



Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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Information90
Rulemaking Guide91

RULES AND RULEMAKING

Proposed Rulemaking, Notices of

9 A.A.C. 4 Department of Health Services - Noncommunicable Diseases93
9 A.A.C. 8 Department of Health Services - Food, Recreational, and Institutional Sanitation99

Final Rulemaking, Notices of

20 A.A.C. 6 Department of Insurance103

Final Exempt Rulemaking, Notices of

2 A.A.C. 20 Citizens Clean Elections Commission107
2 A.A.C. 20 Citizens Clean Elections Commission109
2 A.A.C. 20 Citizens Clean Elections Commission111

OTHER AGENCY NOTICES

Public Information, Notices of

Department of Environmental Quality114

Substantive Policy Statement, Notices of Agency

Department of Insurance123

INDEXES

Register Index Ledger124
Rulemaking Action, Cumulative Index for 2018125
Other Notices and Public Records, Cumulative Index for 2018125

CALENDAR/DEADLINES

Rules Effective Dates Calendar126
Register Publishing Deadlines128

GOVERNOR'S REGULATORY REVIEW COUNCIL

Governor's Regulatory Review Council Deadlines129

DIRECTOR
Administrative Rules Division
Scott Cancelosi

PUBLISHER
Secretary of State
MICHELE REAGAN

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal

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.

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PUBLISHER
SECRETARY OF STATE
Michele Reagan

ADMINISTRATIVE RULES STAFF
DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

ADMINISTRATIVE REGISTER
This publication is available online for free at 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.

CONTACT US
Administrative Rules Division
Office of the Secretary of State
1700 W. Washington Street, Fl. 2
Phoenix, AZ 85007
(602) 364-3223

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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.

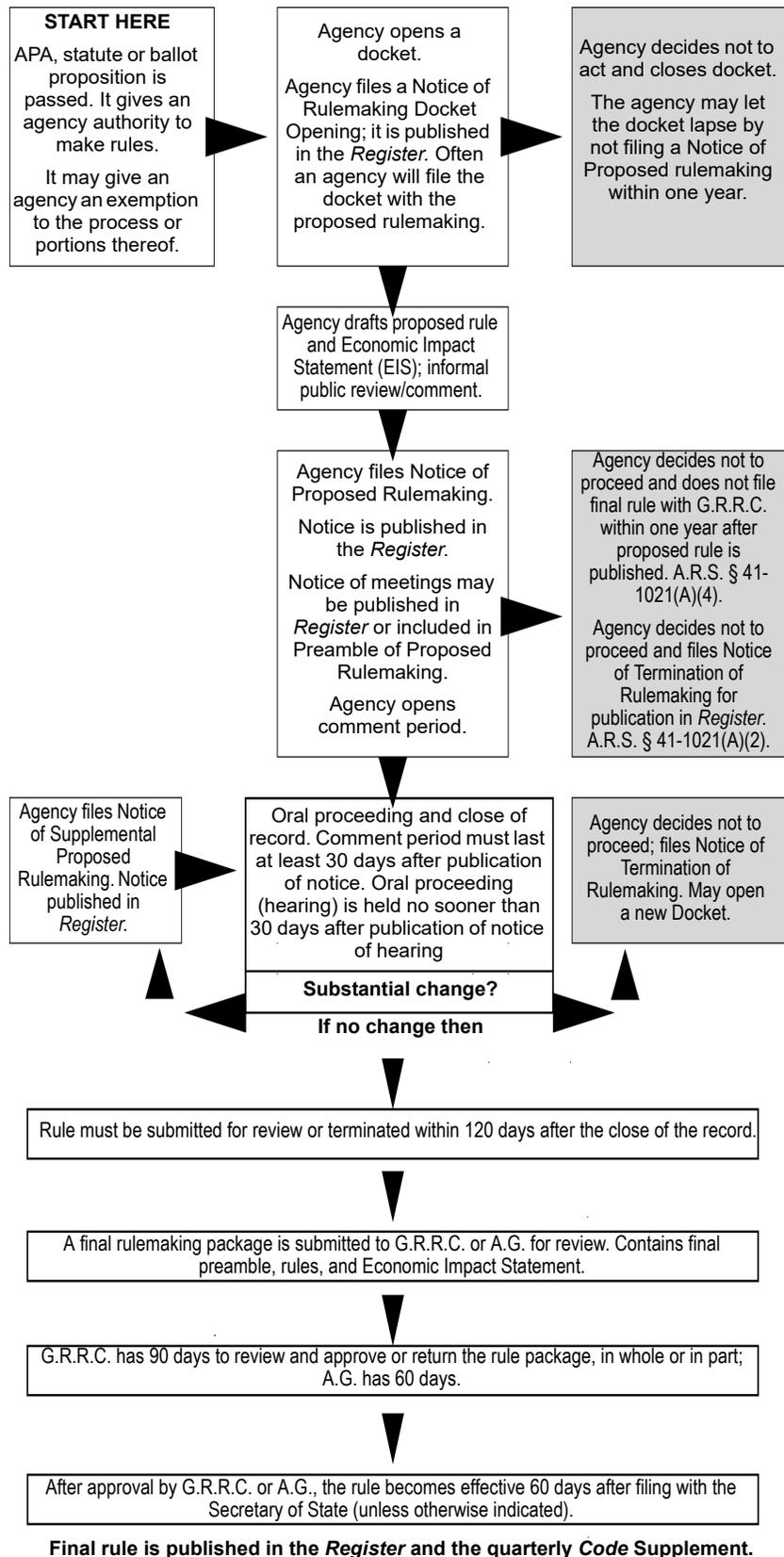
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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.

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

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at 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.

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.

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.



zona, 790 individuals died in 2016 of an opioid overdose, a 74% increase since 2012.

To successfully prevent and combat opioid use disorder, overdoses, and deaths, the Department needs to be able 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 5, 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, and on October 9, 2017, when opioid-related reporting began under an emergency rule.

The Department has 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. The proposed rules will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

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 based the need for this rulemaking on the following two documents:

- a. The Department’s “2016 Arizona Opioid Report,” available at <http://azdhs.gov/documents/audiences/clinicians/clinical-guidelines-recommendations/prescribing-guidelines/arizona-opioid-report.pdf>; and
- b. The U.S. Centers for Disease Control and Prevention’s Morbidity and Mortality Weekly Report (MMWR) “Vital Signs: Changes in Opioid Prescribing in the United States, 2006-2015,” published July 7, 2017, available at https://www.cdc.gov/mmwr/volumes/66/wr/mm6626a4.htm?s_cid=mm6626a4_w.

Both documents present factual data describing the extent of the opioid epidemic in Arizona and the United States, respectively.

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:

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 proposed 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 proposed rules.

Reports of opioid overdose deaths are required by the proposed rules to be reported by medical examiners 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 new rules.

Licensed health care institutions are required by the proposed 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 proposed 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 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 proposed rules a citation to A.R.S. § 32-1979. The Department believes this change from the requirements in the 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.

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

Name: Colby Bower, Assistant Director
Address: Department of Health Services
Public Health Licensing Services
150 N. 18th Ave., Suite 510
Phoenix, AZ 85007
Telephone: (602) 542-6383
Fax: (602) 364-4808
E-mail: Colby.Bower@azdhs.gov
or
Name: Robert Lane, Chief
Address: 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

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:

The Department has scheduled the following oral proceeding:

Date and time: Thursday, February 22, 2018, 10:30 a.m.
Location: 150 N. 18th Ave., Room 215
Phoenix, AZ 85007
Close of record: Thursday, February 22, 2018, 4:00 p.m.

A person may submit written comments on the proposed rule no later than the close of record to either of the individuals listed in items 4 and 9.

A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Robert Lane at Robert.Lane@azdhs.gov or (602) 542-1020. Requests should be made as early as possible to allow time to arrange the accommodation.

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 reasons why a general permit is not used:

The 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:

Not applicable



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 business competitiveness analysis was received by the Department.

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 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 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.
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.
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 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. 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
 10. The date of the report.
- 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, 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. 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
 - iv. Left the health care institution against medical advice; or
 - b. Died 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, 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. 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. 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



Telephone: (602) 364-3142
 Fax: (602) 364-3146
 E-mail: Eric.Thomas@azdhs.gov
 or
 Name: Robert Lane, Chief
 Address: 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. An explanation of the rules, including the agency’s reasons for initiating the rules:

Since the rules in Arizona Administrative Code (A.A.C.) Title 9, Chapter 8, Article 1, were last revised, several statutory changes have been made to Arizona Revised Statutes (A.R.S.) § 36-136 that affect these rules. Laws 2016, Ch. 54, § 1 requires the Department to adopt rules that provide an exemption from the requirements in 9 A.A.C. 8, Article 1 for food and drink that is served at a noncommercial social event, such as a potluck. This new statutory change eliminates the requirement that food or drink served at a noncommercial event, such as a potluck, has to take place at a workplace for the serving of the food and drink to be exempt from food establishment licensing/permit requirements. Laws 2016, Ch. 243, § 1 requires the Department to adopt rules that provide an exemption from the requirements in 9 A.A.C. 8, Article 1 for food and drink that is a “whole fruit or vegetable grown in a public school garden that is washed and cut on-site for immediate consumption.” Lastly, Laws 2013, Ch. 6, § 1 removes the requirement of exemption for commercially prepackaged food or drink that is not potentially hazardous to be displayed in an area of less than ten linear feet. The Department lists facilities and food sources that are exempt from complying with the requirements for food establishments in 9 A.A.C. 8, Article 1 in R9-8-102. The Department received an exception from the Governor’s rulemaking moratorium, established by Executive Order 2016-03, and is proposing to amend this rule to implement these statutory changes and to clarify cross-references. The proposed amendments will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rules or proposes not to 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 did not review or rely on any study related to this rulemaking package.

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules 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:

As used in this summary, annual costs/revenues are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000. Costs are listed as significant when meaningful or important, but not readily subject to quantification. Stakeholders who may be affected by the rulemaking include the Department, county agencies acting as regulatory authorities, regulated food establishments, public schools, exempt facilities, organizers of noncommercial social events outside of a workplace, and students at public schools.

This rulemaking clarifies the types of facilities that are exempt from the requirements in 9 A.A.C. 8, Article 1, as well as makes the list in the rule of the types of food and drink that are exempt consistent with A.R.S. § 36-136(I)(4). This clarity makes the Department’s enforcement of the rule easier and reduces the number of questions received about the current inconsistency of the rule with statute. Therefore, the Department expects to receive a significant benefit from the changes made as part of the rulemaking, but may incur minimal costs providing technical assistance to persons affected by the rulemaking. The clarifications made to the rule related to those types of facilities that are exempt from the requirements in 9 A.A.C. 8, Article 1, may provide a significant benefit to these facilities.

The Department delegates the authority for regulating food establishments within their jurisdictions to the county regulatory authorities. Therefore, the clarity of the new rule should also make the jobs of the county sanitarians easier. The Department expects a county to receive a significant benefit from the changes made as part of the rulemaking and possibly incur a minimal cost for providing further education about the new rule requirements to its sanitarians.

The Department anticipates that the clarity of the new rule in addressing the exception for the use of fruits and vegetables grown in a school garden may provide a significant benefit to a public school, and the use of fruits and vegetables grown in a school garden, rather than purchased from an outside source, may provide a minimal decrease in costs for a public school. A public school, as well as the student of the public school may receive a significant benefit from a student’s satisfaction and sense of accomplishment in eating fruits and vegetables grown in the school garden.

While the clarity of the new rule may provide a significant benefit to a regulated food establishment, the extension of the exception for pot lucks to a noncommercial social event outside of a workplace, specified in the revised statute, may cause a food establishment that would otherwise have been paid to provide food for the noncommercial social event to incur a substantial decrease in revenue. A food establishment that had been providing fruits and vegetables to a public school may also experience up to a substantial decrease in revenue if the public school reduces an order for fruits and vegetables due to serving fruits and vegetables grown in the school’s garden.



The new rule makes clear that food or drink served at a noncommercial social event not occurring at a workplace is also exempt from the requirements in 9 A.A.C. 8, Article 1. If an organizer of a noncommercial social event not occurring at a workplace knows of the exception due to the rule change and understands that attendees have the ability to make food themselves, instead of purchasing it from a regulated business, the rule change may provide as much as a substantial benefit to the organizer of the non-commercial social event. The Department has determined that the benefits outweigh any potential costs associated with this rulemaking.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

- Name: Eric Thomas, Chief
- Address: Department of Health Services
Division of Public Health Services, Public Health Preparedness,
Office of Environmental Health
150 N. 18th Ave., Suite 140
Phoenix, AZ 85007-3248
- Telephone: (602) 364-3142
- Fax: (602) 364-3146
- E-mail: Eric.Thomas@azdhs.gov
- or
- Name: Robert Lane, Chief
- Address: 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

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

The Department has scheduled the following oral proceeding:

- Date and time: February 15, 2018 at 2:00 p.m.
- Location: 150 N. 18th Ave., Room 415B
Phoenix, AZ 85007
- Close of record: 4:00 p.m., February 15, 2018

A person may submit written comments on the proposed rules no later than the close of record to either of the individuals listed in items #4 and #9.

A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Robert Lane at Robert.Lane@azdhs.gov or (602) 542-1020. Requests should be made as early as possible to allow time to arrange the accommodation.

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

Not applicable

12. Incorporations by reference and their location in the rule:

Not applicable

13. The full text of the rule follows:

**TITLE 9. HEALTH SERVICES
CHAPTER 8. DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION**

ARTICLE 1. FOOD AND DRINK

Section
R9-8-102. Applicability

ARTICLE 1. FOOD AND DRINK

R9-8-102. Applicability

- A. Except as provided in subsection (B), this Article applies to any FOOD ESTABLISHMENT.
- B. This Article does not apply to the following, which are not subject to routine inspection or other regulatory activities by a REGULATORY AUTHORITY:
 1. The beneficial use of wildlife meat authorized in A.R.S. § 17-240 and 12 A.A.C. 4, Article 1;
 2. Group homes, as defined in A.R.S. ~~Title 36, Chapter 5.1, Article 1~~ § 36-551;



- 3. Child care group homes, as defined in A.R.S. ~~Title 36, Chapter 7.1, Article 4~~ § 36-897 and licensed under 9 A.A.C. 3;
 - 4. Residential group care facilities, as defined in ~~6 A.A.C. 5, Article 74, A.A.C. R6-5-7401~~ that have 20 or fewer clients;
 - 5. Assisted living homes, as defined in A.R.S. § 36-401(A) and licensed under 9 A.A.C. 10, Article 7 8;
 - 6. Adult day health care ~~services~~ facilities, as defined in A.R.S. § 36-401(A) and licensed under 9 A.A.C. 10, Article 7 11, that ~~have~~ are authorized by the Department to provide services to 15 or fewer clients participants;
 - 7. Behavioral health ~~service agencies~~ residential facilities, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 20 10, Article 7, that ~~are authorized by the Department to provide residential or partial care services for~~ to 10 or fewer clients residents;
 - 8. Hospice inpatient facilities, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 8 6, that ~~are authorized by the Department to provide services for~~ have 20 or fewer patients;
 - 9. Substance abuse transitional facilities, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 14, that ~~are authorized by the Department to provide services to~~ 10 or fewer participants;
 - 10. Behavioral health respite homes, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 16;
 - 11. Adult behavioral health therapeutic homes, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 18;
 - 9-12. Food or drink that is:
 - a. Served at a noncommercial social event ~~that takes place at a workplace,~~ such as a potluck;
 - b. Prepared at a cooking school if:
 - i. The cooking school is conducted in the kitchen of an owner-occupied home,
 - ii. Only one meal per day is prepared and served by students of the cooking school,
 - iii. The meal prepared at the cooking school is served to not more than 15 students of the cooking school, and
 - iv. The students of the cooking school are provided with written notice that the food is prepared in a kitchen that is not regulated or inspected by a REGULATORY AUTHORITY;
 - c. Not potentially hazardous and prepared in a kitchen of a private home for occasional sale or distribution for noncommercial purposes;
 - d. Prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled, such as an employee recognition, an employee fund-raising, or an employee social event;
 - e. Offered at a child care facility and limited to commercially prepackaged food that is not potentially hazardous and whole fruits and vegetables that are washed and cut onsite for immediate consumption; or
 - f. Offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous ~~and that is displayed in an area of less than 10 linear feet; and~~
 - 10-13. Baked or ~~confectionary~~ confectionery goods that are:
 - a. Not potentially hazardous;
 - b. Prepared in the kitchen of a private home for commercial purposes by or under the supervision of an individual who has obtained a food handler's card, if issued by the county in which the individual resides, and is registered with the Department, as required in A.R.S. § ~~36-136(H)(4)(g)~~ 36-136(I)(4)(g); and
 - c. Labeled with:
 - i. The name, address, and telephone number of the individual registered with the Department;
 - ii. A list of the ingredients in the baked or ~~confectionary~~ confectionery goods;
 - iii. A statement that the baked or ~~confectionary~~ confectionery goods are prepared in a private home; and
 - iv. If applicable, a statement that the baked or ~~confectionary~~ confectionery goods are prepared in a facility for individuals with developmental disabilities; ~~and~~
 - 14. Fruits and vegetables grown in a garden at a public school, as defined in A.R.S. § 15-101, that are washed and cut on-site for immediate consumption.
- C. A kitchen in a private home in which baked or ~~confectionary~~ confectionery goods are prepared that meets the requirements in A.R.S. § ~~36-136(H)(4)(g)~~ 36-136(I)(4)(g) and ~~(H)(13) (I)(13)~~ and subsection ~~(B)(10) (B)(13)~~ is an approved source of baked or ~~confectionary~~ confectionery goods for retail sale.



gated R20-6-607, Reasonableness of Benefits in Relation to Premium Charged, to assist the Department in implementing ARS § 20-1342.02. The Department used a National Association of Insurance Commissioners (NAIC) Model Regulation, Guidelines for Filing of Rates for Individual Health Insurance Forms (“Model Regulation”), as a template for R20-6-607. However, the Department opted to use a dollar amount to establish the average premium amounts instead of the formula in the Model Regulation which utilized the Consumer Price Index.

Since that time, market conditions have seen an increase in the average premium amounts. The changes being proposed reflect the increase in average premium amounts and are calculated to accommodate increases until 2024 before another rulemaking may be needed.

The range of average annual premiums is changed from a range of \$100 to \$200 to a range of \$200 to \$700 to more accurately reflect current policy values.

The rulemaking also corrects some reference errors within the rule and rewrites one subsection to conform with rule writing standards.

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

No changes

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

The Department did not receive any public or stakeholder comments.

12. All agencies shall list other matters prescribed by statute that are 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 reasons why a general permit is not used:

No permit is required.

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

No federal law is applicable.

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 person submitted an analysis that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states.

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

Not applicable

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:

The rule was not previously made, amended or repealed as an emergency rule.

15. The full text of the rule follows:

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 6. DEPARTMENT OF INSURANCE**

ARTICLE 6. TYPES OF INSURANCE CONTRACTS

Section

R20-6-607. Reasonableness of Benefits in Relation to Premium Charged

ARTICLE 6. TYPES OF INSURANCE CONTRACTS

R20-6-607. Reasonableness of Benefits in Relation to Premium Charged

- A. Applicability. This rule shall apply to individual disability insurance (as defined in A.R.S. § 20-253) policy forms and rates.
- B. When rate filing is required. Every individual policy form, rider or endorsement form affecting benefits which is submitted for approval shall be accompanied by a rate filing unless such rider or endorsement form does not require a change in the rate. Any subsequent addition to or change in rates applicable to such policy, rider or endorsement form shall also be filed.
- C. General contents of all rate filings. Each rate submission shall include an actuarial memorandum describing the basis on which rates were determined and shall indicate and describe the calculation of the ratio, hereinafter called “anticipated loss ratio,” of the present value of the expected benefits to the present value of the expected premiums over the entire period for which rates are computed to provide coverage. Each rate submission must also include a certification by a qualified actuary that to the best of the actuary’s knowledge and judgment, the rate filing is in compliance with applicable laws and regulations of this state and that the benefits are reasonable in relation to the premiums.
- D. Previously approved forms. Filings of rate revisions for a previously approved policy, rider or endorsement form shall also include the following:



1. A statement of the scope and reason for the revision, and an estimate of the expected average effect on premiums including the anticipated loss ratio for the form.
 2. A statement as to whether the filing applies only to new business, only to in-force business, or both, and the reasons therefor.
 3. A history of the experience under existing rates, including at least the data indicated in subsection ~~(D)~~ (E). The history may also include, if available and appropriate, the ratios of actual claims to the claims expected according to the assumptions underlying the existing rates. ~~Additional data might include: substitution of actual claim run-offs for claim reserves and liabilities; determination of loss ratios with the increase in policy reserves (other than unearned premium reserves) added to benefits rather than subtracted from premiums; accumulations of experience funds; substitution of net level policy reserves for preliminary term policy reserves; adjustment of premiums to an annual mode basis; or other adjustments or schedules suited to the form and to the records of the company.~~ All additional data must be reconciled, as appropriate, to the required data. Additional data might include:
 - a. Substitution of actual claim run-offs for claim reserves and liabilities.
 - b. Determination of loss ratios with the increase in policy reserves (other than unearned premium reserves) added to benefits rather than subtracted from premiums.
 - c. Substitution of net level policy reserves for preliminary term policy reserves.
 - d. Adjustment of premiums to an annual mode basis, or
 - e. Other adjustments or schedules suited to the form and to the records of the company.
 4. The date and magnitude of each previous rate change, if any.
- E.** Experience records. Insurers shall maintain records of earned premiums and incurred benefits for each calendar year for each policy form, including data for rider and endorsement forms which are used with the policy form, on the same basis, including all reserves, as required for the Accident and Health Policy Experience Exhibit to the NAIC annual statement convention blank. Separate data may be maintained for each rider or endorsement form to the extent appropriate. Experience under forms which provide substantially similar coverage may be combined. The data shall be for all years of issue combined, for each calendar year of experience since the year the form was first issued, except the data for calendar years prior to the most recent five years may be combined.
- F.** Evaluation experience data. In determining the credibility and appropriateness of experience data, due consideration must be given to all relevant factors, such as:
1. Statistical credibility of premiums and benefits, e.g., low exposure, low loss frequency.
 2. Experienced and projected trends relative to the kind of coverage, e.g., inflation in medical expenses, economic cycles affecting disability income experience.
 3. The concentration of experience at early policy durations where select morbidity and preliminary term reserves are applicable and where loss ratios are expected to be substantially lower than at later policy durations.
 4. The mix of business by risk classification.
- G.** Anticipated loss ratio standard. With respect to a new form or a currently approved form, except currently approved non-cancelable policy forms, under which the average annual premium (as defined below) is expected to be at least ~~\$200~~, \$700, benefits shall be deemed reasonable in relation to premiums provided the anticipated loss ratio is at least as great as shown in the following table:

Type of Coverage	Renewal Clause			
	OR	CR	GR	NC
Medical expense	60%	55%	55%	50%
Loss of income and other	60%	55%	50%	45%

For a policy form including riders and endorsements, under which the expected average annual premium per policy is ~~\$100~~ \$200 or more but less than ~~\$200~~, \$700, subtract 5 percentage points from the numbers in the table above, or if less than ~~\$100~~, \$200, subtract 10 percentage points.

The average annual premium per policy shall be computed by the insurer based on an anticipated distribution of business by all applicable criteria having a price difference, such as age, sex, amount, dependent status, rider frequency, etc., except assuming an annual mode for all policies (i.e., the fractional premium loading shall not affect the average annual premium or anticipated loss ratio calculation.)

The above anticipated loss ratio standards do not apply to a class of business which is regulated by specific statutes or regulations mandating loss ratios for such business, e.g., Medicare Supplement and Credit Life and Disability.

Definitions of Renewal Clause

OR – Optionally Renewable: renewal is at the option of the insurance company.

CR – Conditionally Renewable: renewal can be declined by the insurance company only for stated reasons other than deterioration of health.

GR – Guaranteed Renewable: renewal cannot be declined by the insurance company for any reason, but the insurance company can revise rates on a class basis.

NC – Non-Cancelable: renewal cannot be declined nor can rates be revised by the insurance company.

- H.** Rate revisions. With respect to filings of rate revisions for a previously approved form, benefits shall be deemed reasonable in relation to premiums provided both the following loss ratios meet the standards in subsection ~~(F)~~ (G) above.
1. The anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage;
 2. The anticipated loss ratio derived by dividing (a) by (b) where:
 - a. Is the sum of the accumulated benefits, from the original effective date of the form or the effective date of this regulation, whichever is later, to the effective date of the revision, and the present value of future benefits; and



- b. Is the sum of the accumulated premiums from the original effective date of the form or the effective date of the regulation, whichever is later, to the effective date of the revision, and the present value of future premiums. Such present values shall be taken over the entire period for which the revised rates are computed to provide coverage, and such accumulated benefits and premiums to include an explicit estimate of the actual benefits and premiums from the last date as of which an accounting has been made to the effective date of the revision. Interest shall be used in the calculation of these accumulated benefits and premiums and present values only if it is a significant factor in the calculation of this loss ratio.
- I. Anticipated loss ratios lower than those indicated in subsections ~~(H)~~ and ~~(I)~~ (H)(1) and (H)(2) will require justification based on the special circumstances that may be applicable.
 - 1. Examples of coverages requiring special consideration are as follows:
 - a. Accident only;
 - b. Short term nonrenewable, e.g., airline trip, student accident;
 - c. Specified peril, e.g., common carrier; and
 - d. Other special risks.
 - 2. Examples of other factors requiring special consideration are as follows:
 - a. Marketing methods, giving due consideration to acquisition and administration costs and to premium mode;
 - b. Extraordinary expenses;
 - c. High risk of claim fluctuation because of the low loss frequency of the catastrophic, or experimental nature of the coverage;
 - d. Product features such as long elimination periods, high deductibles and high maximum limits;
 - e. The industrial or debit method of distribution; and
 - f. Forms issued prior to the effective date of this rule. Companies are urged to review their experience periodically and to file rate revisions, as appropriate, in a timely manner to avoid the necessity of later filing of exceptionally large rate increases.
 - 3. Notwithstanding the foregoing paragraphs to the contrary, hospital indemnity and cancer and other dread diseases policies shall develop the loss ratios pursuant to subsection (G).
- J. Severability provision. If any provision of this rule or the application thereof to any person or circumstances is held invalid, the remainder of the rule and the application of such provision to other persons or circumstances shall not be affected thereby.
- K. Effective date. This rule shall become effective upon filing with the Secretary of State and shall apply to all individual disability policy form and rate filings submitted on and after said date.



- 12. 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 not be 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 the federal law and if so, citation to the statutory authority to exceed the requirements of the federal law:**
Not applicable
 - c. Whether a person submitted an analysis to the agency that compares the rule’s impact on the competitiveness of business in this state to the impact on business in other states:**
Not applicable
- 13. A list of any incorporated by reference material and its location in the rules:**
Not applicable
- 14. Whether this rule previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
The rule was not previously made, amended, repealed, or renumbered as an emergency rule.
- 15. The full text of the rules follows:**

TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 1. GENERAL PROVISIONS

Section
R2-20-106. Distribution of Funds to Certified Candidates

ARTICLE 1. GENERAL PROVISIONS

R2-20-106. Distribution of Funds to Certified Candidates

- A.** No change
 - 1. No change
 - a. No change
 - b. No change
 - 2. No change
 - 3. No change
- B.** No change
- C.** No change
- D.** No change
- E.** No change
- F.** No change
- G.** Pursuant to A.R.S. § 16-953(A), a participating candidate shall return to the Fund:
 - 1. ~~all of his or her~~ All primary election funds not committed to expenditures (1) during the primary election period; and (2) for goods or services directed to the primary election. A candidate shall not be deemed to have violated A.R.S. § 16-953(A) or this subsection on account of failure to use all materials purchased with primary election funds prior to the primary election, provided such candidate exercises good faith and diligent efforts to comply with the requirement that goods and services purchased with primary election funds be directed to the primary election. Subject to A.R.S. § 16-953(A) and this subsection, a candidate may continue to use goods purchased with primary election funds during the general election period.
 - 2. All general funds not committed to expenditures (1) during the general election period; and (2) for goods or services directed to the general election.
- H.** All funds returned to the Commission pursuant to subsection (G) of this rule, shall be returned to the Fund by a cashier’s check drawn on the candidate’s campaign bank account. Any fee associated with the issuance of a cashier’s check shall be deemed a direct campaign expenditure and reported on the candidate’s campaign finance report.
- I.** If a participating candidate does not account for any outstanding expenditures in the amount of the funds returned to the Commission, the participating candidate must reconcile the outstanding expenditures with personal monies. Once funds have been returned to the Commission, no further reimbursements from the Clean Elections Fund shall be permitted. Participating candidates may not exceed the primary or general election spending limits.
- J.** Commission staff may waive the return of funds if:
 - 1. The Commission staff determines the amount to be returned is de minimus;
 - 2. The Commission staff determines the cost of recovery exceeds the amount of the return;
 - 3. The funds to be returned shall not exceed \$25; and
 - 4. The Commission is notified of any waiver of the return of funds.



NOTICE OF FINAL EXEMPT RULEMAKING
TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R17-265]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
 R2-20-109 Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific) and the statute or session law authorizing the exemption:**
 Authorizing statute: A.R.S. §§ 16-940, 16-941, 16-942, 16-956, 16-957, 16-958.
 Implementing statute and statute authorizing the exemption: A.R.S. § 16-956(C).
 The Citizens Clean Elections Commission is exempt from Executive Order 15-01.
3. **The effective date of the rule and the agency's reason it selected the effective date:**
 The rule herein is currently in effect. On December 14, 2017, the Commission unanimously voted to reenact and republish this rule for the purpose of public notice and clarity.
4. **A list of all notices published in the Register as specified in R9-1-409(A) that pertain to the record of the exempt rulemaking:**
 Not applicable
5. **The agency's contact person who can answer questions about the rulemaking:**
 Name: Thomas M. Collins, Executive Director
 Address: Citizens Clean Elections Commission
 1616 W. Adams St., Suite 110
 Phoenix, AZ 85007
 Telephone: (602) 364-3477
 Fax: (602) 364-3487
 E-mail: thomas.collins@azcleelections.gov
6. **An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**
 R2-20-109. Independent Expenditure Reporting Requirements

This action is being taken because of an invalid notice from the Governor's Regulatory Review Council (GRRC). The rule, which remains in effect, provides guidance and explanation of the application of the Clean Elections Act to persons who make independent expenditures in state and legislative races. *See Clean Elections Institute v. Brewer*, 99 P. 3d 570, 574 (Ariz. 2004) (explaining that the Commission is "require[d]" to enforce laws related to independent expenditures). The rule thus:

- provides that all persons are to file reports required subject to penalty pursuant to Chapter 6, Article 2 shall do so with the with the Arizona Secretary of State's online system.
 provides for the Executive Director to take steps to implement a substitute reporting process for independent expenditures when the system provided by the Secretary of State is unavailable or a portion is unavailable or when directed by another Commission rule;
- provides that persons who make independent expenditures in state and legislative races are subject to the terms of A.R.S. 16-941 and 16-942. The rule also provides explanation of how such penalties shall be applied pursuant to A.R.S. 16-957 (providing procedures for application of penalties against "persons" who are found in violation of the Clean Elections Act).
- provides explanation for the application of 16-942(B) to any entity that fails to file reports pursuant to Chapter 6 pursuant to A.R.S. 16-957 (providing procedures for application of penalties against "persons" who are found in violation of the Clean Elections Act); *see also* A.R.S. 16-901 (defining entity as "a corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative, unincorporated organization or association or other organized group that consists of more than one individual.")
- provides that an entity shall not be found to be a political committee unless certain criteria are met. Provides that an entity may argue that, by a preponderance of the evidence, it is not a political committee pursuant to any definition in Title 16 and that the Commission may, in such case, determine the entity is not a committee.

The Commission's rulemakings are exempt from Title 41, Ch. 6, Article 3, pursuant to A.R.S. § 16-956. Some provisions of these rules are primarily the result of SB1516 (2016). SB 1516 contains provisions that raise serious questions under the Arizona and U.S. Constitutions. Among other things, SB 1516 includes provisions that attempt to preempt the Commission's rulemaking authority (A.R.S. § 16-901(42)), narrow the definitions of expenditure and contribution and eliminate the definition of political committee adopted by the Clean Elections Act in 1998, raising serious constitutional questions under the Voter Protection Act of the Arizona Constitution.

The Commission does not, by adopting these rules, waive any legal objection to the enactment of laws that violate the Voter Protection Act. Rather, it adopted these rules in the interest of harmonizing the Commission's rules with the existing statutes in order to avoid confusion within the regulated community and encourage consistency between the Commission's rules and the policies of other election-related offices.



In addition to the VPA issues, the provisions of SB 1516 raise questions of equal protection regarding the treatment of corporations registered in Arizona that also have 501 status with the IRS and questions under Article 7, §. 16 of the Arizona Constitution regarding the publication of campaign contributions and expenditures. The Commission notes these issues for the record, but again, seeks as much as possible to harmonize its rules. The Commission retains its full authority to enforce Article 2 of Chapter 6 of Title 16 consistent with the terms of the statute, as well as the court interpretations which confirm its straightforward terms.

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:**

Not applicable

8. **A showing of good cause why the rule 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. **The summary of the economic, small business, and consumer impact, if applicable:**

Not applicable

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

Not applicable

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

The Commission solicits public comment throughout the rulemaking process.

12. **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 not be 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 the federal law and if so, citation to the statutory authority to exceed the requirements of the federal law:**

Not applicable

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:**

Not applicable

13. **A list of any incorporated by reference material and its location in the rules:**

Not applicable

14. **Whether this rule previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**

The rule was not previously made, amended, repealed, or renumbered as an emergency rule.

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

**TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION**

ARTICLE 1. GENERAL PROVISIONS

Section

R2-20-109. Independent Expenditure Reporting Requirements

ARTICLE 1. GENERAL PROVISIONS

R2-20-109. Independent Expenditure Reporting Requirements

- A. In accordance with A.R.S. § 16-958(E), all persons obligated to file any campaign finance report under any provisions of Chapter 6, Article 2 of the Arizona Revised Statutes shall file such reports using the Secretary of State’s Internet-based finance-reporting system, except if:
 - 1. Expressly provided otherwise by another Commission rule; or
 - 2. That system, or the necessary function on the system, is unavailable, in which case the executive director shall implement a suitable process.
- B. Independent Expenditure Reporting Requirements.
 - 1. Any person making independent expenditures cumulatively exceeding the amount prescribed in A.R.S. § 16-941(D) in an election cycle shall file campaign finance reports in accordance with A.R.S. § 16-958 and Commission rules.
 - 2. Any person who fails to file a timely campaign finance report pursuant to A.R.S. § 16-941(D), A.R.S. § 16-958, shall be subject to a civil penalty as prescribed in A.R.S. § 16-942(B). Subsection R2-20-109(B)(4) does not apply to reports pursuant to A.R.S. §§ 16-941(D) and -958 or this subsection. Any expenditure advocating against one or more candidates shall be considered an expenditure on behalf of any opposing candidate(s). Penalties shall be assessed as follows:
 - a. For an election involving a candidate for statewide office, the civil penalty shall be \$300 per day.



- b. For an election involving a legislative candidate, the civil penalty shall be \$100 per day.
- c. The penalties in (a) and (b) shall be doubled if the amount not reported for a particular election cycle exceeds ten (10%) percent of the applicable adjusted primary election spending limit or adjusted general election spending limit.
- d. The dollar amounts in items (a) and (b), and the spending limits in item (c) are subject to adjustment of A.R.S. § 16-959.
- e. Penalties imposed pursuant to this subsection shall not exceed twice the amount of expenditures not reported.
- 3. A.R.S. § 16-942(B) applies to any entity including political committees that accepts contributions or makes expenditures on behalf of any candidate regardless of any other contributions taken or expenditures made and fails to timely file a campaign finance report under Chapter 6 of Title 16, Arizona Revised Statutes. Any expenditure advocating against one or more candidates shall be considered an expenditure on behalf of any opposing candidate(s). Penalties shall be assessed as follows:
 - a. For an election involving a candidate for statewide office, the civil penalty shall be \$300 per day.
 - b. For an election involving a legislative candidate, the civil penalty shall be \$100 per day.
 - c. The penalties in (a) and (b) shall be doubled if the amount not reported for a particular election cycle exceeds ten (10%) percent of the applicable adjusted primary election spending limit or adjusted general election spending limit.
 - d. The dollar amounts in items (a) and (b), and the spending limits in item (c) are subject to adjustment of A.R.S. § 16-959.
 - e. Penalties imposed pursuant to this subsection shall not exceed twice the amount of expenditures not reported.
- 4. For purposes of A.A.C. R2-20-109(B)(3):
 - a. An entity shall not be found to have the predominant purpose of influencing elections unless, a preponderance of the evidence establishes that during a two-year legislative election cycle, the total reportable contributions made by the entity, in any combination, in a calendar year exceeds \$1,000 and is more than fifty percent (50%) of the entity's total spending during the election cycle.
 - i. For purposes of this provision, a "reportable contribution" or "reportable expenditure" shall be limited to a contribution or expenditure, as defined in title 16 of the Arizona revised statutes, that must be reported to the Arizona secretary of state, the Arizona citizens clean elections commission, or local filing officer in Arizona. A contribution or expenditure that must be reported to the federal election commission or to the election authority of any other state, but not to the Arizona secretary of state, the Arizona citizens clean elections commission or a local filing officer in Arizona, shall not be considered a reportable contribution or reportable expenditure.
 - ii. For purposes of this provision, "total spending" shall not include volunteer time or fundraising and administrative expenses but shall include all other spending by the organization.
 - iii. For purposes of this provision, grants to other organizations shall be treated as follows:
 - (1) A grant made to a political committee or an organization organized under section 527 of the internal revenue code shall be counted in total spending and as a reportable contribution or reportable expenditure, unless expressly designated for use outside Arizona or for federal elections, in which case such spending shall be counted in total spending but not as a reportable contribution or reportable expenditure.
 - (2) If the entity making a grant takes reasonable steps to ensure that the transferee does not use such funds to make a reportable contribution or reportable expenditure, such a grant shall be counted in total spending but not as a reportable contribution or reportable expenditure.
 - iv. If the entity making a grant earmarks the grant for reportable contributions or reportable expenditures, knows the grant will be used to make reportable contributions or reportable expenditures, knows that a recipient will likely use a portion of the grant to make reportable contributions or reportable expenditures, or responds to a solicitation for reportable contributions or reportable expenditures, the grant shall be counted in total spending and the relevant portion of the grant as set forth in subsection (v) of this section shall count as a reportable contribution or reportable expenditure.
 - v. Notwithstanding subsections (iii) and (iv) the amount of a grant counted as a reportable contribution or reportable expenditure shall be limited to the lesser of the grant or the following:
 - (1) The amount that the recipient organization spends on reportable contributions and reportable expenditures, plus
 - (2) The amount that the recipient organization gives to third parties but not more than the amount that such third parties fund reportable contributions or reportable expenditures.
 - b. Notwithstanding section a above, the commission may nonetheless determine that an entity is not a political committee if, taking into account all the facts and circumstances of grants made by an entity, it is not persuaded that the preponderance of the evidence establishes that the entity is a political committee as defined in title 16 of Arizona Revised Statutes.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R17-266]

PREAMBLE

- | | |
|---|--|
| <p><u>1. Article, Part or Section Affected (as applicable)</u>
R2-20-111</p> | <p><u>Rulemaking Action</u>
Amend</p> |
| <p><u>2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific) and the statute or session law authorizing the exemption:</u>
 Authorizing statute: A.R.S. §§ 16-940, 16-941, 16-942, 16-956, 16-957, 16-958.
 Implementing statute and statute authorizing the exemption: A.R.S. § 16-956(C).
 The Citizens Clean Elections Commission is exempt from Executive Order 15-01.</p> | |



- 3. The effective date of the rule and the agency’s reason it selected the effective date:**
The rule herein is currently in effect. On December 14, 2017, the Commission unanimously voted to reenact and republish this rule for the purpose of public notice and clarity.
- 4. A list of all notices published in the Register as specified in R9-1-409(A) that pertain to the record of the exempt rulemaking:**
Not applicable
- 5. The agency’s contact person who can answer questions about the rulemaking:**
Name: Thomas M. Collins, Executive Director
Address: Citizens Clean Elections Commission
1616 W. Adams St., Suite 110
Phoenix, AZ 85007
Telephone: (602) 364-3477
Fax: (602) 364-3487
E-mail: thomas.collins@azcleelections.gov
- 6. An explanation of the rule, including the agency’s reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**
R2-20-111. Non-participating Candidate Reporting Requirements and Contribution Limits
This action is being taken because of an invalid notice from Governor’s Regulatory Review Council (GRRRC). The rule, which remains in effect, provides guidance and explanation of statutory provisions the commission is “require[d]” to enforce. *Clean Elections Institute v. Brewer*, 99 P. 3d 570, 574 (Ariz. 2004); *see also Horne v. Citizens Clean Elections Commission*, CV 2014-009404 (8/19/2014) (dismissing case challenging the Commission’s jurisdiction to resolve complaints against a non-participating candidate.).
 - provides that complaints may be filed with the Commission alleging violations of A.R.S. § 16-941(B) and that penalties authorized by A.R.S. § 16-942(B) and (C) may be assessed and removes language that is superfluous to the operation of this rule;
 - provides that the twenty percent reduction in A.R.S. § 16-941(B) applies to all campaign contributions limits on contributions that are permitted to be accepted by candidates;
 - provides that contribution limits as adjusted by A.R.S. § 16-931 shall be the base level contribution limits subject to reduction pursuant to A.R.S. § 16-941(B).

This rule includes provisions that are primarily the result of SB1516 (2016). SB 1516 contains provisions that raise serious questions under the Arizona and U.S. Constitutions. Among other things, SB 1516 includes provisions that attempt to preempt the Commission’s rulemaking authority (A.R.S. § 16-901(42)), narrow the definitions of expenditure and contribution and eliminate the definition of political committee adopted by the Clean Elections Act in 1998, raising serious constitutional questions under the Voter Protection Act of the Arizona Constitution. The Commission does not, by adopting these rules, waive any legal objection to the enactment of laws that violate the Voter Protection Act. Rather, it adopted these rules in the interest of harmonizing the Commission’s rules with the existing statutes in order to avoid confusion within the regulated community and encourage consistency between the Commission’s rules and the policies of other election-related offices.

In addition to the VPA issues, the provisions of SB 1516 raise questions of equal protection regarding the treatment of corporations registered in Arizona that also have 501 status with the IRS and questions under Article 7, §. 16 of the Arizona Constitution regarding the publication of campaign contributions and expenditures. The Commission notes these issues for the record, but again, seeks as much as possible to harmonize its rules. The Commission retains its full authority to enforce Article 2 of Chapter 6 of Title 16 consistent with the terms of the statute, as well as the court interpretations which confirm its plain terms. The Commission’s rulemakings are exempt from Title 41, Ch. 6, Article 3, pursuant to A.R.S. § 16-956.
- 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:**
Not applicable
- 8. A showing of good cause why the rule 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. The summary of the economic, small business, and consumer impact, if applicable:**
Not applicable
- 10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and final rulemaking package, (if applicable):**
Not applicable
- 11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
The Commission solicits public comment throughout the rulemaking process.
- 12. 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 not be 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 the federal law and if so, citation to the statutory authority to exceed the requirements of the federal law:

Not applicable

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:

Not applicable

13. A list of any incorporated by reference material and its location in the rules:

Not applicable

14. Whether this rule previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

The rule was not previously made, amended, repealed, or renumbered as an emergency rule.

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 1. GENERAL PROVISIONS

Section

R2-20-111. Non-participating Candidate Reporting Requirements and Contribution Limits

ARTICLE 1. GENERAL PROVISIONS

R2-20-111. Non-participating Candidate Reporting Requirements and Contribution Limits

- A. Any person may file a complaint with the Commission alleging that any non-participating candidate or that candidate’s campaign committee has failed to comply with or violated A.R.S. § 16-941(B). Complaints shall be processed as prescribed in Article 2 of these rules. In addition to those penalties outlined in R2-20-222(B), a non-participating candidate or candidate’s campaign committee violating A.R.S. § 16-941(B) shall be subject to penalties prescribed in A.R.S. § 16-941(B) and A.R.S. § 16-942(B) and (C) as applicable.
- B. Penalties under A.R.S. § 16-942(B), ~~for a violation by or on behalf of any non-participating candidate or that candidate’s campaign committee of any reporting requirement imposed by chapter 6 of title 16, Arizona Revised Statutes, in association with any violation of A.R.S. § 16-941(B):~~
 - 1. For an election involving a candidate for statewide office, the civil penalty shall be \$300 per day.
 - 2. For an election involving a legislative candidate, the civil penalty shall be \$100 per day.
 - 3. The penalties in (a) and (b) shall be doubled if the amount not reported for a particular election cycle exceeds ten percent (10%) of the applicable one of the adjusted primary election spending limit or adjusted general election spending limit.
 - 4. The dollar amounts in items (a) and (b), and the spending limits in item (c) are subject to adjustment of A.R.S. § 16-959.
- C. Penalties under A.R.S. § 16-942(C): Where a campaign finance report filed by a non-participating candidate or that candidate’s campaign committee indicates a violation of A.R.S. § 16-941(B) that involves an amount in excess of ten percent (10%) of the sum of the adjusted primary election spending limit and the adjusted general election spending limits specified by A.R.S. § 16-961(G) and (H) as adjusted pursuant to A.R.S. § 16-959, that violation shall result in disqualification of a candidate or forfeiture of office.
- D. Penalties under A.R.S. § 16-941(B): Regardless of whether or not there is a violation of a reporting requirement, a person who violates A.R.S. § 16-941(B) is subject to a civil penalty of three times the amount of money that has been received, expended, or promised in violation of A.R.S. § 16-941(B) or three times the value in money for an equivalent of money or other things of value that have been received, expended, or promised in violation of A.R.S. § 16-941(B).
- E. The twenty percent reduction in A.R.S. § 16-941(B) applies to all campaign contributions limits on contributions that are permitted to be accepted by nonparticipating candidates.
- F. Contribution limits as adjusted by A.R.S. § 16-931 shall be the base level contribution limits subject to reduction pursuant to A.R.S. § 16-941(B).



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
DEPARTMENT OF ENVIRONMENTAL QUALITY

2017 WATER QUALITY ASSURANCE REVOLVING FUND REGISTRY

[M17-308]

Pursuant to Arizona Revised Statute (A.R.S.) § 49-287.01(D)(E), the Arizona Department of Environmental Quality (ADEQ) is providing this annual report of the location, remedial status and score of the sites on the Water Quality Assurance Revolving Fund (WQARF) Registry (Registry) as of September 1, 2017. The Registry includes those sites within the state that may pose risk to public health, welfare or the environment from the release of hazardous substances and for which there is current or planned investigation and cleanup. There are 37 sites on the Registry:

- 20 in Maricopa County,
9 in Pima County,
2 in Gila County,
1 in Graham County,
1 in Navajo County,
2 in Yavapai County
1 in Mohave County, and
1 in Yuma County

Sites on the Registry are scored based in part upon the type of contamination present, the location of the contamination and the number of people that may be affected. The maximum score a site may receive is 120. Scores are used to help determine relative risk from the site and do not necessarily mean that there is direct exposure of contaminants to humans or the environment. Whether the site is currently being remediated or investigated, ADEQ takes steps to identify the contamination and prevent exposure.

In 2017 ADEQ removed 3 sites from the WQARF Registry**:

- 2 in Maricopa
1 in La Paz

The Registry and additional information regarding these sites is available on the ADEQ web site at http://www.azdeq.gov/node/337. With 48-hour notice, an appointment to review related documentation is available Monday through Friday from 8:30 a.m. to 4:30 p.m. at ADEQ Records Management Center, 1110 West Washington Street in Phoenix. Please contact (602) 771-4380 to schedule an appointment to review documents.

ADEQ Publication number EQR 17-12

7th Avenue and Bethany Home Road - This site was placed on the WQARF Registry on August 25, 2004 and has a score of 29. The site is located in Phoenix and is bounded by Maryland Avenue to the north, Bethany Home Road to the south, 5th Avenue to the east, 8th Avenue to the west and includes the 2.6-acre former shopping center east of 7th Avenue that housed a dry cleaning facility, as well as a former dry cleaner west of 7th Avenue. Contaminants of concern at the site include tetrachloroethene (PCE), trichloroethene (TCE) and vinyl chloride.

A soil vapor extraction (SVE) system operated from June 2005 through January 2006. Confirmation soil samples confirmed successful remediation to levels below ADEQ Soil Remediation Levels (SRLs) and Groundwater Protection Levels (GPLs).

ADEQ completed the final Remedial Investigation (RI) report in April 2011, the Feasibility Study (FS) work plan in May 2011 and the FS was completed in November 2012. The FS recommended enhanced reductive de-chlorination as the remedy for the site. An additional Early Response Action (ERA) was initiated and a pilot test for enhanced reductive de-chlorination began in March 2013. The pilot test was completed in March 2014 and the Proposed Remedial Action Plan (PRAP) was finalized in April 2015. In June 2016, the Record of Decision (ROD) was signed documenting the selection of in-situ enhanced reductive dechlorination (ERD) with monitored natural attenuation as the remedy for remediation of contaminants in groundwater at the Site. ERD injections commenced in November 2016. A Community Advisory Board (CAB) has been established for the site, was merged with the Central and Camelback CAB in 2013 and meets on a regular basis.



7th Street and Arizona Avenue - This site was placed on the WQARF Registry on April 27, 2000 and has a score of 40. The site is located in downtown Tucson, and is bounded approximately by Speedway Boulevard to the north, 8th Street and the railroad to the south, 4th Avenue to the east and Perry Avenue to the west. Contaminants of concern at the site include PCE, TCE, and cis-1,2-dichloroethene (cis-1,2-DCE).

ADEQ operated a SVE system from June 2006 to July 2009 as an ERA for the site and decommissioned the SVE in July 2009. Groundwater monitor wells verify that the regional aquifer has not been impacted. ADEQ completed the final RI and FS reports in 2014 and the draft PRAP in 2014. An additional source was added at 847 North Stone Avenue and the FS will be reevaluated. A CAB has been established for the site, merged with the Park-Euclid CAB in 2014 and meets on a regular basis.

7th Street and Missouri Avenue - This site was placed on the WQARF Registry on June 24, 2016 and has a score of 42. The site is located in Phoenix, and is bounded approximately by Bethany Home Road to the north, Georgia Avenue to the south, 6th Street to the west and 12th Street to the east. Contaminants of concern at the site include PCE and TCE.

PCE and TCE were initially detected in the late 1990's in groundwater samples collected as part of an underground storage tank assessment. Following this discovery, eight groundwater monitoring wells were installed during the preliminary investigation to assess the site.

In 2016, Fashion Cleaners entered into ADEQ's Voluntary Remediation Program (VRP) to address cleaning up their portion of the contamination. Sample results continue to show this site is separate from the 7th Street and Missouri Avenue WQARF site. Groundwater and soil gas have been characterized and the draft RI is expected in June 2018. The site was added to the Central Phoenix CAB which meets on a regular basis.

16th Street and Camelback - This site was placed on the WQARF Registry on April 21, 1999 and has a score of 23. The site is located in Phoenix and is bounded approximately by Camelback Road to the north, Highland Avenue to the south, 17th Street to the east, and 15th Street to the west. The contaminant of concern at the site is PCE.

Based on the results of an ERA evaluation conducted in 2003, ADEQ determined that SVE was not a feasible remedy for the site. The RI and FS reports were finalized in 2015 and the PRAP in July 2016. In June 2017 ADEQ initiated enhanced reductive de-chlorination (ERD) injections to determine if clean up can be accelerated and is reviewing the results.

20th Street and Factor Avenue - This site was placed on the WQARF Registry on March 30, 2000 and has a score of 31. The site is located in Yuma and is bounded approximately by 17th Street to the north, 21st Street to the south, Kennedy Lane to the east and Fourth Avenue to the west. Contaminants of concern at the site include PCE, TCE, 1,1-dichloroethene (1,1-DCE), and cyanide.

In 2002, ADEQ conducted a soil removal action and cleaned out sumps and septic tanks at an active facility as part of an ERA. A soil vapor investigation was initiated in 2008. Vapor and groundwater monitoring is ongoing. No drinking water wells have been impacted. In February 2014, ADEQ completed the installation of a permanent asphalt-based engineered cap. The cap was placed over the cyanide impacted soils still remaining at a depth below one (1) foot at the site. The RI report was finalized in October 2014 and the FS report was completed in August 2016. The PRAP was completed in June 2017 and is awaiting final approval. A CAB has been established for this site and meets on a regular basis.

56th Street & Earll Drive - This site was placed on the WQARF Registry on June 2, 2004 and has a score of 40. The site is located in Phoenix and is bounded by Earll Drive to the north, Roosevelt Street to the south, 56th Street to the east, and 26th Street to the west. Contaminants of concern at the site include PCE and TCE.

The site originally was investigated as part of the Motorola 52nd Street NPL site. However, groundwater data indicate that the two TCE groundwater contaminant plumes are separate and distinct plumes and it was disassociated from the larger Motorola 52nd Street NPL site. ADEQ and a potentially responsible party signed an agreement in 2015 to remediate the site. A pump and treat groundwater system was constructed and started operation in November 2013 as part of an ERA. A draft RI report was submitted in November 2015 and will be finalized after additional characterization is completed in 2017. A CAB has been established for this site and meets on a regular basis.

Broadway-Pantano - This site was placed on the WQARF Registry on December 15, 1998 and has a score of 57. The site is located in the east-central part of Tucson and is bounded approximately by Speedway Boulevard to the north, Calle Madero to the south, Pantano Wash



to the east, and Craycroft Road to the west. Contaminants of concern in groundwater include PCE, TCE and dross (arsenic, cadmium and lead).

The sources of the groundwater contamination are the former Broadway North and South Landfills. A groundwater containment system was installed in 2003 to prevent further westward migration of contaminated groundwater. This system was shut down in October 2012 due to low incoming groundwater contaminant concentrations. A SVE system was installed at the Broadway North Landfill in 2000 to remove and treat contaminated landfill gases contributing to the groundwater contamination. This system operated until 2002. The groundwater RI report was finalized in June 2012 and the landfill RI report was finalized February 2015. The FS was approved in June 2017 and the PRAP is expected June 2018. A CAB has been established for this site and meets on a regular basis.

Central Avenue and Camelback Road - This site was placed on the WQARF Registry on June 21, 2000 and has a score of 32. The boundaries of the site are approximately Georgia Avenue to the north, Mariposa Street to the south, 2nd Street to the east and 1st Avenue to the west. Contaminants of concern at the site include PCE, TCE and cis-1,2-DCE. Other contaminants present due to past releases from gasoline underground storage tanks in the area include benzene, toluene, ethylbenzene, total xylenes, methyl tertiary butyl ether (MTBE), and 1,2- dichloroethane (DCA).

In January 2003, as part of an ERA, ADEQ completed construction of a groundwater treatment system to remediate and control the migration of contaminated groundwater. In June 2004, ADEQ initiated an ERA evaluation of the Maroney's Drycleaner facility. A SVE system was installed in November 2007 and is currently in operation. Passive and active soil gas surveys were conducted in the vicinity of the former drycleaner's building and additional SVE wells were installed and added to the system. The RI and FS reports were finalized in 2015. The PRAP was prepared in 2017. A CAB has been established for this site, merged with the 7th Avenue and Bethany Home Road CAB and meets on a regular basis.

Cooper Road and Commerce Avenue - The site was listed on the WQARF Registry on June 14, 2004 and has a score of 33. The site is located in Gilbert, and the plume is bounded by Encinas Street to the north, Neely Ranch Preserve to the south, Golden Key Street to the east, and Horne Street/Dish Drive to the west. Contaminants of concern at the site in groundwater include PCE and TCE, arsenic, chromium, copper, cyanide, mercury and lead in the soil.

In 2001, groundwater samples collected from a Town of Gilbert monitoring well detected PCE concentrations above the AWQS. A Town of Gilbert public supply well is located nearby. Installation of off-site monitor wells began in 2003 and quarterly groundwater monitoring has been conducted at the site since March 2005. Construction and start up of a SVE/air sparging (AS) and groundwater pump and treat remediation system was completed in 2008; start-up of the AS component occurred in May 2009. The groundwater pump and treat system began continuous operations in August 2010. In 2015, the RI report was finalized and FS work plan approved. The FS report is expected in January 2018. A CAB has been established for the site and meets on a regular basis.

East Central Phoenix (ECP) 24th Street and Grand Canal - This site was placed on the WQARF Registry on May 18, 2000 and has a score of 29. The site is located in Phoenix. The plume is bounded by Pinchot Avenue to the north, Oak Street to the south, 26th Street to the east and 16th Street to the west. The contaminant of concern at the site is PCE.

The RI began in 2007. As part of a prospective purchaser agreement CVS Pharmacy conducted a site investigation and installed monitoring wells. Additional monitoring and soil vapor wells have been installed since 2007. A SVE system was constructed and started operation in July 2016 as part of an ERA. Following completion of contaminant plume characterization in 2018, the RI report will be prepared. A CAB has been established for this site and meets on a regular basis.

ECP 32nd Street and Indian School - This site was placed on the WQARF Registry on May 18, 2000 and has a score of 29. The site is located in Phoenix. The plume is bounded by Indian School Road to the north, Interstate 10 to the south, 32nd Street to the east and 1st Street to the west. Contaminants of concern at the site include PCE.

In 2013, a SVE treatment system at the Maroney's dry cleaner began operating and in 2014 a SVE treatment system at the Former Viking dry cleaner began operations. A vapor intrusion indoor air assessment study also took place during the summer of 2013. Results indicated that the threat to residences was minimal and that no indoor mitigation systems were necessary. Contaminant plume characterization continues in order to prepare the RI report. A CAB has been established for this site and meets on a regular basis.

ECP 38th Street and Indian School Road - This site was placed on the WQARF Registry on September 21, 1998 and has a score of 20. The site is located in Phoenix. The plume is bounded by Indian School Road to the north, Piccadilly Road to the south, 38th Street to the east and 36th Street to the west. The contaminant of concern at the site is PCE. ADEQ conducted an ERA installing a SVE system to remediate the source of PCE in the soil and groundwater. The system was started in



1994, operated intermittently and was decommissioned in March 2003. In 2014, additional groundwater monitor wells were installed. The RI report and FS work plan were finalized in 2015. Work to complete data gaps and the FS report continues. A CAB has been established for this site and meets on a regular basis.

ECP 40th Street and Indian School Road** - This site was placed on the WQARF Registry on September 21, 1998 and has a score of 20. The site is located in Phoenix. The plume is bounded by Devonshire Avenue to the north, Amelia Avenue to the south, 40th Street to the east and 38th Street to the west. Contaminants of concern at the site include PCE and TCE.

ADEQ conducted an ERA by installing a SVE/AS system to remediate the source of PCE in the soil and groundwater. The system was started in December 2004 and was shut down in June 2005. In 2014, additional groundwater monitor wells were installed. The RI report and FS work plan were finalized in 2015. The FS report was final in June 2017 which determined that contaminant concentrations no longer exceed standards. On May 29, 2017 ADEQ removed the site from the WQARF Registry.

ECP 40th Street and Osborn - This site was placed on the WQARF Registry on May 18, 2000 and has a score of 30. The site is located in Phoenix. The plume is bounded by Devonshire Avenue to the north, Amelia Avenue to the south, 40th Street to the east and 38th Street to the west. The contaminant of concern at the site is PCE.

In 2014, additional groundwater monitor wells were installed. Contaminant plume characterization continues in order to prepare the RI report. A CAB has been established for this site and meets on a regular basis.

ECP 48th Street and Indian School Road - This site was placed on the WQARF Registry on March 26, 1999 and has a score of 27. The site is located in Phoenix. The plume is bounded by Devonshire Avenue to the north, Fairmont Avenue to the south, 48th Street to the east and 45th Place to the west. The contaminant of concern at the site is PCE.

ADEQ and SRP entered into an agreement to conduct a source control interim remedial action (IRA) in 2004. SRP constructed a SVE system to remediate the source of PCE in soil. The system was removed by SRP in 2012 due to low concentrations.

A vapor intrusion indoor air assessment study took place during the summer of 2013. Results indicated that no indoor air mitigation systems were necessary. Recent result indicate the plume has migrated. Contaminant plume characterization continues in order to prepare the RI report. A CAB has been established for this site and meets on a regular basis.

Estes Landfill - This site was placed on the WQARF Registry on April 28, 1998 and has a score of 45. The site is located in Phoenix, south of Sky Harbor Airport and is bounded approximately by the Salt River to the north, Magnolia Street to the south, State Route 153 to the east, and 40th Street to the west. Contaminants of concern at the site include vinyl chloride, cis-1,2-DCE and TCE in groundwater and lead, arsenic and thallium in soil.

The RI and FS reports has been completed and since the PRAP was initially completed in 2002, the final proposed remedy for the Site has been changed. It was concluded that the source of the groundwater contamination is the former liquid waste disposal pit and not the current soil covered landfill. There is no indication that the current landfill is impacting groundwater quality. ADEQ finalized a revised PRAP in 2015 and the ROD for Monitored Natural Attenuation was signed in 2017.

Harrison Road and Millar Road Dross – This site was placed on the WQARF Registry on April 3, 2017 and has a score of 40. The site is located in Tucson. The site is bounded approximately by Millmar Road to the north, Mountain View to the south, the private driveway of 9880 Millar Road to the east and Harrison Hills wash to the west. The contaminant of concern is aluminum dross which is a byproduct of aluminum scrap meltdown and consists of a gray ash-like substance interspersed with metal pieces. Dross often contains heavy metals. The metals detected at this site over regulatory standards for soil are aluminum, antimony, arsenic, cadmium, copper, lead and nickel.

In 2015 preliminary investigation sample results indicated the site was contaminated with heavy metals above soil remediation levels (SRLs). Dross was also observed in the transient Harrison Hills wash which discharges to the Pantano Wash. Groundwater at the site is not impacted. In August 2016 an ERA was conducted to remove contaminated soil near a residence and near the wash, remove observable dross materials from the wash, and add a temporary cap over the majority of a large dross pile. In April 2017 additional work was done to decrease the overall area of the large pile and design a permanent cover. All clean-up activities were completed within 180 days of WQARF listing.

Highway 260 and Johnson Lane - This site was placed on the WQARF Registry on June 24, 2016 and has a score of 40. The site is located in the Lakeside portion of Pinetop-Lakeside, and is generally bounded by the Jackson Lane alignment to the north, by the east-west alignment of West White Mountain Boulevard (State Route Highway 260) and Burke Lane to the south, by the Blue Ridge Unified School District property and Billy Creek to the east, and by the Neils Hanson Lane alignment to the west. Contaminants of concern at the site



include PCE and TCE.

During groundwater sampling as part of a Preliminary Investigation in 2015, PCE and TCE were detected in private wells. ADEQ is currently conducting a Remedial Investigation that includes assisting private wells owners who have impacted wells and evaluating options to address potential health risks. A CAB has been established for this site and meets on a regular basis.

Highway 260 and Main Street- This site was placed on the WQARF Registry on December 16, 2016 and has a score of 40. The site is located in the vicinity of the intersection of Highway 260 and Main Street in Cottonwood. The site is generally bounded to the north by Mingus Avenue, to the south by Mongini Lane, to the west by South 15th Street and to the east by the Verde River. Contaminants of concern at the site include PCE, TCE, and cis-1,2-DCE.

During groundwater sampling as part of a Preliminary Investigation, PCE, TCE, and cis-1,2-DCE have been detected in private wells and soil borings. ADEQ is currently conducting a Remedial Investigation that includes assisting private well owners who have impacted wells and evaluating options to address potential health risks. A CAB was not formed at this site due to low participation.

Klondyke Tailings Project - This site was placed on the WQARF Registry on September 28, 1998 and has a score of 69. The site is located approximately two (2) miles north of the town of Klondyke in Section 6, Township 7 South, Range 20 East. The site boundaries are irregular and defined by the extent of the soil contamination above the residential SRL for lead of 400 milligrams per kilogram (mg/kg). The current contaminants of concern in the soil include antimony, arsenic, cadmium, copper, lead, manganese, mercury, vanadium and zinc.

Sampling to determine the extent of off-site soil contamination began in 2006. To date, approximately 2,500 soil samples have been collected from the site and adjacent properties. The limits of the 400 mg/kg residential soil remediation level for lead have been defined to extend approximately 0.50 miles from the site and impact nine (9) properties within the site.

In June 2008, erosion protection installation was completed on the upper tailings pile and the clean soil cap was seeded. In June 2012, EPA initiated the removal of contaminated soils from two properties. An additional 1,040 cubic yards of contaminated soil was removed in October 2013 from a third property. In 2014, the final RI was completed and in February 2015 the FS work plan was approved. In 2016 ADEQ removed 2380 cubic yards of contaminated soils from Klondyke Road and two residential properties. In May 2017 ADEQ issued the FS and the PRAP was issued in June 2017. The ROD is expected to be completed in 2018. A CAB has been established for the site and meets on a regular basis.

Los Reales Landfill - This site was placed on the WQARF Registry on April 23, 1999 and has a score of 32. The site is an active municipal sanitary landfill located in southeast Tucson and has been in operation since 1967. Contaminants of concern at the site include PCE and TCE.

The City of Tucson has implemented a groundwater pump and treat system as required by a 1995 remedial action plan. In 2013, the City submitted to ADEQ a PRAP modification of transitioning to “groundwater sampling only” based on continued plume stability (apparent natural attenuation). Wells were installed in 2015 as part of the data collection to finalize the remedial action plan. COT will collect two years of data and then perform additional modeling to support the RAP modification. If the modeling results are supportive, COT will finalize the RAP modification proposal and submit that to ADEQ for review/approval

Miller Valley and Hillside Avenue – The site was placed on the WQARF Registry on December 12, 2016 and has a score of 40. The site is located in Prescott. The site is bounded by Merritt Avenue alignment to the north, Miller Creek to the south, Division Street to the east and Miller Creek and Valley Street to the west. Contaminants of concern are PCE and TCE.

In 2002 an investigation for a petroleum leaking underground storage tank detected PCE and TCE. In 2005, further investigation found soil gas contamination above the EPA regional screening levels and groundwater contamination above the AWQS; two private wells used for irrigation were impacted by PCE. In 2015 and 2016 sampling indicated the groundwater concentrations were still above AWQS. A CAB was not formed at this site due to low initial community participation. In 2017 a Remedial Investigation has been implemented and additional private wells in the area were sampled; no other wells except the two previously impacted private irrigation wells contained PCE or TCE above AWQS.

Miracle Mile Area - This site was placed on the WQARF Registry on September 18, 1998 and has a score of 62. The site is located in Tucson and is bounded approximately by Ruthrauff Road to the north, Prince Road to the south, Pomona Road to the east, and La Cholla Boulevard to the west. Contaminants of concern at the site include TCE and chromium.



The local water provider is operating an ADEQ-funded wellhead treatment system as an ERA to remove TCE. In June 2013, the final RI report was issued and the FS was initiated. Starting in 2016 data gaps were being addressed in the FS and a draft FS Report is expected in 2018. A CAB has been established for this site and meets on a regular basis.

Park-Euclid - This site was placed on the WQARF Registry on April 23, 1999 and has a score of 51. The site is in Tucson and is approximately bounded by 9th Street to the north, 14th Street to the south, Highland Avenue to the east, and Park Avenue to the west. Contaminants of concern at the site include PCE, TCE, vinyl chloride and cis-1,2-DCE.

ADEQ negotiated an Agreement to Conduct Work with potentially responsible parties Mission Linen and Haskell Linen (Park-Euclid Working Group) in 2010. In November 2011, ADEQ completed the final RI report. The Park-Euclid Working Group submitted a FS work plan in June 2013 and the final FS Report was approved in November 2017. The Park-Euclid Working Group is currently preparing a PRAP. A CAB has been established for this site, merged with the 7th Street and Arizona Avenue CAB, and meets on a regular basis.

Payson PCE - This site was placed on the WQARF Registry on April 29, 1998 and has a score of 63. The site is located in Payson and the plume is bounded approximately by Main Street to the north, Cedar Lane to the south, Beeline Highway (State Route 87) to the east, and McLane Road to the west. The contaminant of concern in the groundwater at the site is PCE.

Two (2) groundwater treatment systems have been constructed. An Interim Groundwater Treatment System (IGTS) was constructed to remediate the contamination in the source area. The IGTS operated from October 1998 to January 2003 and was decommissioned in July 2013. An Expanded Groundwater Treatment System (EGTS) began operation in October 1998 and continues to operate treating contaminated water and preventing the contamination plume from migrating further. Treated water from the EGTS is delivered to the Town of Payson drinking water system.

ADEQ completed the ROD in June 2007. Groundwater monitoring takes place twice per year. In December 2015, Enhanced Reductive Dechlorination (ERD) began implementation and is expected to reduce the time for completion of the overall remedy. In 2017, results from the ERD method show a reduction in concentrations, and the site will be reviewed for possible closure in 2018.

Pinal Creek - This site was placed on the WQARF Registry on October 23, 1998 and has a score of 97. The site is located in Gila County in and around the cities of Globe, Town of Miami, and the communities of Claypool and Wheatfield. The site includes the BHP Copper and Freeport McMoRan (formerly Phelps Dodge) Miami mining properties, and the drainages and underlying aquifers of Miami Wash, Bloody Tanks Wash, Russell Gulch, and Pinal Creek. The site also includes the entire floodplain of Pinal Creek from the Old Dominion Mine to the Salt River, plus those portions of the communities underlain by contaminated groundwater. Contaminants of concern in groundwater at the site include heavy metals such as aluminum, iron, manganese, copper, cobalt, nickel, zinc, cadmium, and other contaminants such as sulfate, acidity, and dissolved solids. Localized soil and stream sediment contamination are being investigated; contaminants of concern include arsenic, lead, copper, cadmium, manganese, nickel, and zinc.

The Pinal Creek Group (PCG), which previously consisted of BHP, Freeport McMoRan and Inspiration Copper, have conducted remedial actions including source control since 1988. PCG also completed a RI, risk assessments, FS, recommended remedial action plan and a well replacement program for contaminated private and public supply wells. The PCG has conducted groundwater extraction and treatment from the alluvial and the regional aquifers since 1988 and it continues to this day. In March of 2010, the Pinal Creek Group was dissolved and Freeport-McMoRan Miami Inc. (FMMI)'s Pinal Creek Project (PCP) became the sole owner/operator of the Pinal Creek treatment system. BHP Copper is no longer a part of the PCG, though they remain responsible for management of their properties and source control in accordance with the governing Consent Decree. In Kiser Basin, water is now being injected to improve metals recovery. To speed up aquifer restoration, groundwater remedy optimization pilot tests have been conducted by the PCP near the source area in Bloody Tanks Wash. A Decision Record for the Pinal Creek treatment System is currently being prepared in conjunction with FMMI and is scheduled for completion in 2018.

Shannon Road/El Camino del Cerro - The El Camino del Cerro site was placed on the WQARF Registry on August 18, 1998 and has a score of 71. The Shannon Road-Rillito Creek site was placed on the WQARF Registry on April 23, 1999 and has a score of 53. The El Camino del Cerro WQARF site and Shannon Road-Rillito Creek WQARF site were administratively combined into one site on January 2005.

This combined site is located in northwest Tucson and is bounded approximately ¼ mile north of the Rillito Creek to the north, El Camino del Cerro Road on the south, Meadowbrook Park on the east, the Santa Cruz River on the west. The site consists of industrial and residential properties, and a former landfill which occupies approximately twenty (20) acres in the southwest portion of the site. Contaminants of concern in groundwater at the site include PCE, TCE, 1,1-DCE, 1,1-DCA, vinyl chloride, and benzene.

The contaminant plume has impacted three (3) community wells, two of which were removed from service. One (1) of these wells now has a wellhead treatment system capturing the plume and removing VOCs to meet drinking water standards. The RI report and FS work plan



were approved in 2015. The FS report was finalized in 2016 and the PRAP is anticipated in 2018. A CAB has been established for the site and meets on a regular basis.

Silverbell Jail Annex Landfill - This site was placed on the WQARF Registry on April 23, 1999 and has a score of 51. The site is located at 3200 North Silverbell Road in northwest Tucson. The site is bounded approximately by Sweetwater Drive on the north, Grant Road/Ironwood Hills Drive on the south, Interstate 10 on the east, and Silverbell Road on the west. Contaminants of concern at the site include PCE, TCE, cis-1,2-DCE and vinyl chloride.

In 2001, the City of Tucson began operation of a full-scale SVE system to remove and treat contaminated VOC landfill gases contributing to the groundwater contamination. In April 2008, the system was shut down and the equipment was removed.

In 2010, the City of Tucson proposed to install a pump-treat-inject system to address the highest VOC concentrations. ADEQ, the City of Tucson meet periodically to coordinate sampling and cleanup of the site. As of 2017, ADEQ is awaiting the remediation system design from the City of Tucson. The City of Tucson continues to conduct groundwater and soil vapor (methane) monitoring.

South Mesa - This site was placed on the WQARF Registry on August 18, 1998 and has a score of 26. The site is located in Gilbert and is bounded approximately by Baseline Road to the north, Melody Drive to the south, Hobson Street to the east, and McQueen Road to the west. The contaminant of concern at the site is PCE, TCE and DCE.

Two (2) remedial action projects at the site have significantly reduced the contamination by treating pumped groundwater and extracting vapors from the soil. ADEQ began an ERA in June 2004 to address the remaining subsurface contamination. The SVE system was shut down in November 2007 and was removed from the site in June 2008.

The RI, and FS reports have been completed. The PRAP was completed in November 2014. In June 2016, the ROD was signed documenting the selection of groundwater monitoring, with wellhead treatment as a contingency, as the remedy.

Stone Avenue and Grant Road - This site was placed on the WQARF Registry on January 20, 2017 with a score of 45. The site is located in Tucson. The site is bounded approximately by East Alturas Street to the north, East Sahuaro Street to the south, North Estrella Avenue to the east, and North Castro Avenue to the west. The site includes a mixture of public, commercial and residential land uses near Grant Road.

During a Phase II investigation by the City of Tucson in December 2014, PCE was detected in four sub-slab soil-gas samples beneath the source area. In June 2015, a leaking underground storage tank (LUST) site located immediately north of the Site found PCE and TCE above AWQSS in groundwater. ADEQ completed a Preliminary Investigation of the site in February 2016 and the RI began in July 2017. An ERA consisting of a SVE system that provides combined vapor intrusion mitigation and source reduction was started in November 2017. The site was added to the Park Euclid/7th and Arizona Avenue CAB which meets on a regular basis.

Tyson Wash** - This site was placed on the WQARF Registry on December 14, 1998 and has a score of 46. The site is located in the Town of Quartzsite and the contaminated groundwater plume is bounded by Sunset Street to the north, Oregon Avenue to the west, Main Street (Business I-10) to the south, and Central Boulevard (SR-95) to the east. The known groundwater contamination exists northwest of the intersection of State Highway 95 and Business Route I-10 in Quartzsite. Contaminants of concern at the site include PCE and TCE.

As part of an ERA, a groundwater treatment system was constructed in 2003 to reduce contaminant concentrations in the aquifer and prevent migration of the plume to private drinking water wells. The RI, FS and PRAP have been completed. The ROD was completed in June 2009. The site is in the Operation and Maintenance (O&M) phase. A full scale In-Situ Chemical Oxidation (ISCO) system began operations in June 2014. In February 2017 results showed a reduction in concentrations below standards. On May 29, 2017 ADEQ removed the site from the WQARF Registry.

Vulture Mill - This site was placed on the WQARF Registry on April 28, 1998, and has a score of 65. The site is located just east of U.S. Route 89/93 about one (1) mile northwest of the center of the Town of Wickenburg. The eastern boundary of the site is approximately 0.25 miles west of the Hassayampa River. Contaminants of concern at the site include lead and arsenic.

The ROD was signed in September 1999. ADEQ has implemented the remedy, which consists of excavation of contaminated soil, placement in a consolidation pile, installation of a clean soil cover, and planting of vegetation to control erosion. Presently, the site is used as pasture and inspected annually. The last inspection occurred in 2017. Negotiations with the owner to place a Declaration of Environmental Restriction on the property and remove the site from the Registry continues.



West Central Phoenix (WCP) - East Grand Avenue - This site was placed on the WQARF Registry on April 15, 1998 and has a score of 31. The site is located in Phoenix and is bounded approximately by SRP Grand Canal to the north, Thomas Road to the south, 29th Avenue to the east, and 33th Avenue to the west. Contaminants of concern are PCE and TCE.

Field investigative activities were completed in December 2001 and the RI report has been completed. In 2004, a working party constructed and operated a SVE system at the former Van Waters & Rogers facility. In September 2013, the SVE system was shut down. The working party is in the process of completing the FS and has implemented groundwater monitoring. A CAB has been established for this site.

WCP North Canal Plume - This site was placed on the WQARF Registry on April 15, 1998 and has a score of 22. The site is located in Phoenix and is bounded approximately by Indian School Road on the north, West Flower Street on the south, Grand Avenue on the east and 40th Avenue on the west. Contaminants of concern at the site include PCE, TCE, DCE and chromium.

The 2005, ADEQ conducted an ERA evaluation. In 2013 and 2014, as part of the remedial investigation, a passive soil gas survey on 33rd Avenue was completed. The final RI report is anticipated in 2017. A CAB has been established for this site.

WCP North Plume - This site was placed on the WQARF Registry on April 15, 1998 and has a score of 55. The site is located in Phoenix and is bounded approximately by Highland Avenue to the north, Indian School Road to the south, 37th Avenue to the east, and 43rd Avenue to the west. Contaminants of concern at the site include PCE and TCE.

A SVE system was installed at the F&B facility as part of an ERA. The SVE system has been updated to improve operation. Further evaluations are being conducted to address groundwater contamination.

Through a working party agreement, a SVE system was operated at the Hill Brothers Chemical Company. A No Further Action (NFA) determination was issued for this facility following confirmation sampling and a public notice for review.

The RI, RO and FS reports are complete. The PRAP consisting of ERD with continued SVE system operation, was completed in June 2017. A CAB has been established for this site.

WCP West Grand Avenue** - This site was placed on the WQARF Registry on April 21, 1998 and has a score of 17. The site is located in Phoenix and is bounded approximately by Osborn Road to the north, Earl Drive to the south, 33rd Avenue to the east, and 35th Avenue to the west. The contaminant of concern at the site is TCE.

The FS report was completed in June 2013 and the PRAP in February 2014. In June 2016, the ROD was signed documenting the selection of groundwater monitoring and sampling that would confirm completion of MNA as the remedy. On May 29, 2017, ADEQ removed the site from the WQARF Registry.

WCP West Osborn Complex - This site was placed on the WQARF Registry on August 11, 1998 and has a score of 47. The site is located in Phoenix and is bounded approximately by the Grand Canal to the north, Van Buren Street to the south, 33rd Avenue to the east, and 55th Avenue to the west. Contaminants of concern at the site include TCE and PCE.

The RI report has been completed. FS reports for the deep and shallow plumes for the project site have been approved. PRAPs were completed for the deep and shallow plumes and are still under review and revision given new site information about a possible new source. Additional groundwater sampling is scheduled for 2018 and an SVE system ERA has been installed at the new source. A CAB has been established for this site.

West Van Buren - This site was placed on the WQARF Registry on April 10, 1998 and has a score of 50. The site is located in Phoenix and is bounded approximately by McDowell Road to the north, Lower Buckeye Road to the south, Seventh Avenue to the east, and 75th Avenue to the west. In addition, a finger shaped plume exists from approximately West Buckeye Road and South 41st Avenue to West Watkins Street and South 11th Avenue. Contaminants of concern at the site include PCE, TCE, 1,1,1-trichloroethane (1,1-TCA), 1,1-DCA, 1,1-DCE, cis-1,2-DCE, and chromium.

Several source properties have had ERA's completed or have been working under cooperative agreement or consent order to conduct investigative and/or remediation work. These include but are not limited to:

- Air Liquide USA, LLC and Air Liquide America Specialty Gases, LLC (Air Liquide)
- American Linen Supply Company (ALSCo)
- ChemResearch Company Incorporated (ChemResearch)
- Dolphin Incorporated (Dolphin)
- Prudential Overall Supply (Prudential)
- Reynolds Metals Company (Reynolds)



- Van Waters and Rogers Incorporated (VW&R)

Roosevelt Irrigation District (RID) submitted an ERA plan which was conditionally approved on June 24, 2010. RID submitted a modified ERA plan which was approved on February 1, 2013. RID installed liquid-phase granular activated carbon wellhead treatment systems on four (4) of RID's wells within the West Van Buren Area plume.

ADEQ finalized the RI report for WVBA in August 2012. RID and the West Van Buren Working Group (WVSWG), under working agreements with ADEQ, submitted separate FS work plans in July 2013 and FS reports in July 2014.

In 2017 ADEQ sampled the far western toe of the groundwater plume near the city of Tolleson. The existing well network and groundwater concentrations are being evaluated for focused future sampling efforts. Strategies for the PRAP are currently being developed. A CAB has been formed for this site but has not met since 2015.

Western Avenue Plume - This site was placed on the WQARF Registry on December 15, 1998 and has a score of 51. The site is located in Avondale and Goodyear and is bounded approximately by San Xavier Boulevard to the north, State Route 85 to the south, 3rd Street to the east and Phoenix Goodyear Airport to the west. The contaminant of concern at the site is PCE.

The final RI report and FS were completed in May 2009 and November 2013, respectively. The PRAP was completed in April 2014. The existing PCE is in the shallow subunit and being captured by the Phoenix Goodyear Airport South (PGA-S) extraction wells. A ROD is currently being prepared in conjunction with PGA-S and is planned to be issued in 2018. The CAB has been formally disbanded with the approval of the PRAP, however a Community Advisory Group (CAG) continues to meet under direction from EPA.



NOTICES OF SUBSTANTIVE POLICY STATEMENT

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.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

[M17-309]

DEPARTMENT OF INSURANCE

1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Withdrawal of Circular Letter 2006-08 (Regulatory Bulletin 2017-03).

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

The Department issued the substantive policy statement on December 5, 2017.

3. Summary of the contents of the substantive policy statement:

The Regulatory Bulletin advises all insurers authorized to transact insurance in Arizona, Insurance Trade Associations, Agents' Associations and other interested parties of the withdrawal of Circular Letter 2006-08. Circular Letter 2006-08 and its predecessor, Circular Letter 95-1, addressed a problem with premium misquotes on private passenger automobile policies. Premium misquotes occur when an insurer or insurance producer quotes a premium that is lower than the actual premium charged when a policy is issued. Under Circular Letter 95-1, a misquote of \$10 or more required an insurer to honor the amount quoted until the policy was renewed or changed at the insured's request. The Department raised the misquote threshold to \$20 with Circular Letter 2006-08.

Upon the request by the industry to withdraw Circular Letter 2006-08 (and 95-1), the Department reviewed policyholder misquote complaints from January 1, 2013 through May 31, 2017 and found a very low number of complaints. The low number suggested that the problem had substantially abated. The Department also reviewed the existing statutes and found that they provided greater protections than the circular letters. Lastly, the Department considered revising the circular letters to a higher threshold and determined that they were obsolete and unnecessary.

Based on its analysis, the Department concluded that withdrawing the circular letters is appropriate at this time with the caveat that it will continue to monitor premium misquote complaints. If an uptick in complaints occurs, the Department will take further appropriate action.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

The Department determined that A.R.S. § 20-443 (Misrepresentations and false advertising of policies; false disclosure of compensation) and A.R.S. § 20-443.01 (Misrepresentation in sale of insurance; violation classification) afford greater protection to insureds than the circular letters. In addition, other statutory remedies may be available depending on the specifics of the situation.

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a new statement that withdraws two prior statements: Circular Letter 95-1 and Circular Letter 2006-08.

6. The name, address, telephone number and e-mail address of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Catherine O'Neil
 Address: Department of Insurance
 2910 N. 44th St., Suite 210
 Phoenix, AZ 85018-7269
 Telephone: (602) 364-3471
 E-mail: CONeil@azinsurance.gov

7. Information about where a person may obtain a copy of the substantive policy statement:

Copies of this policy are available via the internet at <http://insurance.az.gov> or from the person listed in question #6 for 25 cents per page. The substantive policy statement is 3 pages long.

REGISTER INDEXES

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

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

EXP = Rules have expired
See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

**2018 Arizona Administrative Register
Volume 24 Page Guide**

Issue 1, Jan. 5, 2018.....1-88

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 1 OF VOLUME 24.

OTHER NOTICES AND PUBLIC RECORDS INDEX

Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number. 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.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 1 OF VOLUME 24.

**County Notices Pursuant to A.R.S.
§ 49-112**

Maricopa County; pp. 5-63



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 12 columns: January, February, March, April, May, June. Each month has sub-columns for Date Filed and Effective Date. Rows list dates from 1/1 to 1/31 and corresponding effective dates.



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.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
November 3, 2017	November 24, 2017	December 26, 2017
November 10, 2017	December 1, 2017	January 2, 2018
November 17, 2017	December 8, 2017	January 8, 2018
November 24, 2017	December 15, 2017	January 16, 2018
December 1, 2017	December 22, 2017	January 22, 2018
December 8, 2017	December 29, 2017	January 29, 2018
December 15, 2017	January 5, 2018	February 5, 2018
December 22, 2017	January 12, 2018	February 12, 2018
December 29, 2017	January 19, 2018	February 20, 2018
January 5, 2018	January 26, 2018	February 26, 2018
January 12, 2018	February 2, 2018	March 5, 2018
January 19, 2018	February 9, 2018	March 12, 2018
January 26, 2018	February 16, 2018	March 19, 2018
February 2, 2018	February 23, 2018	March 26, 2018
February 9, 2018	March 2, 2018	April 2, 2018
February 16, 2018	March 9, 2018	April 9, 2018
February 23, 2018	March 16, 2018	April 16, 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

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.