least 30 days before the effective date of the change.

**R2-1-804. Commuter Transportation Program Reimbursement Subsidy Procedure**

- A. ~~The A transportation provider of public or private transportation shall submit a monthly invoice to the Director that itemizes each public or private the total commuter transportation ride taken by costs incurred by each eligible employee.~~
- B. The Director shall ~~subtract from the total amount due the percentage of~~ pay the transportation provider the reimbursement subsidy amount for each eligible employee.
- C. The eligible employee shall pay the reduced cost to the transportation provider either directly or, if required under R2-1-802(B), through payroll deduction.

**~~R2-1-602~~R2-1-805. Transportation Program Reduced Cost Procedure Adjusted Work Hours**

- A. ~~An eligible employee seeking to pay a reduced cost shall complete, sign, and submit an application and payroll deduction authorization form to the office designated by the Department of Administration. The application form shall contain the following: During the period, each agency head shall provide work schedule options so a minimum of 85 percent of employees whose offices are located in Area A or Area B are on adjusted work hours. Adjusted work hours are schedules that:~~
  - 1. ~~The employee's name and employee identification number; Begin the workday on or before 7:30 a.m., or on or after 8:30 a.m., and conclude the workday on or before 4:30 p.m., or on or after 5:30 p.m.;~~
  - 2. ~~The name and mailing address of the state agency compensating the employee; Adjust work hours into a four-day, 40-hour work week. Employees shall avoid a workday that begins between 7:30 a.m. and 8:30 a.m. or concludes between 4:30 p.m. and 5:30 p.m., whenever possible; or~~
  - 3. ~~For public transportation, the type of public transportation card requested; and Allow the employee to telework.~~
  - 4. ~~The employee's agreement to comply with the conditions in subsection (B).~~
- B. ~~As a condition of receiving a transportation card, an eligible employee shall agree: Notwithstanding the requirements of subsection (A), each agency shall comply with A.R.S. § 38-401 requiring state offices to be open from 8:00 a.m. until 5:00 p.m.~~
  - 1. ~~Not to allow anyone else to use the transportation card;~~
  - 2. ~~To use the transportation card only for trips to and from work with a state agency, board, or commission, unless the employee incurs the maximum monthly charge in commuting;~~
  - 3. ~~To be responsible for charges incurred with the transportation card;~~
  - 4. ~~To notify the office designated by the Department of Administration if the transportation card is lost or stolen;~~
  - 5. ~~To pay \$5 on a payroll deduction to replace a lost, damaged, or stolen transportation card;~~
  - 6. ~~To surrender the transportation card upon termination of employment with the state; and~~



7. That use of the transportation card after receiving notice from the Department of Administration of change in the transportation program policies constitutes the employee's agreement to the change.

#### **ARTICLE 9. REIMBURSEMENT FOR VAN POOL TRANSPORTATION REPEALED**

##### **R2-1-901. Definitions Repealed**

In this Article, unless otherwise specified, the following terms apply:

1. "Commute" means travel to and from an employee's place of employment.
2. "Director" means the chief executive officer of the Department of Administration or the Director's designee.
3. "Eligible employee" means an individual who is employed by the state of Arizona, in pay status, and lives or works in a vehicle emissions control area, as defined in A.R.S. § 49-541, except a university employee or an employee of the State Compensation Fund under A.R.S. § 23-981.01.
4. "Pay status" has the meaning in R2-5A-101.
5. "Reduced cost" means an eligible employee's share of the total cost of vanpool transportation that remains after the reimbursement subsidy is paid.
6. "Reimbursement subsidy" means the portion of the total cost of vanpool transportation that is paid, on behalf of an eligible employee, to a regional transit authority or state agency through a contract with the state of Arizona.
7. "Regional transit authority" means a regional transportation authority established under A.R.S. § 48-5302 or regional public transportation authority established under A.R.S. § 48-5102 that operates or licenses a vanpool program.
8. "State agency" means an agency that administers a vanpool program in an area not served by a regional transit authority.
9. "Vanpool" means seven or more persons who commute in a van sponsored by a regional transit authority or in a van that is part of a vanpool administered by a state agency.

##### **R2-1-902. Vanpool Reimbursement Subsidy Eligibility Repealed**

The Department shall pay to a regional transit authority or a state agency on behalf of an eligible employee in a pay status who:

1. Commutes in a vanpool operated by the regional transit authority or administered by a state agency, and
2. Has completed the vanpool transportation subsidy application form.

##### **R2-1-903. Vanpool Reimbursement Subsidy Amount Repealed**

The Director shall determine the amount of reimbursement subsidy, up to 100% of the actual cost of vanpool transportation, according to the following: the number of eligible employees participating in the program, the cost of vanpooled transportation, and the amount of state funds appropriated by the legislature for reimbursement subsidy purposes. The Director shall notify employees of the initial percentage of subsidy prior to enrollment of the employee in the program and of any change in that percentage prior to the change taking effect.

##### **R2-1-904. Vanpool Reimbursement Subsidy Procedure Repealed**

The regional transit authority or state agency shall submit to the Director an invoice that itemizes each eligible employee and the eligible employee's monthly vanpool reimbursement subsidy amount. The Director shall pay the reimbursement subsidy amount upon receipt of the invoice from the regional transit authority or the state agency. The employee shall pay the reduced cost to the regional transit authority or the state agency.

##### **R2-1-905. Vanpool Reduced Cost Procedure Repealed**

An eligible employee seeking to pay a reduced cost shall complete the vanpool transportation subsidy application form and submit it to the Department of Administration Travel Reduction Program. The application form shall contain the following:

1. The employee's name and employee identification number,
2. The name and mailing address of the state agency compensating the employee, and
3. The employee's signature.



NOTICES OF EMERGENCY RULEMAKING

This section of the Arizona Administrative Register contains Notices of Emergency Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the emergency rules should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF EMERGENCY RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 4. DEPARTMENT OF HEALTH SERVICES
NONCOMMUNICABLE DISEASES

[R18-62]

PREAMBLE

- 1. Article, Part or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
3. The effective date of the rule:
4. Citations to all related emergency rulemaking notices published in the Register as specified in R1-1-409(A) that pertain to the record of this notice of emergency rulemaking:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

Arizona Revised Statutes (A.R.S.) §36-133 requires the Department to develop a chronic disease surveillance system for the collection, management, and analysis of information on the incidence of chronic diseases in Arizona.

To successfully prevent and combat opioid use disorder, overdoses, and deaths, the Department needs to obtain complete and



accurate data about these events in a timely fashion. Under Executive Order 2017-04, Enhanced Surveillance Advisory, issued by Governor Doug Ducey on June 13, 2017, health care providers, pharmacists, emergency medical service providers, local and state law enforcement agencies, and others were directed to report data on specific health conditions to the Department. This Executive Order was revised and renewed on August 10, 2017, when the Governor issued Executive Order 2017-05. Upon expiration of enhanced surveillance on October 9, 2017, opioid poisoning-related reporting began under an emergency rule.

The Department had begun using the data being reported under the Executive Orders to monitor incidence patterns for opioid overdoses, and plans to assess the success of intervention strategies being deployed to combat the opioid overdose epidemic, identify population subgroups at high risk for morbidity and mortality due to opioid overdoses, and identify regions of the state that are in particular need of intervention programs to reduce the incidence of opioid overdoses. However, continued reporting is necessary to obtain the data necessary to shape, implement, and assess the success of a public health response to the opioid overdose epidemic. Since there is a continuing need for data to detect changes in opioid prescribing practices, as well as changes in the number of opioid overdoses and intervention activities, on a real-time basis, after the expiration of the emergency rule, the Department has sought and received an exception from the rulemaking moratorium established by Executive Order 2017-02 and is adopting rules for Opioid Poisoning-Related Reporting by regular rulemaking in 9 A.A.C. 4.

However, although the Department has submitted a Notice of Proposed Rulemaking to the Office of the Secretary of State, the current emergency rules will expire before the regular rulemaking is completed. Based on the foregoing and pursuant to A.R.S. § 41-1026(D), the Department finds the continued existence of an emergency justifying an emergency rulemaking. To prevent the expiration of the emergency rules, the Department has requested a renewal of the emergency rules. The Department is also amending the emergency rules to address stakeholder concerns expressed during the regular rulemaking, improve the effectiveness of the rules, and further reduce the burden on reporting entities.

**7. A reference to any study relevant to the rules that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Department based the need for this rulemaking on the Department's "2016 Arizona Opioid Report," available at <http://azdhs.gov/documents/audiences/clinicians/clinical-guidelines-recommendations/prescribing-guidelines/arizona-opioid-report.pdf>.

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

Not applicable

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

Annual costs/revenues changes are designated as minimal when more than \$0 and \$1,000 or less, moderate when between \$1,000 and \$5,000, and substantial when \$5,000 or greater in additional costs or revenues. A cost is listed as significant when meaningful or important, but not readily subject to quantification. The Department anticipates that persons affected by the rulemaking include the Department; first responders, including ambulance services, emergency medical services providers, and law enforcement agencies; licensed health care institutions; health professionals; medical examiners; pharmacists/pharmacies; individuals experiencing an opioid overdose or neonatal abstinence syndrome (NAS) and their families; and the general public.

Ambulance services, emergency medical services providers, and law enforcement agencies currently report to the Department through the AZ-PIERS data system, while health care institutions, health professionals, and medical examiners report through the MEDSIS data system. Pharmacists report the dispensing of naloxone through the Arizona Board of Pharmacy's Controlled Substances Prescription Monitoring Program (CSPMP) data system. The Department estimates that it cost the Department approximately \$8,000 to modify the MEDSIS data system and approximately \$3,600 to modify the AZ-PIERS data system. The cost to permanently update AZ-PIERS is estimated to be approximately \$12,000. The Department also paid \$10,500 to modify the CSPMP to accommodate the reported data. Therefore, the cost to the Department to modify the data systems used for collection of the reported information is expected to be substantial. The Department anticipates that de-duplication of information reported by multiple submitters in separate data systems, requesting additional information to complete reports, and entering medical examiner data from Maricopa County may impose a substantial annual cost on the Department. Costs to compile, analyze, and produce reports on the data, as well as to disseminate other information derived from the data, may impose a further substantial annual cost on the Department.

The Department may receive a significant benefit from the information submitted due to the rule in implementing the activities proposed in the Opioid Action Plan, developed by the Department in compliance with the Governor's Declaration of Emergency and Notification of Enhanced Surveillance Advisory on the Opioid Overdose Epidemic. In addition to the significant intrinsic benefit of having a healthier and safer general public as a result of public health activities undertaken by the Department to address the opioid overdose epidemic, the Department has been able to leverage federal funds to help combat the opioid overdose epidemic. The Department may receive up to a substantial benefit if the data derived through the rules enable the Department to leverage additional federal funds.

The emergency rules may impose a minimal-to moderate-cost on first responders, including ambulance services, emergency medical services providers, and law enforcement agencies, for reporting the required information to the Department. The Department is also providing reports derived from the submitted information back to first responders, enabling them to improve performance and the effectiveness of their activities. Through the provision of continuing timely data, the Department anticipates that a first responder may receive a significant benefit from the emergency rules.

The emergency rules require medical examiners to submit reports of opioid overdose deaths to the Department. To lessen the burden on the Maricopa County medical examiner, which has by far the largest number of opioid overdose deaths, the Department has been entering this data. The Department anticipates that the medical examiners of the other counties may experience a minimal cost to report on these deaths. Medical examiners may also receive a significant benefit from the reports of compiled data provided by the Department, derived from information submitted under the emergency rules.



Licensed health care institutions are required by the emergency rules to report suspected non-fatal opioid overdoses, suspected fatal opioid overdoses, and suspected cases of NAS. The Department estimates that 80% of health care institutions would incur minimal costs for this reporting, while the largest reporting health care institutions may experience a minimal-to-moderate annual cost for reporting. Health care institutions may also receive a significant benefit from the reports that may be disseminated by the Department, based on the information received under the emergency rules. Health professionals may be expected to incur a minimal burden due to reporting, and may receive a significant benefit from additional resources available to them and their patients as a result of the public health response to the opioid overdose epidemic, which is driven by data derived through the reporting.

The initial emergency rules are not consistent with reporting requirements for naloxone dispensing specified by the Arizona Board of Pharmacy. This inconsistency may cause confusion as to what information must be provided and in what timeframe. To address the discrepancy, the Department has included in the renewal of the emergency rules a citation to A.R.S. § 32-1979. The Department believes this change from the requirements in the initial emergency rules may provide a significant benefit to a pharmacist/pharmacy by reducing confusion about reporting requirements.

The requirements in the rules were designed to provide the data that will allow a public health response to be implemented to improve the health and safety of the citizens of Arizona, including individuals experiencing an opioid overdose or NAS. Therefore, the Department anticipates that individuals experiencing an opioid overdose or NAS and their families may receive a significant benefit from the requirements in the rules. The Department anticipates that the timely monitoring of suspected opioid overdoses, and the effects that public health programs may have on them, may help reduce the number of opioid overdose deaths in Arizona and the number of individuals suffering an opioid overdose as a result of prescribed opioids. Therefore, the Department estimates that this rule may provide a significant benefit to the general public.

**10. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include but are not limited to:**

**a. Whether the rule requires a permit, whether a general permit is used and, if not, the reasons why a general permit is not used:**  
Not applicable

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and, if so, citation to the statutory authority to exceed the requirements of federal law:**  
The rule is not more stringent than federal law.

**c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitive-business in this state to the impact on business in other states:**  
No analysis comparing competitiveness was received by the Department.

**11. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**  
None

**12. An agency explanation about the situation justifying the rulemaking as an emergency rule:**  
The Department tracks opioid overdose deaths and recently reported a significant increase in prescription and illicit drug overdose deaths in 2016, as published in a report available at: <http://azdhs.gov/documents/audiences/clinicians/clinical-guidelines-recommendations/prescribing-guidelines/arizona-opioid-report.pdf>. However, until the initiation of enhanced surveillance under Executive Orders 2017-04 and 2017-05, this data was not being collected in a time-frame that enabled the Department to respond in a timely manner. Because the data being submitted under enhanced surveillance has helped the Department to better understand the extent of this public health epidemic, the Department and community partners have initiated strategies, including intervention activities, to address the epidemic. It is now imperative to monitor these and future intervention activities to enable development of new public health strategies. This situation was not caused by the Department’s delay or inaction. Although the Department has submitted a Notice of Proposed Rulemaking to the Office of the Secretary of State, the current emergency rules will expire before the regular rulemaking is completed.

**13. The date the Attorney General approved the rule:**  
March 7, 2018

**14. The full text of the rules follows:**

**TITLE 9. HEALTH SERVICES  
CHAPTER 4. DEPARTMENT OF HEALTH SERVICES  
NONCOMMUNICABLE DISEASES**

**ARTICLE 6. OPIOID POISONING-RELATED REPORTING**

- Section
- R9-4-601. Definitions
- R9-4-602. Opioid Poisoning-Related Reporting Requirements

**ARTICLE 6. OPIOID POISONING-RELATED REPORTING**

**R9-4-601. Definitions**

In this Article, unless otherwise specified:



1. "Administrator" means the individual who is a senior leader in a health care institution or correctional facility.
2. "Ambulance service" has the same meaning as in A.R.S. § 36-2201.
3. "Business day" means the period from 8:00 a.m. to 5:00 p.m. on a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday.
4. "Clinical laboratory" has the same meaning as in A.R.S. § 36-451.
5. "Correctional facility" has the same meaning as in A.A.C. R9-6-101.
6. "Dispense" has the same meaning as in A.R.S. § 32-1901.
7. "Emergency medical services provider" has the same meaning as in A.R.S. § 36-2201.
8. "Health care institution" has the same meaning as in A.R.S. § 36-401.
9. "Health professional" has the same meaning as in A.R.S. § 32-3201.
10. "Law enforcement agency" has the same meaning as in A.A.C. R13-1-101.
11. "Medical examiner" has the same meaning as in A.R.S. § 36-301.
12. "Naloxone" means a ~~prescription medication, as defined in A.R.S. § 32-1901, that is used~~ specific opioid antagonist that has been used since 1971 to block the effects of an opioid in an individual.
13. "Neonatal abstinence syndrome" means a set of signs of opioid withdrawal occurring in an individual shortly after birth that are indicative of opioid exposure while in the womb.
14. "Opioid" means the same as "opiate" in A.R.S. § 36-2501.
15. "Opioid antagonist" means a prescription medication, as defined in A.R.S. § 32-1901, that:
  - a. Is approved by the U.S. Department of Health and Human Services, Food and Drug Administration; and
  - b. When administered, reverses, in whole or in part, the pharmacological effects of an opioid in the body.
- ~~15-16.~~ "Opioid overdose" means respiratory depression, slowing heart rate, or unconsciousness or mental confusion caused by the administration, including self-administration, of an opioid to an individual.
- ~~16-17.~~ "Pharmacist" has the same meaning as in A.R.S. § 32-1901.

#### **R9-4-602. Opioid Poisoning-Related Reporting Requirements**

- A. An ambulance service, an emergency medical services provider, or a law enforcement agency shall, either personally or through a representative, submit a report to the Department, in a Department-provided format and within five business days after an encounter with an individual with a suspected opioid overdose, that includes:
  1. The following information about the ambulance service, emergency medical services provider, or law enforcement agency:
    - a. Name;
    - b. Street address, city, county, and zip code;
    - c. Whether the entity reporting is:
      - i. An ambulance service,
      - ii. An emergency medical services provider, or
      - iii. A law enforcement agency; and
    - d. If applicable, the certificate number issued by the Department to the ambulance service;
  2. The name, title, telephone number, and email address of a point of contact for the entity required to report;
  3. ~~The street address, city, county, state, and zip code of~~ following information about the location at which the ambulance service, emergency medical services provider, or law enforcement agency encountered the individual:
    - a. Street address or, if the location at which the ambulance service, emergency medical services provider, or law enforcement agency encountered the individual does not have a street address, another indicator of the location at which the encounter occurred;
    - b. City, if applicable;
    - c. County;
    - d. State; and
    - e. Zip code;
  4. If applicable, the date and time the ambulance service, emergency medical services provider, or law enforcement agency was dispatched to the location specified according to subsection (A)(3);
  5. The following information, as known, about the individual with a suspected opioid overdose or who died of a suspected opioid overdose:
    - a. Name,
    - b. Date of birth,
    - c. Age in years,
    - d. Gender,
    - e. Race and ethnicity, and
    - f. Reason for suspecting that the individual had an opioid overdose;
  6. Whether naloxone or another opioid antagonist designated according to A.R.S. § 36-2228 was administered to the individual before the ambulance service, emergency medical services provider, or law enforcement agency encountered the individual and, if so:
    - a. The number of doses of naloxone or other opioid antagonist administered to the individual; and
    - b. As applicable, that the naloxone or other opioid antagonist was administered to the individual by:
      - i. Another individual; or
      - ii. Another entity and, if so the type of entity that administered the naloxone or other opioid antagonist to the individual;
  7. Whether naloxone or another opioid antagonist designated according to A.R.S. § 36-2228 was administered to the individual by the ambulance service, emergency medical services provider, or law enforcement agency and, if so, the number of doses of naloxone or other opioid antagonist administered to the individual;
  8. ~~The following information about the disposition of the individual:~~



- a. Whether the individual was pronounced dead at the location specified according to subsection (A)(3);
- b. Whether the individual was transported to a hospital and, if so:
  - i. The name of the hospital to which the individual was transported; and
  - ii. The type of entity that transported the individual to the hospital; and
- e. If known, whether the individual:
  - i. Survived the suspected opioid overdose;
  - ii. Died from the suspected opioid overdose; or
  - iii. Died from another cause after experiencing a suspected opioid overdose; and
- 8. Whether the disposition of the individual was that the individual:
  - a. Survived the suspected opioid overdose; or
  - b. Was pronounced dead:
    - i. At the location specified according to subsection (A)(3), or
    - ii. After leaving the location specified according to subsection (A)(3);
- 9. If the individual was transported:
  - a. The type of entity that transported the individual; and
  - b. Whether the individual was transported to:
    - i. A hospital and, if so, the name of the hospital to which the individual was transported;
    - ii. Another class of health care institution and, if so, the name of the health care institution to which the individual was transported; or
    - iii. A correctional facility and, if so, the name of the correctional facility to which the individual was transported; and
- 9,10. The date of the report.
- B.** ~~An administrator of a health care institution licensed under 9 A.A.C. 10 or a pharmacist, as applicable, is not required to submit a report to the Department under this Article for:~~
  - 1. ~~An opioid overdose resulting from the administration of the opioid to a patient in the health care institution if the opioid overdose is addressed through the health care institution's quality management program; or~~
  - 2. ~~Naloxone dispensed in connection with a surgical procedure, as defined in A.A.C. R9-10-101, performed in the health care institution.~~
- B.** The following are not required to submit a report under this Article:
  - 1. An administrator of a health care institution licensed under 9 A.A.C. 10, for an opioid overdose resulting from the administration of the opioid to a patient in the health care institution if the opioid overdose is addressed through the health care institution's quality management program; or
  - 2. A pharmacist, for naloxone or another opioid antagonist that is dispensed in connection with a surgical procedure, as defined in A.A.C. R9-10-101, or other invasive procedure performed in a health care institution.
- C.** Except as prohibited by Title 42 Code of Federal Regulations, Chapter I, Subchapter A, Part 2 or as specified in subsection (B), a health professional or the administrator of a health care institution licensed under 9 A.A.C. 10 shall, either personally or through a representative, submit a report to the Department, in a Department-provided format and within five business days after an encounter with an individual with a suspected opioid overdose, that includes:
  - 1. The name, street address, city, county, zip code, and telephone number of the health professional or health care institution;
  - 2. If different from the person in subsection (C)(1), the name, title, ~~street address, city, county, zip code,~~ telephone number, and email address of the individual reporting on behalf of the person in subsection (C)(1);
  - 3. The following information about the individual with a suspected opioid overdose:
    - a. The individual's name;
    - b. The individual's street address, city, county, state, and zip code;
    - c. The individual's date of birth;
    - d. The individual's gender;
    - e. The individual's race and ethnicity;
    - f. Whether the individual is pregnant and, if so, the expected date of delivery;
    - g. If applicable, the name of the individual's guardian; and
    - h. Whether naloxone or another opioid antagonist designated according to A.R.S. § 36-2228 was administered to the individual before the health professional or health care institution encountered the individual and, if so:
      - i. The type of entity that administered the naloxone or other opioid antagonist to the individual, or
      - ii. That the naloxone or other opioid antagonist was administered to the individual by another individual;
  - 4. The following information about the diagnosis of opioid overdose:
    - a. The reason for suspecting that the individual had an opioid overdose;
    - b. The date of the suspected opioid overdose;
    - c. The date of diagnosis; and
    - d. ~~Except as provided in subsection (G), if~~ If the diagnosis was confirmed through one or more tests performed by a clinical laboratory, for each test:
      - i. The name, address, and telephone number of the clinical laboratory;
      - ii. The date a specimen was collected from the individual;
      - iii. The type of specimen collected;
      - iv. The type of laboratory test performed; and
      - v. The laboratory test result and date of the result;
  - 5. The following information about the suspected opioid overdose:
    - a. Whether the opioid overdose appeared to be intentional or unintentional;
    - b. The location where the opioid overdose took place;



- c. Whether the individual was alone at the time of the opioid overdose;
  - d. Whether the individual was transported to the health professional or health care institution by an ambulance service, an emergency medical services provider, or a law enforcement agency and, if so, the type of entity that transported the individual;
  - e. The specific opioid that appeared to be responsible for the opioid overdose; and
  - f. If known, whether:
    - i. The individual was prescribed an opioid within the 90 calendar days before the date of the suspected opioid overdose;
    - ii. The individual had been referred to receive behavioral health services, as defined in A.R.S. § 36-401; or
    - iii. The opioid overdose was the first time the individual had had an opioid overdose and, if not, the number of previous opioid overdoses the individual was known to have had;
  - 6. Whether the individual with the suspected opioid overdose:
    - a. Survived the suspected opioid overdose and:
      - i. Was admitted to the health care institution;
      - ii. Was transferred to another health care institution and, if so, the name of the health care institution;
      - iii. Was discharged to a law enforcement agency or correctional facility and, if so, the name of the law enforcement agency or correctional facility;
      - iv. Was discharged to home; or
      - v. Left the health care institution against medical advice; or
    - b. Died from the suspected opioid overdose and, if so, the date of death; or
    - c. Died from another cause after experiencing a suspected opioid overdose and, if so, the date of death; and
  - 7. The date of the report.
- D.** Except as prohibited by Title 42 Code of Federal Regulations, Chapter I, Subchapter A, Part 2, a health professional or the administrator of a health care institution licensed under 9 A.A.C. 10 shall, either personally or through a representative, submit a report to the Department, in a Department-provided format and within five business days after an encounter with an individual with suspected neonatal abstinence syndrome, that includes:
- 1. The name, street address, city, county, zip code, and telephone number of the health professional or health care institution;
  - 2. If different from the person in subsection (D)(1), the name, title, ~~street address, city, county, zip code,~~ telephone number, and email address of the individual reporting on behalf of the person in subsection (D)(1);
  - 3. The following information about the individual with suspected neonatal abstinence syndrome:
    - a. The individual's name;
    - b. The individual's date of birth;
    - c. The individual's gender;
    - d. The individual's race and ethnicity;
    - e. The name of the individual's mother; and
    - f. If not the individual's mother, the name of the individual's guardian;
  - 4. The following information about a diagnosis of neonatal abstinence syndrome:
    - a. The reason for suspecting that the individual has neonatal abstinence syndrome;
    - b. The date of the onset of signs of neonatal abstinence syndrome;
    - c. The date of diagnosis;
    - d. ~~Except as provided in subsection (G), if~~ If the diagnosis was confirmed through one or more tests performed by a clinical laboratory, for each test:
      - i. The name, address, and telephone number of the clinical laboratory;
      - ii. The date a specimen was collected from the individual;
      - iii. The type of specimen collected;
      - iv. The type of laboratory test performed; and
      - v. The laboratory test result and date of the result; and
    - e. Whether any of the following supported a diagnosis of neonatal abstinence syndrome:
      - i. A maternal history of opioid use,
      - ii. A positive laboratory test for opioid use by the individual's mother, or
      - iii. A positive laboratory test for opioids in the individual;
  - 5. If known, the following information about the suspected neonatal abstinence syndrome:
    - a. The source of the opioid believed to have caused the neonatal abstinence syndrome; and
    - b. If the source of the opioid used by the individual's mother was not through a prescription order, as defined in A.R.S. § 32-1901, the specific opioid used by the individual's mother; and
  - 6. The date of the report.
- E.** ~~Except as specified in subsection (B), a pharmacist shall, either personally or through a representative, submit a report to the Department, in a format provided by the Arizona Board of Pharmacy and within five business days after dispensing naloxone to an individual, that includes:~~
- 1. ~~The following information about the pharmacist:~~
    - a. ~~Name;~~
    - b. ~~Pharmacy street address, city, county, and zip code; and~~
    - c. ~~The professional license number issued to the pharmacist under A.R.S. Title 32;~~
  - 2. ~~The number of doses of naloxone dispensed to the individual by the pharmacist;~~
  - 3. ~~The date the naloxone was dispensed; and~~
  - 4. ~~The date of the report.~~



- E.** A pharmacist who dispenses naloxone or another opioid antagonist to an individual according to A.R.S. § 32-1979 shall, either personally or through a representative, submit a report as required in A.R.S. § 32-1979 to document the dispensing.
- F.** A medical examiner shall, either personally or through a representative, submit a report to the Department, in a Department-provided format and within five business days after the completion of the death investigation required in A.R.S. § 11-594 on the human remains of a deceased individual with a suspected opioid overdose, that includes:
  1. The following information about the medical examiner:
    - a. Name; and
    - b. Street address, city, county, and zip code;
  2. The following information about the deceased individual with a suspected opioid overdose:
    - a. The deceased individual's name;
    - b. The deceased individual's date of birth;
    - c. The deceased individual's gender;
    - d. The deceased individual's race and ethnicity;
    - e. Whether the deceased individual was pregnant and, if so, the expected date of delivery;
    - f. If applicable, the name of the deceased individual's guardian; and
    - g. Whether naloxone or another opioid antagonist was administered to the deceased individual before the deceased individual's death and, if known:
      - i. The type of entity that administered the naloxone or other opioid antagonist to the deceased individual, or
      - ii. That the naloxone or other opioid antagonist was administered to the deceased individual by another individual;
  3. The following information about the diagnosis of opioid overdose:
    - a. The reason for suspecting that the deceased individual had an opioid overdose;
    - b. The date of the opioid overdose;
    - c. The date of diagnosis; and
    - d. If the diagnosis was confirmed by clinical laboratory tests:
      - i. The name, address, and telephone number of the clinical laboratory;
      - ii. The date a specimen was collected from the deceased individual;
      - iii. The type of specimen collected;
      - iv. The type of laboratory test performed; and
      - v. The laboratory test result and date of the result;
  4. If applicable, a copy of the clinical laboratory test results;
  5. If known, the following information about the suspected opioid overdose:
    - a. Whether the opioid overdose appeared to be intentional or unintentional;
    - b. The location where the opioid overdose took place;
    - c. Whether the deceased individual was alone at the time of the opioid overdose;
    - d. The specific opioid that appeared to be responsible for the opioid overdose;
    - e. Whether the deceased individual was prescribed an opioid within the 90 calendar days before the date of the opioid overdose; and
    - f. Whether the opioid overdose was the first time the deceased individual was known to have had an opioid overdose and, if not, the number of previous opioid overdoses the deceased individual had had;
  6. Whether the deceased individual with the suspected opioid overdose:
    - a. Died from the suspected opioid overdose and, if so, the date of death; or
    - b. Died from another cause after experiencing a suspected opioid overdose and, if so, the date of death; and
  7. The date of the report.
- G.** ~~A director of a clinical laboratory, on the premises of a health care institution licensed as a hospital, as defined in A.A.C. R9-10-101, or performing laboratory tests under an arrangement with a hospital, shall submit a report to the Department, in a Department-provided format and within five business days after completing laboratory tests on one or more specimens from an individual that indicate a positive result for the presence of an opioid or an opioid metabolite, that includes:~~
  - ~~1. The name and address of the clinical laboratory;~~
  - ~~2. The name and telephone number of the director of the clinical laboratory;~~
  - ~~3. The name and, if available, the address of the individual;~~
  - ~~4. The date of birth of the individual;~~
  - ~~5. The gender of the individual;~~
  - ~~6. The laboratory identification number;~~
  - ~~7. For each laboratory test performed:~~
    - ~~a. The date of collection of the specimen;~~
    - ~~b. The type of specimen collected;~~
    - ~~c. The type of laboratory test performed on the specimen;~~
    - ~~d. The laboratory test result, including quantitative values and reference ranges, if applicable; and~~
    - ~~e. The date of the laboratory test result; and~~
  - ~~8. The date of the report.~~
- H.** Information collected on individuals pursuant to this Article is confidential, subject to disclosure provisions in A.R.S. Title 12, Chapter 13, Article 7.1, and 9 A.A.C. 1, Article 3.
- G.** Information collected on individuals pursuant to this Article is confidential according to:
  1. A.R.S. § 36-133(F); and
  2. If applicable, A.R.S. §§ 36-2401 through 36-2403.



**NOTICES OF RULEMAKING DOCKET OPENING**

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

**NOTICE OF RULEMAKING DOCKET OPENING  
DEPARTMENT OF AGRICULTURE  
WEIGHTS AND MEASURES SERVICES DIVISION**

[R18-48]

1. **Title and its heading:** 3, Agriculture  
**Chapter and its heading:** 7, Department of Agriculture - Weights and Measures Services Division  
**Article and its heading:** 1, Administration and Procedures  
 7, Motor Fuels and Petroleum Products  
**Section numbers:** R3-7-101, R3-7-701, R3-7-702, R3-7-708, R3-7-749, R3-7-751, R3-7-752, R3-7-755, R3-7-757, R3-7-759, Table 1 and Table 2
2. **The subject matter of the proposed rule:**  
 The Department is updating the rules to conform to requirements passed in Laws 2017, Chapter 295 (HB2368). Additionally, the Department is incorporating the latest versions of Handbooks 44, 130, and 133 that outline method of sale, package and labeling, packaged goods, and commercial device requirements to maintain consistency with national standards and making other clarifying edits.
3. **A citation to all published notices relating to the proceeding:**  
 Notice of Proposed Rulemaking: 24 A.A.R. 595, March 23, 2018 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
 Name: Michelle Wilson  
 Address: Arizona Department of Agriculture  
 Weights and Measures Services Division  
 1688 W. Adams St.  
 Phoenix, AZ 85007  
 Telephone: (602) 771-4933  
 Fax: (602) 939-8586  
 E-mail: Mwilson@AZDA.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
 Written comments may be submitted at any time prior to the close of the public record on April 24, 2018 at 12:00 p.m. Written comments not submitted at the oral proceeding should be submitted to Michelle Wilson, Arizona Department of Agriculture, Weights and Measures Services Division, 1688 W. Adams St., Phoenix, AZ 85007. An oral proceeding will be held on April 24, 2018 at 10:00 a.m., at the Arizona Department of Agriculture, Room 206. Oral comments may be made at the oral proceeding.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
 See the Notice of Proposed Rulemaking on page 595 of this issue.



NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA MEDICAL BOARD

[R18-63]

- 1. Title and its heading: 4, Professions and Occupations
Chapter and its heading: 16, Arizona Medical Board
Article and its heading: 1, General Provisions; 4, Medical Assistants
Section numbers: R4-16-101 through R4-16-103, R4-16-401, and R4-16-402
2. The subject matter of the proposed rule: In a five-year-review report approved by the Council on December 5, 2017, the Board indicated it would amend the rules in this rulemaking.
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: Patricia McSorley, Executive Director
5. The time during which the agency will accept written comments and the time and place where oral comments may be made: The Board will accept comments during business hours at the address listed in item 4.
6. A timetable for agency decisions or other action on the proceeding, if known: To be determined

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES AND INFESTATIONS

[R18-49]

- 1. Title and its heading: 9, Health Services
Chapter and its heading: 6, Department of Health Services - Communicable Diseases and Infestations
Articles and their headings: 7, Required Immunizations for Child Care or School Entry
Section numbers: R9-6-701 through R9-6-707, Table 1, Table 2, R9-6-708
2. The subject matter of the proposed expedited rules: Arizona Revised Statutes (A.R.S.) § 36-136(l)(1) requires the Arizona Department of Health Services (Department) to "define and prescribe reasonably necessary measures for detecting, reporting, preventing and controlling communicable and preventable diseases."
3. A citation to all published notices relating to the proceeding: None

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

Name: Dana Goodloe, Office Chief  
Address: Arizona Department of Health Services  
Bureau of Epidemiology and Disease Control  
150 N. 18th Ave., Suite 120  
Phoenix, AZ 85007-3248  
Telephone: (602) 364-3630  
Fax: (602) 364-3285  
E-mail: Dana.Goodloe@azdhs.gov  
or  
Name: Robert Lane, Chief  
Address: Arizona Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007  
Telephone: (602) 542-1020  
Fax: (602) 364-1150  
E-mail: Robert.Lane@azdhs.gov

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

To be announced in the Notice of Proposed Expedited Rulemaking

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

To be announced in the Notice of Proposed Expedited Rulemaking



**NOTICES OF PUBLIC INFORMATION**

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the Register.

Because of the variety of Notices of Public Information, the Office of the Secretary of State has not established a specific publishing format for these notices. We do however require agencies to use a numbered list of questions and answers and follow our filing requirements by presenting receipts with electronic and paper copies.

**NOTICE OF PUBLIC INFORMATION  
ARIZONA BOARD OF TECHNICAL REGISTRATION**

[M18-33]

**1. Title of the policy statements and the substantive policy statement numbers by which the substantive policy statements are referenced:**

Policy Statement Number 17 - Whether acting as an expert witness constitutes “engineering practice” under Arizona statutes.

**2. The public information relating to the substantive policy statements:**

The Arizona Board of Technical Registration (Board) is rescinding the substantive policy statement specified in paragraph #1, effective February 27, 2018. The Board does not have a policy in place regarding ‘whether acting as an expert witness constitutes “engineering practice” under Arizona statutes’.

**3. Name and address of agency personnel with whom persons may communicate regarding this notice of public information:**

Name: Patrice Pritzl  
Address: Arizona Board of Technical Registration  
1110 W. Washington St.  
Phoenix AZ 85007, Suite 240  
Telephone: (602) 364-4955  
Fax: (602) 364-4931  
E-mail: Patrice.pritzl@azbtr.gov  
Web site: <https://btr.az.gov>




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## NOTICES OF SUBSTANTIVE POLICY STATEMENT

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The *Administrative Procedure Act* (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(9)).

Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect an agency's

internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

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### NOTICE OF SUBSTANTIVE POLICY STATEMENT ARIZONA STATE RETIREMENT SYSTEM

[M18-34]

1. **Title of the Substantive Policy Statement and the Substantive Policy Statement number by which the Substantive Policy Statement is referenced:**  
 Title: Compensation for ASRS Purposes  
 Number: Not numbered
2. **Date the Substantive Policy Statement was issued and the effective date of the Substantive Policy Statement if different from the issuance date:**  
 Issue date: February 28, 2018  
 Effective date: February 28, 2018
3. **Summary of the contents of the Substantive Policy Statement:**  
 The purpose of this Substantive Policy Statement is to notify the public of the Arizona State Retirement System's interpretation of the applicability of its compensation rules.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**  
 Arizona Revised Statutes §§ 38-613, 38-711, 38-736, 38-737, 38-739, 38-746, 38-769, 38-797.05, 41-192 and Arizona Administrative Code, Title 2, Chapter 8, Article 9.
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**  
 This is a new statement.
6. **The agency contact person who can answer questions about the Substantive Policy Statement:**  
 Name: Jessica A.R. Thomas, Legislative Liaison  
 Address: Arizona State Retirement System  
 3300 N. Central Ave., Suite 1400  
 Phoenix, AZ 85012  
 Telephone: (602) 240-2039  
 E-mail: [JessicaT@azasrs.gov](mailto:JessicaT@azasrs.gov)  
 Website: [www.azasrs.gov](http://www.azasrs.gov)
7. **Information about where a person may obtain a copy of the Substantive Policy Statement and the costs for obtaining the Substantive Policy Statement:**  
 Copies of this Substantive Policy Statement may be obtained electronically at the website above or in the Arizona Administrative Register. Copies of the substantive policy statement may also be obtained from the ASRS office at the above address for \$0.10 per page.

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**REGISTER INDEXES**

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The *Register* is published by volume in a calendar year (See “General Information” in the front of each issue for more information).

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Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**

PN = Proposed new Section  
PM = Proposed amended Section  
PR = Proposed repealed Section  
P# = Proposed renumbered Section

**SUPPLEMENTAL PROPOSED RULEMAKING**

SPN = Supplemental proposed new Section  
SPM = Supplemental proposed amended Section  
SPR = Supplemental proposed repealed Section  
SP# = Supplemental proposed renumbered Section

**FINAL RULEMAKING**

FN = Final new Section  
FM = Final amended Section  
FR = Final repealed Section  
F# = Final renumbered Section

**SUMMARY RULEMAKING****PROPOSED SUMMARY**

PSMN = Proposed Summary new Section  
PSMM = Proposed Summary amended Section  
PSMR = Proposed Summary repealed Section  
PSM# = Proposed Summary renumbered Section

**FINAL SUMMARY**

FSMN = Final Summary new Section  
FSMM = Final Summary amended Section  
FSMR = Final Summary repealed Section  
FSM# = Final Summary renumbered Section

**EXPEDITED RULEMAKING****PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section  
PEM = Proposed Expedited amended Section  
PER = Proposed Expedited repealed Section  
PE# = Proposed Expedited renumbered Section

**SUPPLEMENTAL EXPEDITED**

SPEN = Supplemental Proposed Expedited new Section  
SPEM = Supplemental Proposed Expedited amended Section  
SPER = Supplemental Proposed Expedited repealed Section  
SPE# = Supplemental Proposed Expedited renumbered Section

**FINAL EXPEDITED**

FEN = Final Expedited new Section  
FEM = Final Expedited amended Section  
FER = Final Expedited repealed Section  
FE# = Final Expedited renumbered Section

**EXEMPT RULEMAKING****EXEMPT PROPOSED**

PXN = Proposed Exempt new Section  
PXM = Proposed Exempt amended Section  
PXR = Proposed Exempt repealed Section  
PX# = Proposed Exempt renumbered Section

**EXEMPT SUPPLEMENTAL PROPOSED**

SPXN = Supplemental Proposed Exempt new Section  
SPXR = Supplemental Proposed Exempt repealed Section  
SPXM = Supplemental Proposed Exempt amended Section  
SPX# = Supplemental Proposed Exempt renumbered Section

**FINAL EXEMPT RULEMAKING**

FXN = Final Exempt new Section  
FXM = Final Exempt amended Section  
FXR = Final Exempt repealed Section  
FX# = Final Exempt renumbered Section

**EMERGENCY RULEMAKING**

EN = Emergency new Section  
EM = Emergency amended Section  
ER = Emergency repealed Section  
E# = Emergency renumbered Section  
EEXP = Emergency expired

**RECODIFICATION OF RULES**

RC = Recodified

**REJECTION OF RULES**

RJ = Rejected by the Attorney General

**TERMINATION OF RULES**

TN = Terminated proposed new Sections  
TM = Terminated proposed amended Section  
TR = Terminated proposed repealed Section  
T# = Terminated proposed renumbered Section

**RULE EXPIRATIONS**

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Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index and published by volume page number.

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RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

Table with columns for months (January to June) and rows for dates (1/1 to 1/31). Each row contains 'Date Filed' and 'Effective Date' for each month.



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from November 3, 2017 to May 25, 2018.



## GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <http://grrc.az.gov>.

### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2018

[M18-01]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> November 21, 2017	<i>Tuesday</i> December 19, 2017	<i>Wednesday</i> January 3, 2018	<i>Tuesday</i> January 9, 2018
<i>Tuesday</i> December 19, 2017	<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> January 30, 2018	<i>Tuesday</i> February 6, 2018
<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> February 27, 2018	<i>Tuesday</i> March 6, 2018
<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> March 27, 2018	<i>Tuesday</i> April 3, 2018
<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> April 24, 2018	<i>Tuesday</i> May 1, 2018
<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> May 22, 2018	<i>Wednesday</i> May 30, 2018	<i>Tuesday</i> June 5, 2018
<i>Tuesday</i> May 22, 2018	<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> June 26, 2018	<i>Tuesday</i> July 10, 2018
<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> July 31, 2018	<i>Tuesday</i> August 7, 2018
<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> August 28, 2018	<i>Wednesday</i> September 5, 2018
<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> September 25, 2018	<i>Tuesday</i> October 2, 2018
<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> October 30, 2018	<i>Tuesday</i> November 6, 2018
<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> November 27, 2018	<i>Tuesday</i> December 4, 2018
<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> December 18, 2018	<i>Thursday</i> January 3, 2019	<i>Tuesday</i> January 8, 2019
<i>Tuesday</i> December 18, 2018	<i>Tuesday</i> January 22, 2019	<i>Tuesday</i> January 29, 2019	<i>Tuesday</i> February 5, 2019

\* Materials must be submitted by **5 PM** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.