



Arizona Administrative REGISTER

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

Vol. 24, Issue 39

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September 28, 2018

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From the Publisher

ABOUT THIS PUBLICATION

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

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

LEGAL CITATIONS AND FILING NUMBERS

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

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

Arizona Administrative REGISTER

Vol. 24

Issue 39

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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.

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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.



NOTICES OF PROPOSED RULEMAKING

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

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

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

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

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

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

[R18-194]

PREAMBLE

- | | |
|---|--|
| <p>1. <u>Article, Part, or Section Affected (as applicable)</u>
R9-22-303</p> | <p><u>Rulemaking Action</u>
Amend</p> |
| <p>2. <u>Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):</u>
 Authorizing statutes: A.R.S. §§ 36-2903.01, 36-2903, 36-2932
 Implementing statutes: A.R.S. §§ 36-2904, 36-2933</p> | |
| <p>3. <u>Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:</u>
 Notice of Rulemaking Docket Opening: 24 A.A.R. 2703, September 28, 2018</p> | |
| <p>4. <u>The agency’s contact person who can answer questions about the rulemaking:</u></p> <p>Name: Nicole Fries
 Address: AHCCCS
 Office of Administrative Legal Services
 701 E. Jefferson, Mail Drop 6200
 Phoenix, AZ 85034
 Telephone: (602) 417-4232
 Fax: (602) 253-9115
 E-mail: AHCCCSRules@azahcccs.gov
 Web site: www.azahcccs.gov</p> | |
| <p>5. <u>An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:</u></p> | |

The Administration is in the process of requesting a waiver from the federal prior quarter coverage eligibility requirement. On the assumption that the waiver will be approved, AHCCCS is requesting authorization to initiate the process of repealing and amending rules regarding prior quarter coverage so that the change can be implemented expeditiously upon federal approval. Failure to amend and repeal these rules to conform to an approved waiver will result in continued expenditures by AHCCCS for the substantial administrative and operational costs associated with implementation of the prior quarter coverage eligibility process for the low percentage of AHCCCS members who qualify for prior quarter coverage eligibility. Because the prior quarter coverage eligibility process is resource-intensive, repealing prior quarter coverage eligibility will allow the Agency to utilize resources more effectively and efficiently.

More specifically, 42 CFR 435.915 requires the Administration to provide Prior Quarter (PQ) eligibility. Prior quarter eligibility is when a person who applies for AHCCCS may also qualify for Title XIX eligibility in any one of the three previous months prior to application. While A.R.S. § 36-2903(A) provides that the system’s reimbursement responsibility is prospective from the date of the eligibility determination, AHCCCS has implemented prior quarter coverage to ensure federal financial participation for Arizona’s Medicaid Program. Although AHCCCS had previously obtained federal approval waiving compliance from prior quarter coverage eligibility, as of January 1, 2014, AHCCCS was required by CMS to implement prior quarter eligibility. However, the Administration is seeking a new waiver from CMS so that the Administration is not required to provide Title XIX eligibility for any of the three previous months prior to the month of application.



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:

A study was not referenced or relied upon when revising these regulations.

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:

In fiscal year 2017, AHCCCS reimbursed providers for member expenses that met the qualification of prior quarter coverage to the cost of \$21, 347,700. A large portion of those funds come from the federal government, however \$1,983,800 was from the State General Fund. If the rulemaking changes are made then that amount, or more, in savings would be returned to the state, as well additional savings for other political subdivisions that contribute to these funds, such as CMS and counties in Arizona.

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

Name: Nicole Fries
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4232
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.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:

Proposed rule language will be available on the AHCCCS website www.azahcccs.gov the week of September 10, 2018. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., October 29, 2018.

Date: October 29, 2018
Time: 2:00 p.m.
Location: AHCCCS
701 E. Jefferson
Phoenix, AZ 85034
Nature: Public Hearing

Date: October 29, 2018
Time: 2:00 p.m.
Location: ALTCS: Arizona Long-Term Care System
1010 N. Finance Center Dr., Suite 201
Tucson, AZ 85710
Nature: Public Hearing

Date: October 29, 2018
Time: 2:00 p.m.
Location: 2717 N. 4th St., Suite 130
Flagstaff, AZ 86004
Nature: Public Hearing

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:

No other matters have been prescribed.

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:

The rule is not more stringent than the federal law, 42 CFR 435.915 because waivers to exempt the Administration from the federal law are allowable, the Administration has held such a waiver before, and the proposed rule would be less stringent than the federal law.

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

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 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION****ARTICLE 3. GENERAL ELIGIBILITY REQUIREMENTS**

Section

R9-22-303. Prior Quarter Eligibility

ARTICLE 3. GENERAL ELIGIBILITY REQUIREMENTS**R9-22-303. Prior Quarter Eligibility**

- A. ~~Prior Quarter eligibility shall be effective no earlier than January 1, 2014. An applicant may be eligible during any of the three months prior to application if the applicant:~~ Subject to CMS approval, prior quarter coverage eligibility shall be limited to applicants who meet the requirements in (B) and who also:
- ~~Received one or more covered services described in 9 A.A.C. 22, Article 2 and Article 12, and 9 A.A.C. 28, Article 2 during the month~~ Are eligible during any of the three months prior to application; and
 - ~~Would have qualified for Medicaid at the time services were received if the person had applied regardless of whether the person is alive when the application is made.~~ Received one or more covered services described in 9 A.A.C. 22, Article 2 and Article 12, and 9 A.A.C. 28, Article 2 during the month; and
 - ~~Would have qualified for Medicaid at the time services were received if the person had applied regardless of whether the person is alive when the application is made.~~
- B. ~~The Prior Quarter requirements do not apply to~~ Prior quarter coverage eligibility is limited to applicants who are:
- ~~Qualified Medicare Beneficiaries~~ Under the age of 19, or
 - ~~KidsCare~~ Pregnant, or
 - ~~In the 60 day post-partum period beginning with the last day of the pregnancy.~~

NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

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

[R18-198]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R3-7-101 | Amend |
| R3-7-701 | Amend |
| R3-7-702 | Amend |
| R3-7-708 | Amend |
| R3-7-749 | Amend |
| R3-7-751 | Amend |
| R3-7-752 | Amend |
| R3-7-755 | Amend |
| R3-7-757 | Amend |
| R3-7-759 | Amend |
| Table 1 | Amend |
| Table 2 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. §§ 3-3414(A)(4), (D)
Implementing statute: A.R.S. §§ 3-3433, 3-3434, 3-3491, 3-3492, 3-3493, 3-3494, and 3-3495
- 3. The effective date for the rules:**
November 10, 2018
- a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
Not applicable
- b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
Not applicable
- 4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
Notice of Rulemaking Docket Opening: 24 A.A.R. 637, March 23, 2018
Notice of Proposed Rulemaking: 24 A.A.R. 595, March 23, 2018
- 5. The agency's contact person who can answer questions about the rulemaking:**
Name: Michelle Wilson
Address: Department of Agriculture
Weights and Measures Services Division
1688 W. Adams St.
Phoenix, AZ 85007
Telephone: (602) 771-4933
Fax: (623) 939-8586
E-mail: mwilson@azda.gov
Web site: <https://agriculture.az.gov>



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

The Department is updating the rules following the approval of HB2368 which amended A.R.S. § 3-3491 by removing isobutanol from the list of oxygenates that shall not collectively contribute to more than 0.10 percent oxygen by weight in gasoline sold for fueling motor vehicles. Additionally, the Department is updating references to adopt the latest versions of National Institute of Standards and Technology (NIST) Handbooks 44, 130, and 133, as well as making clarifying edits. Specific updates to the rules include:

- The definition of isobutanol;
- The addition of ASTM Standard D7862, 2017 (ASTM D7862-17), "Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel," as a material incorporated by reference;
- The adoption of isobutanol as an allowable oxygenate for blending with gasoline;
- The explanation of allowable minimum and maximum isobutanol content in gasoline depending on geographic area and/or time of year;
- Revised requirements for product transfer documents to include statements regarding isobutanol content;
- Clarify requirements for oxygenates to reflect updated federal requirements;
- Incorporation of the latest versions of Handbooks 44, 130, and 133 that outline method of sale, package and labeling, packaged goods, and commercial device requirements; and
- A definition of stage II vapor recovery has been added to clarify current statutory requirements.

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

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

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

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

Not applicable

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

These rules provide the requirements for the sale of gasoline containing isobutanol throughout the state upon the effective date of the rulemaking and in the cleaner-burning gasoline area following approval of a revision to the State Implementation Plan by the Environmental Protection Agency. The sale of gasoline containing isobutanol is optional; therefore, costs associated with certification of the fuel to meet air quality standards, labeling, and transition of this fuel are optional. If this type of gasoline is produced and sold, it provides additional options to consumers regarding gasoline purchases.

These rules also update to the latest version of the National Institute of Standards and Technology (NIST) Handbooks referenced by the Department for equipment standards and testing methodology. Update to the latest versions of the handbooks provides a consistent regulatory schema for businesses that manufacture, sell and operate regulated equipment in multiple states. Although the Department has not been informed of increased costs due to update of the handbooks, minimal costs may be associated with the new NIST requirements.

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

Changes made between the proposed rulemaking and final rulemaking are organized by section and provided below:

R3-7-702(A)(9): This section was updated in response to Comment 1, as adopting ASTM D7862-17 allows for greater flexibility in the ability to use a newer test method for testing water in butanol and hydrocarbon fuel blends. The changes are outlined as follows:

ASTM Standard D7862, ~~2015a~~ 2017 (ASTM ~~D7862-15a~~ D7862-17), "Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel," published ~~2015~~ 2017, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org.

R3-7-708(C): The word "percentage" was added into this section to provide clarification and maintain consistency as requested in Comment 2. The changes are outlined as follows:

In addition to complying with the requirements in R3-7-707, the transferor of an oxygenated gasoline blend shall ensure that the product transfer document contains a legible and conspicuous statement that the gasoline being transferred contains an oxygenate and lists the type and percentage concentration of the oxygenate.

R3-7-755(C)(3): This section was added in response to Comment 3, in order to clarify the re-certification requirements if a registered oxygenate blender wishes to blend an AZRBOB with an oxygenate other than specified by the registered supplier. The changes are outlined as follows:

A registered oxygenate blender may utilize an oxygenate type other than the one specified by the registered supplier provided all the requirements of R3-7-751, R3-7-755, and R3-7-759 are demonstrated with the addition of the different oxygenate type.

R3-7-759, Table 2: A footnote reference was added into the portion of Table 2 shown below in order to provide clarification in



regards to the maximum allowable oxygenate content for isobutanol utilized as a component in Type 2 Arizona CBG. The changes are outlined as follows:

Oxygen content: isobutanol** November 1 - March 31	12.5% isobutanol	=	12.5% isobutanol	% by volume
April 1 - October 31		-		
The maximum oxygen content year around		-	3.5	% by weight

** Maximum oxygen content shall comply with the EPA oxygenate waiver requirements.

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

The Department received written comments from two stakeholders regarding the proposed rule.

Comment 1: The latest published version of D7862 should be incorporated by reference in R3-7-702(A)(9) to ensure the most current technical information is utilized. The newer version includes additional flexibility to utilize a newer test method for testing water in butanol and hydrocarbon fuel blends.

Response: The department agrees that this will provide flexibility and has included the newest version of ASTM D7862 in the final rule.

Comment 2: The last sentence in R3-7-708(C) removes the term "percentage" when specifying the oxygenate concentration. This term should be added to clarify and maintain consistency.

Response: The department agrees and has added the term "percentage" when referring to the concentration of the oxygenate listed on the product transfer document.

Comment 3: R3-7-755 should include an additional statement to allow an oxygenate blender the use of a different oxygenate than what is designated by the registered supplier if additional requirements are met to recertify the fuel. As proposed, the rule would only allow the use of isobutanol if a registered supplier certified AZRBOB¹ for use with isobutanol and delivered through a segregated supply chain, thus restricting AZRBOB certified to meet CBG requirements with ethanol from being blended with isobutanol.

Response: A.R.S. 3-3493 and 3-3494 require all gasoline produced and shipped to or within the state and sold or offered for sale for use in motor vehicles in a county with a population of one million, two hundred thousand or more, area A, and area C (as defined in A.R.S. 3-3401), meet specific fuel quality requirements to protect air quality. This is commonly referred to as the cleaner-burning gasoline (CBG) program. To ensure all CBG meets the specifications, the rules require a registered supplier to certify (by performing laboratory analysis) each batch of AZRBOB or CBG to be shipped to or sold within the CBG-covered area. This certification provides the evidence that the gasoline sold within the CBG-covered area will meet the required standards to protect air quality. The statutes and rules that comprise the CBG program are approved by EPA within the federally-enforceable State Implementation Plan.

Historically, all CBG and AZRBOB has been produced outside of Arizona and all AZRBOB shipped to the CBG-covered area through the pipeline has required the same type and quantity of oxygenate to be added. Per rule, a registered supplier must notify the department before transporting Arizona CBG or AZRBOB into the CBG-covered area by means other than a pipeline. For these reasons, "specialty" blends of certified CBG have been produced and shipped to the CBG-covered area as a segregated product by means other than a pipeline.

In current practice, all AZRBOB is produced and shipped as a fungible product through the pipeline to the CBG-covered area, and requires the addition of 10% ethanol for the final CBG product to be distributed to retail stations. Due to the fact that the various batches of certified AZRBOB are all mixed together during the distribution process, there is no way to test and certify that a particular batch of AZRBOB blended with a specified concentration of isobutanol (or other oxygenate) would continue to meet the standards once it is mixed with other batches of AZRBOB during the distribution process. For this reason, the product either: 1) needs to be produced by a registered supplier, certified, and kept segregated through the distribution chain; or 2) AZRBOB needs to be re-certified with the appropriate concentration and type of oxygenate (other than 10% ethanol) to demonstrate the CBG will meet the standards.

It is unknown at this point whether it is feasible to produce compliant CBG by blending AZRBOB with isobutanol. This uncertainty is due to logistics, AZRBOB properties, and practicality. However, the department agrees that clarification of the rule to allow added flexibility to segregate AZRBOB at various points in the supply chain and "recertify" the gasoline as CBG with a differing oxygenate provides additional flexibility and clarification.

Comment 4: An isobutanol blend will not be fungible with CBG that is blended with ethanol as comingling is not allowed at retail by EPA (although comingling is not detrimental to combustion engines or their performance). It is recommended to remove the word "fungible" in R3-7-749 or add clarification.

Response: The word "fungible" indicates that the final CBG blend must be "interchangeable" with other finished CBG, not that it must have the ability to be commingled. Blending with differing oxygenate type and amounts may result in a final CBG that is not compliant due to finished fuel properties that when combined offer reduced octane, increased RVP, or other non-complaint fuel properties. No changes were made.

Comment 5: Given that AZRBOB is comingled in large storage tanks at terminals, every refiner that supplies AZRBOB to the terminal will need to test isobutanol blends and note their acceptance of isobutanol for blending with AZRBOB on product transfer



documents as they do with ethanol blends to comply with R3-7-755. The low volume of isobutanol available provides no incentive for refiners to do the testing. If a refiner is willing to test, the result is that any AZRBOB that is tested will need to be segregated in its own tank which isn't practical given the size of typical tanks as well as the availability of smaller tanks.

Response: Yes, as explained in the response to Comment 3, the statutes and rules as approved in the State Implementation Plan require that all gasoline shipped to or within Arizona and sold or offered for sale for use in motor vehicles in a county with a population of one million, two hundred thousand or more, area A, and area C, meet specific requirements for CBG.

Comment 6: Paragraph R3-7-755(I) implies that if splash-blending of AZRBOB and isobutanol is done in a truck, each splash-blended batch needs to be tested for oxygenate level. This can be done, but it is expensive, impractical, and would not incent blenders or jobbers to make isobutanol blends available.

Response: A.A.C. R3-7-755(I) provides requirements for oxygenate blending in trucks. This section requires that a quality assurance and sampling plan meeting the requirements in 40 CFR 80.69(E)(2) as it existed on July 1, 1996, with exceptions noted. In summary, if an oxygenate blender is not using computer-controlled in-line blending, sampling must be performed at a rate of not less than one sample per each one hundred occasions AZRBOB and oxygenate are blended in a truck by that oxygenate blender, or one sample per month, whichever is more frequent (see 40 CFR 80.69(e)(2)(ii)(B)).

Comment 7: EPA is in the process of streamlining regulations and is working to allow the addition of isobutanol at an equal or greater percentage than 10% ethanol when 10% ethanol is required per the product transfer documentation. This encompasses the spirit of CBG and is clearly not detrimental to air emissions either through combustion or evaporative emissions. We prefer an approach such as this being pursued with EPA. Additional benefits of the use of isobutanol are outlined in the comment.

Response: We are aware of the work EPA is doing with respect to streamlining federal gasoline regulations. EPA has released a draft proposed rule with an anticipated timeframe for implementation around January 1, 2020. However, at this time we are not aware of evidence regarding the impacts related to the use of 12.5% isobutanol in lieu of 10% ethanol nor is there anything that has been finalized by EPA. We will continue to monitor the efforts of EPA and the availability of such data.

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

A.R.S. § 3-3414(D) requires the Associate Director of the Weights and Measures Services Division to consult with the Director of the Department of Environmental Quality when making rules relating to quality standards for motor fuel, including oxygenated fuels. A.R.S. § 3-3433(C) also requires consultation regarding standards and test methods for motor fuels. This rulemaking establishes the standards relating to motor fuels. The required consultation occurred.

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

Not applicable

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

This rulemaking is consistent with the federal law. The cleaner-burning gasoline and vapor recovery air quality programs are regulated at the federal level under the Clean Air Act and required under State Implementation Plans in effect for the region.

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

No analysis was submitted.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

ASTM Standard D7862, 2017 (ASTM D7862-17), “Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel,” published 2017.

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

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

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

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

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:

None of the rules were previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 3. AGRICULTURE

**CHAPTER 7. DEPARTMENT OF AGRICULTURE
WEIGHTS AND MEASURES SERVICES DIVISION**

ARTICLE 1. ADMINISTRATION AND PROCEDURES

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

ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS

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

ARTICLE 1. ADMINISTRATION AND PROCEDURES

R3-7-101. Definitions

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

1. No change
2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change



- f. No change
- g. No change
- h. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change
- 8. No change
- 9. No change
- 10. No change
- 11. No change
 - a. No change
 - b. No change
 - c. No change
- 12. No change
- 13. No change
- 14. “Handbook 44” means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 44, *Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*, Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (~~2017~~2018 edition), incorporated by reference and on file with the Division. This incorporation by reference contains no future editions or amendments.
- 15. “Handbook 130” means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 130, *Uniform Laws and Regulations*, Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (~~2017~~ 2018 edition), incorporated by reference and on file with the Division. This incorporation by reference contains no future editions or amendments.
- 16. “Handbook 133” means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 133, *Checking The Net Contents of Packaged Goods*, Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000 or bookstore.gpo.gov (January ~~2017~~ 2018 edition), incorporated by reference and on file with the Division. This incorporation by reference contains no future editions or amendments.
- 17. No change
- 18. No change
- 19. No change
- 20. No change
- 21. No change
- 22. No change
- 23. No change
- 24. No change
- 25. No change
- 26. No change
- 27. No change
- 28. No change
- 29. No change
- 30. No change
- 31. No change
- 32. No change
- 33. “Stage II vapor recovery” means a system where at least ninety percent by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling are transferred to a vapor-tight holding system or vapor control system.
- ~~33~~34. No change
- ~~34~~35. No change
- ~~35~~36. No change
- ~~36~~37. No change
- ~~37~~38. No change
- ~~38~~39. No change
- ~~39~~40. No change

ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS

R3-7-701. Definitions

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

“Address” means a street number, street name, city, state, and zip code.

“Approved oxygenate” means an oxygenate not prohibited by A.R.S. 3-3491(E).

“Area A” has the same meaning as in A.R.S. § 3-3401.

“Area B” has the same meaning as in A.R.S. § 3-3401.

“Area C” has the same meaning as in A.R.S. § 3-3401.



“Arizona Cleaner Burning Gasoline” or “Arizona CBG” means a gasoline blend that meets the requirements of this Article for gasoline produced and shipped to or within Arizona and sold or offered for sale for use in motor vehicles within the CBG-covered area, except as provided under A.R.S. § 3-3493(I).

“AST” means aboveground storage tank.

“AZRBOB” or “Arizona Reformulated Blendstock for Oxygenate Blending” means a combination of gasoline blendstocks that is intended to be or represented to constitute Arizona CBG upon the addition of a specified amount (or range of amounts) of ~~fuel ethanol~~ an approved oxygenate after the blendstock is supplied from the facility at which it was produced or imported.

“Batch” means a quantity of motor fuel or AZRBOB that is homogeneous for motor fuel properties specific for the motor fuel standards applicable to that motor fuel or AZRBOB.

“Beginning of transport” means the point at which:

A registered supplier relinquishes custody of Arizona CBG or AZRBOB to a transporter or third-party terminal; or

A registered supplier that retains custody of Arizona CBG or AZRBOB begins transfer of the Arizona CBG or AZRBOB into a vessel, tanker, or other container for transport to the CBG-covered area.

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

“Biodiesel blend” has the same meaning as prescribed under A.R.S. § 3-3401. Per ASTM D975, diesel fuel may contain 5 percent or less biodiesel and is not considered to be a biodiesel blend.

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

“Biofuel blend” has the same meaning as prescribed under A.R.S. § 3-3401.

“Biofuel blender” means a person that modifies a motor fuel by adding a biofuel.

“Biofuel producer” means a person that owns, leases, operates, controls, or supervises a facility at which biofuel is produced.

“Biofuel Supplier” means a marketer or jobber of a biofuel or biofuel blend.

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

“Biomass-based diesel” has the same meaning as prescribed under A.R.S. § 3-3401.

“Biomass-based diesel blend” has the same meaning as prescribed under A.R.S. § 3-3401.

“Blendstock” means any liquid compound that is blended with another liquid compound to produce a motor fuel, including Arizona CBG. A deposit-control or similar additive registered under 40 CFR 79 is not a blendstock.

“CARB” means the California Air Resources Board.

“CARBOB Model” means the procedures incorporated by reference in R3-7-702(11).

“CARB Phase 2 gasoline” means gasoline that meets the specifications incorporated by reference in R3-7-702(8).

“CBG-covered area” means a county with a population of 1,200,000 or more persons according to the most recent United States decennial census and any portion of a county within area A.

“Conventional gasoline” means gasoline that conforms to the requirements of this Chapter for sale or use in Arizona, but does not meet the requirements of Arizona CBG or AZRBOB.

“Diesel fuel” or “Diesel” has the same meaning as prescribed under A.R.S. § 3-3401. Per ASTM D975, diesel fuel may contain 5 percent or less biodiesel.

“Duplicate” means a portion of a sample that is treated the same as the original sample to determine the accuracy and precision of an analytical method.

“EPA” means the United States Environmental Protection Agency.

“EPA waiver” means a waiver granted by the Environmental Protection Agency as described in “Waiver Requests under Section 211(f) of the Clean Air Act,” which is incorporated by reference in R3-7-702.

“Ethanol flex fuel” has the same meaning as prescribed under A.R.S. § 3-3401.

“Final destination” means the name and address of the location to which a transferee will deliver motor fuel for further distribution or final consumption.

“Final distribution facility” means a stationary motor-fuel transfer point at which motor fuel or AZRBOB is transferred into a cargo tank truck, pipeline, or other delivery vessel from which the motor fuel or AZRBOB will be delivered to a motor-fuel dispensing site. A cargo tank truck is a final distribution facility if the cargo tank truck transports motor fuel or AZRBOB and carries documentation that the type and amount or range of amounts of oxygenates designated by the registered supplier will be or have been blended directly into the cargo tank truck before delivery of the resulting motor fuel to a motor-fuel dispensing site.

“Fleet” means at least 25 motor vehicles owned or leased by the same person.

“Fleet vehicle fueling facility” means a facility or location where a motor fuel is dispensed for final use by a fleet.

“Fuel ethanol” means denatured ethanol that meets the requirements in ASTM D4806, which is incorporated by reference in R3-7-702.

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

“Isobutanol” means butanol isomer 2-methyl-1-propanol that meets the requirements in ASTM D7862, which is incorporated by reference in R3-7-702.

“Jobber” means a person that distributes a motor fuel from a bulk storage plant to the owner or operator of a UST or AST or purchases a motor fuel from a terminal for distribution to the owner or operator of a UST or AST.

“Manufacturer’s proving ground” has the same meaning as prescribed under A.R.S. § 3-3401.

“Marketer” means a person engaged in selling or offering for sale motor fuels.



- “Motor Fuel” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Motor fuel dispensing site” means a facility or location where a motor fuel is dispensed into commerce for final use.
- “Motor fuel property” means any characteristic listed in R3-7-751(A)(1) through (7), R3-7-751(B)(1) through (7), Table 1, Table 2, or any other motor fuel standard referenced in this Article.
- “Motor vehicle” means a vehicle equipped with a spark-ignited or compression-ignition internal combustion engine except:
- A vehicle that runs on or is guided by rails, or
 - A vehicle designed primarily for travel through air or water.
- “Motor vehicle racing event” has the same meaning as prescribed under A.R.S. § 3-3401.
- “MTBE” means methyl tertiary butyl ether.
- “Neat” means pure or 100 percent.
- “NOx” means oxides of nitrogen.
- “Octane,” “octane number,” or “octane rating” mean the anti-knock characteristic of gasoline as determined by the resultant arithmetic test average of ASTM D2699 and ASTM D2700.
- “Oxygenate” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Oxygenate blender” means a person that owns, leases, operates, controls, or supervises an oxygenate-blending facility, or that owns or controls the blendstock or gasoline used, or the gasoline produced, at an oxygenate-blending facility.
- “Oxygen content” means the percentage by weight of oxygen contained in a gasoline oxygenate blend as determined under ASTM D4815.
- “Pipeline” means a transporter that owns or operates an interstate common-carrier pipe or is subject to Federal Energy Regulatory Commission tariffs to transport motor fuels into Arizona.
- “Premium Diesel” means a diesel fuel meeting the requirements in ASTM D975 and in Handbook 130, Uniform Engine Fuels and Automotive Lubricants Regulations, Section 2.2.1(a) through 2.2.1(d).
- “Producer” means a refiner, blender, or other person that produces a motor fuel, including Arizona CBG or AZRBOB.
- “Production facility” means a facility at which a motor fuel, including Arizona CBG or AZRBOB, is produced. Upon request of a producer, the associate director may designate, as part of the producer’s production facility, a physically separate bulk storage facility that:
- Is owned or leased by the producer;
 - Is operated by or at the direction of the producer; and
 - Is used to store or distribute motor fuels, including Arizona CBG or AZRBOB, that are supplied only from the production facility.
- “Product transfer document” has the same meaning as prescribed under A.R.S. § 3-3401.
- “Refiner” means a person that owns, leases, operates, controls, or supervises a refinery in the United States, including its trust territories.
- “Refinery” means a facility that produces a liquid fuel, including Arizona CBG or AZRBOB, by distilling petroleum, or a transmix facility that produces a motor fuel offered for sale or sold into commerce as a finished motor fuel.
- “Reproducibility” means the testing method margin of error as provided in the ASTM specification or other testing method required under this Article.
- “Supply” means to provide or transfer motor fuel to a physically separate facility, vehicle, or transportation system.
- “Terminal” means an owner or operator of a motor fuel storage tank facility that accepts custody, but not necessarily ownership, of a motor fuel from a registered supplier, oxygenate blender, pipeline, or other terminal and relinquishes custody of the motor fuel to a transporter or another terminal.
- “Test result” means any document that contains a result of testing including all original test measures, all subsequent test measures that are not identical to the original test measure, and all worksheets on which calculations are performed.
- “Transferee” means a person that receives title to or custody of a motor fuel.
- “Transferor” means a person that relinquishes title to or custody of a motor fuel to a transporter, marketer, jobber, or motor fuel dispensing site.
- “Transmix” means a mixture of petroleum distillate fuel and gasoline that does not meet the Arizona standards for either petroleum distillate fuels or gasoline.
- “Transmix facility” means a facility at which transmix is processed into its components and then the components either are combined with a finished product or further processed to produce a finished motor fuel.
- “Transporter” means a person that causes motor fuels, including Arizona CBG or AZRBOB, to be transported into or within Arizona.
- “UST” means underground storage tank.
- “Vapor pressure” means dry vapor pressure equivalent of gasoline or blendstock as measured according to ASTM D5191.
- “Vehicle emissions control area” has the same meaning as prescribed under A.R.S. § 3-3401.
- “VOC” means volatile organic compound.



R3-7-702. Material Incorporated by Reference

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. ASTM Standard D7862, 2017 (ASTM D7862-17), "Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel," published 2017, ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or www.astm.org.
 - ~~9,10.~~No change
 - ~~10,11.~~ No change
 - ~~11,12.~~ No change
 - ~~12,13.~~ No change
 - ~~13,14.~~ No change
 - ~~14,15.~~No change
- B. No change

R3-7-708. Gasoline Oxygenate Blends

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

“Produce” means:

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

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

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

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

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

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

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

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

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

“Winter” means November 1 through March 31.

R3-7-751. Arizona CBG Requirements

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change



- e. No change
- f. No change
- 7. No change
 - a. No change
 - i. November 1 - March 31: 10 percent fuel ethanol by volume or 12.5 percent isobutanol by volume. If A.R.S. § 3-3493(C) petition in effect: 2.7 percent oxygen by weight as approved by the associate director.
 - ii. No change
 - b. The maximum oxygen content shall not exceed 4.0 percent by weight for fuel ethanol and ~~as specified in A.R.S. § 3-3491 shall not exceed the amount allowed by EPA waivers under Section 211(f) of the Clean Air Act for other oxygenates, and~~ Additionally, the oxygen content shall comply with the requirements of A.R.S. § 3-3491 and § 3-3492.
 - c. No change
- 8. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. Oxygenate ~~Ethanol~~;
 - a. Minimum oxygenate content - 10 percent fuel ethanol by volume or 12.5 percent isobutanol by volume;
 - b. Maximum oxygen content - 4.0 percent oxygen by weight, and shall comply with the requirements of A.R.S. § 3-3492; and
 - c. Alternative minimum fuel ethanol or isobutanol content may be used if approved by the associate director under A.R.S. § 3-3493(C).
- C. Fuel ethanol and other oxygenate specifications. A person that uses fuel ethanol or other oxygenates as a blending component with AZRBOB or Arizona CBG shall ensure that the fuel ethanol or other oxygenates meet ~~meets~~ the following requirements ~~in ASTM D4806 and the following~~:
 - ~~1. A sulfur content not exceeding 10 ppm by weight;~~
 - ~~2. An olefins content not exceeding 0.5 percent by volume, and~~
 - ~~3. An aromatic hydrocarbon content not exceeding 1.7 percent by volume.~~
 - 1. A sulfur content not exceeding 10 ppm by weight;
 - 2. The fuel ethanol or other oxygenate must be composed solely of carbon, hydrogen, nitrogen, oxygen, and sulfur;
 - 3. For fuel ethanol, only gasoline previously certified under 40 CFR Part 80 (including previously certified blendstocks for oxygenate blending), gasoline blendstocks, or natural gas liquids may be used as denaturants; and
 - 4. For fuel ethanol, the concentration of all denaturants is limited to a maximum of 3.0 volume percent.
- D. No change
 - 1. No change
 - 2. No change
- E. No change
 - 1. No change
 - 2. No change
- F. No change
- G. No change
- H. No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - 3. No change
 - 4. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - c. No change
 - d. No change
 - i. No change
 - ii. No change
- I. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change



- a. No change
 - b. No change
 - J.** No change
 - K.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - L.** No change
 - 1. No change
 - a. No change
 - b. No change
 - 2. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - c. No change
 - d. No change
 - 3. No change
 - a. No change
 - b. No change
 - 4. No change
 - M.** No change
 - N.** No change
 - O.** No change
 - 1. No change
 - 2. No change
 - P.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - Q.** No change
 - R.** The use of oxygenates other than ethanol under subsection (A)(7)(a)(i) and (B)(7)(a) is prohibited until EPA approves a revision to the state implementation plan allowing the use of oxygenates other than ethanol.
- R3-7-752. General Requirements for Registered Suppliers**
- A.** No change
 - B.** No change
 - C.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - 2. No change
 - 3. No change
 - D.** No change
 - E.** No change
 - F.** No change
 - 1. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - d. No change
 - e. No change
 - 4. No change



- a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - vii. No change
- b. No change
- c. No change
 - i. No change
 - ii. No change
- d. No change

G. No change

H. No change

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. Isobutanol: 0.6% by volume
 - e-f. No change
 - f-g. No change
 - g-h. No change
 - h-i. No change
 - i-j. No change
 - j-k. No change
- 2. No change
 - a. No change
 - b. No change

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

A. No change

- 1. No change
 - a. If a registered supplier designates a final blend as AZRBOB and complies with the provisions of this Section, the fuel properties and performance standards of the AZRBOB, for purposes of compliance with Table 2, are determined by adding the specified ~~type and~~ amount of ~~fuel ethanol oxygenate~~ to a representative sample of the AZRBOB and ~~determining the fuel properties and performance standards of testing~~ the resulting gasoline using the test methods in R3-7-759 or, in the case of ~~fuel ethanol blends~~, certifying the AZRBOB using the CARBOB model. If the registered supplier designates a range of amounts of ~~fuel ethanol oxygenate~~ to be added to the AZRBOB, the minimum designated amount of ~~fuel ethanol oxygenate~~ shall be added to the AZRBOB to determine the fuel properties and performance standards of the resulting Arizona CBG. If a registered supplier does not comply with this subsection, the Division shall determine whether the AZRBOB complies with applicable fuel properties and performance standards, excluding requirements for vapor pressure, without adding ~~fuel ethanol oxygenate~~ to the AZRBOB.
 - b. In determining whether AZRBOB complies with the Arizona CBG standards, the registered supplier shall ensure that the ~~fuel ethanol oxygenate~~ added to the representative sample under subsection (A)(1)(a) is representative of the ~~fuel ethanol oxygenate~~ the registered supplier reasonably expects will be subsequently added to the AZRBOB.
- 2. Calculating the volume of AZRBOB. If a registered supplier designates a final blend as AZRBOB and complies with this Section, the volume of AZRBOB is calculated for compliance purposes under R3-7-751 by adding the minimum amount of ~~fuel ethanol oxygenate~~ designated by the registered supplier. If a registered supplier fails to comply with this subsection, the Division shall calculate the volume of AZRBOB for purposes of compliance with applicable fuel properties and performance standards without adding the amount of ~~fuel ethanol oxygenate~~ to the AZRBOB.

B. No change

- 1. No change
 - a. The transferee is a registered oxygenate blender and will add ~~fuel ethanol oxygenate~~ in the ~~type and~~ amount (or within the range of amounts) designated in R3-7-757 before the AZRBOB is transferred from a final distribution facility, or
 - b. The transferee will take all reasonably prudent steps necessary to ensure that the AZRBOB is transferred to a registered oxygenate blender that adds the ~~type and~~ amount (or within the range of amounts) of ~~fuel ethanol oxygenate~~ designated in R3-7-757 to the AZRBOB before the AZRBOB is transferred from a final distribution facility.
- 2. A person shall not sell or supply Arizona CBG from a final distribution facility if the ~~type and~~ amount or range of amounts of ~~fuel ethanol oxygenate~~ designated in R3-7-757 ~~has have~~ not been added to the AZRBOB.

C. No change

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



3. A registered oxygenate blender may utilize an oxygenate type other than the one specified by the registered supplier provided all the requirements of R3-7-751, R3-7-752, R3-7-755, and R3-7-759 are demonstrated with the addition of the different oxygenate type.
- D. No change
1. No change
 2. No change
 3. No change
- E. No change
1. No change
 - a. No change
 - b. No change
 - c. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
 8. No change
 9. No change
 10. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
- F. No change
- G. No change
1. No change
 2. No change
- H. No change
- I. Requirements for oxygenate blenders.
1. Requirement to add ~~fuel ethanol~~ oxygenate to AZRBOB. If an oxygenate blender receives AZRBOB from a transferor to whom the oxygenate blender represents that ~~fuel ethanol~~ oxygenate will be added to the AZRBOB, the oxygenate blender shall add ~~fuel ethanol~~ oxygenate to the AZRBOB in the type and amount (or within the range of amounts) identified in the documentation accompanying the AZRBOB.
 2. Additional requirements for oxygenate blending at terminals. An oxygenate blender that makes Arizona CBG by blending ~~fuel ethanol~~ oxygenate with AZRBOB in a motor fuel storage tank, other than a truck used to deliver motor fuel to a retail outlet or bulk-purchaser consumer facility, shall determine the oxygen content and volume of the Arizona CBG before shipping, by collecting and analyzing a representative sample of the Arizona CBG, using the methodology in R3-7-759.
 3. No change
 - a. No change
 - b. No change
 - c. No change
 4. No change
 - a. An oxygenate blender that produces Arizona CBG by blending ~~fuel ethanol~~ oxygenate with AZRBOB into a pipeline using computer-controlled in-line blending shall, for each batch of Arizona CBG produced:
 - i. Obtain a flow proportional composite sample after the addition of ~~fuel ethanol~~ oxygenate and before combining the resulting Arizona CBG with any other Arizona CBG;
 - ii. No change
 - iii. No change
 - b. If the test results for the Arizona CBG indicate that it does not contain the amount of ~~fuel ethanol~~ oxygenate specified by the ranges of the applicable test methods, the oxygenate blender shall:
 - i. No change
 - ii. No change
 - iii. Collect a representative sample every two hours during each in-line blend of AZRBOB and ~~fuel ethanol~~ oxygenate, and analyze the samples within 12 hours of collection, until the cause of the noncompliance is determined and corrected; and
 - iv. No change
 - c. No change



- 5. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - b. No change
 - c. Within 20 days of the associate director’s written request, an oxygenate blender shall provide any records maintained by the oxygenate blender under this Section. If the oxygenate blender fails to provide records requested for a blend or shipment of Arizona CBG, the associate director shall deem that the blend or shipment of Arizona CBG violates R3-7-751 or exceeds the comparable PM averaging limits, if applicable, unless the oxygenate blender demonstrates to the associate director that the Arizona CBG meets the standards and limits under R3-7-751.
- 6. No change
- 7. No change
- 8. No change
- 9. No change

J. No change

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

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. For oxygenated Arizona CBG designated for sale for use in motor vehicles from November 1 through March 31, the type and minimum quantity of fuel-ethanol oxygenate contained in the Arizona CBG;
 - 8. If the product transferred is AZRBOB for which fuel-ethanol oxygenate blending is intended:
 - a. Identification of the fuel as AZRBOB and a statement that the “AZRBOB does not comply with the standards for Arizona CBG without the addition of fuel-ethanol oxygenate”;
 - b. Fuel-ethanol Oxygenate type or types and amount or range of amounts that the AZRBOB requires to meet the fuel properties or performance standards claimed by the registered supplier of the AZRBOB, and the applicable specifications for volume percent fuel-ethanol of oxygenate and weight percent oxygen content; and
 - c. Instructions to the transferee that the AZRBOB may not be combined with any other AZRBOB unless the other AZRBOB has the same requirements for fuel-ethanol oxygenate type or types and amount or range of amounts; and
 - 9. No change
 - a. No change
 - b. No change
 - c. No change
- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. When a person transfers custody or title of fuel-ethanol an oxygenate that is intended for use in AZRBOB or Arizona CBG, the person shall provide the transferee a document that prominently states that the fuel-ethanol oxygenate complies with the standards for fuel-ethanol an oxygenate intended for use in AZRBOB or Arizona CBG.
- H. No change

R3-7-759. Testing Methodologies

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

Table 1. Type 1 Arizona CBG Standards

	Non-averaging Option	Averaging Option		
	A	B	C	D
Performance Standard/Fuel Property**	Per-Gallon (minimum)	Average	Minimum (per-gallon)	Maximum (per-gallon)



VOC Emission Reduction (%) May 1 -through Sept. 15	27.5	29.0	25.0	N/A
NOx Emission Reduction (%) May 1 -through Sept. 15	5.5	6.8	N/A	N/A
NOx Emission Reduction (%) Sept. 16 - October 31 and February 1 - April 30***	0.0	N/A	N/A	N/A
Oxygen content: fuel ethanol, (% by weight unless otherwise noted) November 1 - March 31*** April 1 - October 31	N/A 0.0*	N/A N/A	N/A 0.0	N/A 4.0
Oxygen content: other than fuel ethanol, (% by weight) November 1 - March 31*** April 1 - October 31	N/A 0.0	N/A N/A	N/A 0.0	N/A *** <u>3.5</u>

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

Table 2. Type 2 Arizona CBG Standards

Fuel Property	Averaging Option		Non-averaging Option	Units of Standard
	A	B	C	
	Maximum Standard (per gallon)	Averaging Standard*	Flat Standard * (per gallon maximum)	
Sulfur Content	80	30	40	Parts per million by weight
Olefin Content	10.0	4.0	6.0	% by volume
90% Distillation Temperature (T90)	330	290	300	Degrees Fahrenheit
50% Distillation Temperature (T50)	220	200	210	Degrees Fahrenheit
Aromatic Hydrocarbon Content	30.0	22.0	25.0	% by volume
Oxygen content: fuel ethanol** November 1 - March 31 April 1 - October 31 The maximum oxygen content year around	10% fuel ethanol	- - -	10% fuel ethanol** 4.0	% by volume % by weight
<u>Oxygen content: isobutanol**</u> <u>November 1 - March 31</u> April 1 - October 31 The maximum oxygen content year around	<u>12.5% isobutanol</u>	= - -	<u>12.5% isobutanol</u> 3.5	<u>% by volume</u> % by weight

* Instead of the standards in columns B and C, a registered supplier may comply with the standards contained in column A, and R3-7-751(G), (H), and (I) for the use of the PM.
 ** Maximum oxygen content shall comply with the EPA oxygenate waiver requirements.
 A registered supplier shall certify all Arizona CBG using fuel ethanol or isobutanol as the oxygenate beginning November 1 through March 31. Alternative fuel ethanol oxygenate contents not less than 2.7% total oxygen may be used if approved by the associate director under A.R.S. § 3-3493(C).
 NOTE: Dates represent compliance dates for the owner of a motor fuel dispensing site or fleet vehicle fuel facility.



NOTICES OF FINAL EXPEDITED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Expedited Rulemaking. The Office of the Secretary of State is the filing office and publisher of these rules.

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

NOTICE OF FINAL EXPEDITED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 6. DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES AND INFESTATIONS

[R18-195]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R9-6-701 Amend
R9-6-702 Amend
Table 7.1 New Table
Table 7.2 New Table
R9-6-703 Amend
R9-6-704 Amend
R9-6-705 Amend
R9-6-706 Amend
R9-6-707 Amend
Table 1 Repeal
Table 2 Repeal
R9-6-708 Amend
2. Citations to the agency's statutory authority for the rulemaking to include the authorizing statute (general) and the implementing statute (specific):
Authorizing Statutes: A.R.S. §§ 36-136(A)(7) and 36-136(G)
Implementing Statutes: A.R.S. §§ 15-872, 15-873, 15-874, 36-136(I)(1), 36-672, 36-674, 36-883
3. The effective date of the rules:
September 4, 2018
4. Citations to all related notices published in the Register that pertain to the record of the final expedited rulemaking:
Notice of Docket Opening: 24 A.A.R. 638, March 23, 2018
Notice of Proposed Expedited Rulemaking: 24 A.A.R. 745, April 6, 2018
5. The agency's contact person who can answer questions about the rulemaking:
Name: Dana Goodloe, Office Chief
Address: Arizona Department of Health Services
Bureau of Epidemiology and Disease Control
150 N. 18th Ave., Suite 120
Phoenix, AZ 85007-3248
Telephone: (602) 364-3630
Fax: (602) 364-3285
E-mail: Dana.Goodloe@azdhs.gov
or
Name: Robert Lane, Chief
Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Robert.Lane@azdhs.gov



6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:

Arizona Revised Statutes (A.R.S.) § 36-136(I)(1) requires the Arizona Department of Health Services (Department) to “define and prescribe reasonably necessary measures for detecting, reporting, preventing and controlling communicable and preventable diseases.” A.R.S. § 36-672 requires the Department to adopt rules specifying immunization requirements for school attendance. A.R.S. § 15-872 requires the development by rule of standards for documentary proof of immunization or exemption from immunization. A.R.S. § 15-873 authorizes exemptions from school immunization requirements for personal beliefs or medical reasons, and A.R.S. § 36-883(C) authorizes exemptions from child care immunization requirements for religious beliefs. The Department has adopted in Arizona Administrative Code (A.A.C.) Title 9, Chapter 6, Article 7, rules to implement these and related statutes. These rules were last revised in 2008 and contain antiquated, obsolete, and redundant requirements, as well as presenting requirements in a manner that is very difficult to understand. Some requirements conflict with state statutes, while others are inconsistent with standard medical practice, causing a burden on physicians and registered nurse practitioners attempting to reconcile the inconsistencies. They also impose a burden on schools, child care administrators, parents, and anyone else who attempts to use the rules. As described in a five-year-review report for 9 A.A.C. 6, Article 7, approved by the Governor’s Regulatory Review Council on October 3, 2017, the Department is revising the rules in 9 A.A.C. 6, Article 7, by expedited rulemaking to remove obsolete and redundant requirements, simplify the rules, make the rules more consistent with standard medical practices, and better allow for electronic records and recordkeeping. This includes allowing the federally required VIS document, describing a vaccine, the disease it protects against, description of risks and benefits, and contraindications, to be provided “in writing,” as defined in R9-6-701. The revised rules conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

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

The Department did not review or rely on any study for this rulemaking.

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

Not applicable

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

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

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

Between the proposed expedited rulemaking and the final expedited rulemaking, R9-6-704(A)(2) was changed to include documentation from an Arizona child care and to clarify that the document could include a print-out from a school-based or child care-based vaccination immunization system, to better recognize the possibility of electronic recordkeeping. These changes are consistent with provisions in the current rules in R9-6-704(A)(5). In addition, typographical or grammatical errors were corrected.

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

The Department did not receive public or stakeholder comments about the rulemaking.

12. 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:

There are no other matters prescribed by statute applicable specifically to the Department or this specific rulemaking.

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 rules do not require the issuance of a regulatory permit. Therefore, a general permit is not applicable.

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

Federal laws do not apply to the rules.

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

No such analysis was submitted.

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

None

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

The rule was not previously made as an emergency rule.

15. The full text of the rules follows:



TITLE 9. HEALTH SERVICES
CHAPTER 6. DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES AND INFESTATIONS

ARTICLE 7. REQUIRED IMMUNIZATIONS FOR CHILD CARE OR SCHOOL ENTRY

Section
R9-6-701. Definitions
R9-6-702. Required Immunizations for Child Care or School Entry
Table 7.1. Immunization Requirements for Child Care or School Entry
Table 7.2. Immunization Schedule for a Child Who Has Not Completed the Vaccine Series Required in Table 7.1 before Entry into a Child Care or School
R9-6-703. Responsibilities of Individuals and Local Health Agencies for Administering Vaccines
R9-6-704. Standards for Documentary Proof of Immunization or Immunity
R9-6-705. Responsibilities of Schools and Child Care Administrators of Schools, Child Care Administrators, and the Department
R9-6-706. Exemptions from Immunizations
R9-6-707. Reporting Requirements
Table 1. Immunization Requirements for Child Care or School Entry Repealed
Table 2. Catch-up Immunization Schedule for Child Care or School Entry Repealed
R9-6-708. Release of Immunization Information

ARTICLE 7. REQUIRED IMMUNIZATIONS FOR CHILD CARE OR SCHOOL ENTRY

R9-6-701. Definitions

In addition to the definitions in A.R.S. § 36-671 and R9-6-101, the following definitions apply in this Article, unless otherwise specified:

- 1. "Administration of vaccine" means the inoculation of a child with an immunizing agent by an individual authorized by federal or state law.
2. "AHCCCS" means the Arizona Health Care Cost Containment System.
3. "ASHS" means the Arizona State Immunization Information System, an immunization reporting system that collects, stores, analyzes, releases, and reports immunization data.
4. "Case" has the same meaning as in R9-6-101.
5. "Catch-up immunization schedule" means the times established in Table 2 for the immunization of a child who has not completed the vaccine series required in Table 1 before entry into a child care or school.
6. "CDC" means the Centers for Disease Control and Prevention.
7. "Charter school" has the same meaning as in A.R.S. § 15-101.
8.1. "Child" means:
a. An individual 18 years of age or less, or
b. An individual more than 18 years of age attending school.
9.2. "Child care" means:
a. A child care facility as defined in A.R.S. § 36-881; or
b. A child care group home as defined in A.R.S. § 36-897.
10.3. "Child care administrator" means an individual, or the individual's designee, having daily control and supervision of a child care.
11. "Communicable period" means the time during which an individual is capable of infecting another individual with a communicable disease.
12. "Contact person" means an individual who, on behalf of a school or child care and upon request of the Department, provides information to the Department.
13.4. "Day" means a calendar day, and excludes the:
a. Day of the act, or event, from which a designated period of time begins to run, and
b. Last day of the period if a Saturday, Sunday, or official state holiday.
5. "Document" means information in written, photographic, electronic, or other permanent form.
14. "DTaP" means diphtheria, tetanus, and acellular pertussis vaccine.
15. "DTP" means diphtheria, tetanus, and pertussis vaccine.
16.6. "Enroll" means to accept for attendance at into a school by the school or into a child care by the child care.
17.7. "Entry" means the first day of attendance at a child care or at a specific grade level in a school.
18. "Head Start program" means a federally funded program administered under 42 U.S.C. 9831 to 42 U.S.C. 9852.
19. "Hep A" means hepatitis A vaccine.
20. "Hep B" means hepatitis B vaccine.
21. "Hib" means Haemophilus influenzae type b vaccine.
22. "Immunization" has the same meaning as in A.R.S. § 36-671.
23.8. "Immunization registry" means an electronic database maintained by a governmental health agency for the storage of immunization data for vaccines.
24. "Immunization registry administrator" means an individual, or the individual's designee, having daily control and supervision of an immunization registry.
25. "Imported" means entered through a fully automated process without electronic manipulation of the data.



9. “In writing” means on paper or in a printable electronic format.
26. “IRMS number” means a numeric identifier the Department issues to a person whose information is stored in ASHS.
27. “KidsCare” means a federally funded program administered by AHCCCS under A.R.S. § 36-2982.
28. “Kindergarten” means the grade level in a school that precedes first grade.
29. “Laboratory evidence of immunity” has the same meaning as in A.R.S. § 36-671.
30. “Local health agency” has the same meaning as “health agency” in A.R.S. § 36-671.
31. “Local health officer” means an individual or the individual’s designee having daily control and supervision of a local health agency.
- 32-10. “Medical exemption” means to excuse a child from immunization against a specified disease if the required immunization may be detrimental to the child’s health, as determined by a physician the written certification described in A.R.S. § 15-873(A)(2).
33. “Medical services” has the same meaning as in A.R.S. § 36-401.
34. “MMR” means measles, mumps, and rubella vaccine.
35. “MV” means meningococcal vaccine.
11. “Nurse” means a:
- Registered nurse, as defined in A.R.S. § 32-1601; or
 - Practical nurse, as defined in A.R.S. § 32-1601.
36. “Outbreak” means an unexpected increase in the incidence of a disease as determined by the Department or local health agency.
12. “Parent” means:
- A natural or adoptive mother or father.
 - A legal guardian appointed by a court of competent jurisdiction, or
 - A “custodian” as defined in A.R.S. § 8-201.
- 37-13. “Physician” has the same meaning as in A.R.S. § 15-871.
38. “Polio” means poliomyelitis vaccine.
39. “Practical nurse” has the same meaning as in A.R.S. § 32-1601.
40. “Private school” has the same meaning as in A.R.S. § 15-101.
41. “Provider” means an individual who administers a vaccine, or an entity that is responsible for administering a vaccine.
42. “Public school” has the same meaning as “school” in A.R.S. § 15-101.
43. “Registered nurse” has the same meaning as in A.R.S. § 32-1601.
- 44-14. “Registered nurse practitioner” has the same meaning as in A.R.S. § 32-1601.
45. “Responsible person” has the same meaning as “parent” in R9-5-101.
46. “Route of administration” means a method of inoculation with a vaccine.
47. “School” has the same meaning as in A.R.S. § 36-671.
48. “School administrator” has the same meaning as in A.R.S. § 36-671.
15. “School-based or child care-based vaccination information system” means an electronic database used and maintained by a school, child care, or group of schools or child cares for the storage of immunization data for vaccines.
16. “Signature” means:
- A handwritten or stamped representation of an individual’s name or a symbol intended to represent an individual’s name, or
 - An electronic signature as defined in A.R.S. § 44-7002.
49. “Suspect case” has the same meaning as in R9-6-101.
50. “Td” means tetanus and diphtheria vaccine.
51. “Tdap” means tetanus, diphtheria, and acellular pertussis vaccine.
52. “Temporary” means lasting for a limited time.
53. “Underinsured” means having medical insurance that does not cover all or part of the cost of a vaccination.
54. “Uninsured” means not having medical insurance.
55. “Vaccine” has the same meaning as “biological product” defined in 21 CFR 600.3h (April 1, 2000).
56. “VAR” means varicella vaccine.
57. “VFC” means Vaccines for Children, a federal program administered by the Department.
58. “VFC PIN number” means a numeric identifier that the VFC issues to a person participating in the VFC.
59. “WIC” means Women, Infants, and Children, a federal program administered by the Department.
60. “WIC administrator” means an individual, or the individual’s designee, having daily control and supervision of a WIC.

R9-6-702. Required Immunizations for Child Care or School Entry

- A.** Except as provided in R9-6-706, the school administrator or child care administrator shall:
- Ensure that a child attending a school or child care has been immunized for each of the following diseases according to Table 1 or Table 2:
 - Diphtheria;
 - Tetanus;
 - Hepatitis A, for a child 1 through 5 years of age in child care in Maricopa County;
 - Hepatitis B;
 - Pertussis;
 - Poliomyelitis;
 - Measles (rubeola);
 - Mumps;
 - Rubella (German Measles);
 - Haemophilus influenzae* type b;
 - Varicella; and
 - Meningococcal; and



- 2. If a child does not have proof of immunization according to Table 1 or Table 2, exclude the child from:
 - a. School entry; or
 - b. Child care, unless the child is immunized against the diseases listed in subsection (A)(1) within 15 days following entry.
 - B.** Unless exempt according to R9-6-706, a child who has not received VAR according to Table 1 or Table 2 shall:
 - 1. Receive VAR according to the following:
 - a. By September 1, 2005 for a child who is entering kindergarten, first grade, or seventh grade;
 - b. By September 1, 2006 for a child who is entering kindergarten through second grade, seventh grade, or eighth grade;
 - c. By September 1, 2007 for a child who is entering kindergarten through third grade, or seventh grade through ninth grade;
 - d. By September 1, 2008 for a child who is entering kindergarten through fourth grade, or seventh grade through tenth grade;
 - e. By September 1, 2009 for a child who is entering kindergarten through fifth grade, or seventh grade through 11th grade; and
 - f. By September 1, 2010 for a child who is entering kindergarten through 12th grade; and
 - 2. Be excluded from school entry by a school administrator until the child meets the requirements in Table 2.
 - C.** Unless exempt according to R9-6-706, a child, 11 years of age or older, who has not received MV according to Table 1 or Table 2 shall:
 - 1. Receive MV according to the following:
 - a. By September 1, 2008 for a child entering sixth grade;
 - b. By September 1, 2009 for a child entering sixth and seventh grade;
 - c. By September 1, 2010 for a child entering sixth through eighth grade;
 - d. By September 1, 2011 for a child entering sixth through ninth grade;
 - e. By September 1, 2012 for a child entering sixth through 10th grade;
 - f. By September 1, 2013 for a child entering sixth through 11th grade; and
 - g. By September 1, 2014 for a child entering sixth through 12th grade; and
 - 2. Be excluded from school entry by a school administrator until the child meets the requirements in this Section.
 - D.** Unless exempt according to R9-6-706, a child, 11 years of age or older, who has not received Tdap according to Table 1 or Table 2 shall:
 - 1. Receive the Tdap according to the following:
 - a. By September 1, 2008 for a child entering sixth grade;
 - b. By September 1, 2009 for a child entering sixth and seventh grade;
 - c. By September 1, 2010 for a child entering sixth through eighth grade;
 - d. By September 1, 2011 for a child entering sixth through ninth grade;
 - e. By September 1, 2012 for a child entering sixth through 10th grade;
 - f. By September 1, 2013 for a child entering sixth through 11th grade; and
 - g. By September 1, 2014 for a child entering sixth through 12th grade; and
 - 2. Be excluded from school entry by a school administrator until the child meets the requirements in this Section.
 - E.** If the Department receives written notification from the CDC that there is a shortage of a vaccine for a disease listed in subsection (A)(1), or that the CDC is limiting the amount of a vaccine for a disease listed in subsection (A)(1), the Department shall:
 - 1. Provide written notification to each school and child care in this state of the shortage or limitation of the vaccine;
 - 2. Suspend compliance with subsections (A), (B), (C), and (D); and
 - 3. Upon receiving written notification from the CDC that the vaccine is available, notify each school and child care in this state:
 - a. That the vaccine is available, and
 - b. Of the time by which an individual is required to comply with subsections (A), (B), (C), and (D).
 - F.** The Department shall notify each school and child care in this state that the Department no longer requires compliance with subsections (A), (B), (C), and (D) for a disease listed in subsection (A)(1) if:
 - 1. The disease is declared eradicated by:
 - a. The World Health Organization; and
 - b. The Advisory Committee on Immunization Practices; and
 - 2. The Department no longer recommends immunization against the disease.
- Except as provided in R9-6-706, documentary proof of immunization, according to Table 7.1 or Table 7.2, for each of the following diseases is required for child care or school entry:
1. Diphtheria;
 2. Tetanus;
 3. Pertussis;
 4. Hepatitis A, for a child 1 through 5 years of age in child care in Maricopa County;
 5. Hepatitis B;
 6. Poliomyelitis;
 7. Measles (rubeola);
 8. Mumps;
 9. Rubella (German Measles);
 10. Haemophilus influenzae type b, for a child two months through 59 months of age;
 11. Varicella; and
 12. Meningococcal disease.



Table 7.1. Immunization Requirements for Child Care or School Entry

Key:

- DTaP= Diphtheria, tetanus, and acellular pertussis vaccine
- DTP= Diphtheria, tetanus, and pertussis vaccine
- Hep A= Hepatitis A vaccine
- Hep B= Hepatitis B vaccine
- Hib = *Haemophilus influenzae* type b vaccine
- MMR = Measles, mumps, and rubella vaccine
- MCV4= Quadrivalent meningococcal vaccine
- Polio= Inactivated poliomyelitis vaccine (IPV) or trivalent oral poliomyelitis vaccine (tOPV)
- Td = Tetanus and diphtheria vaccine
- Tdap= Tetanus, diphtheria, and acellular pertussis vaccine
- VAR= Varicella vaccine
- Kindergarten = The grade level in a school that precedes first grade

A. Vaccine Doses Required for Child Care Attendance

<u>Vaccine Against</u> ↓	<u>Age</u> →	<u>2 months</u>	<u>4 months</u>	<u>6 months</u>	<u>12 months</u>	<u>15 months</u>	<u>18 months</u>	<u>19-59 months</u>
<u>Diphtheria, Tetanus, Pertussis</u>		<u>DTaP 1</u>	<u>DTaP 2</u>	<u>DTaP 3</u>	---	<u>DTaP 4</u>	---	<u>Documented 4 DTaP</u>
<u>Hepatitis B</u>		<u>Hep B 1</u>	<u>Hep B 2</u>	---	<u>Hep B 3</u>	---	---	<u>Documented 3 Hep B</u>
<u>Haemophilus influenzae type b</u>		<u>Hib 1</u>	<u>Hib 2</u>	<u>Hib 3¹</u>	---	<u>Hib 3 or 4¹</u>	---	<u>Documented 3-4 Hib, as specified in Note 3</u>
<u>Poliomyelitis</u>		<u>Polio 1²</u>	<u>Polio 2²</u>	---	<u>Polio 3²</u>	---	---	<u>Documented 3 Polio</u>
<u>Measles, Mumps, Rubella</u>		---	---	---	<u>MMR 1</u>	---	---	<u>Documented 1 MMR</u>
<u>Varicella</u>		---	---	---	<u>VAR 1</u>	---	---	<u>Documented 1 VAR</u>
<u>Hepatitis A (Maricopa County only)</u>		---	---	---	<u>Hep A 1</u>	---	<u>Hep A 2</u>	<u>Documented 2 Hep A</u>

- 1 The recommended schedule for a four-dose Hib vaccine is two, four, and six months of age with a booster dose at 12-15 months of age. The recommended schedule for a three-dose Hib vaccine is two and four months of age with a booster dose at 12 -15 months of age.
- 2 Bivalent and monovalent oral poliomyelitis vaccines do not meet these immunization requirements. An oral poliomyelitis vaccine received before April 2016 is assumed to be trivalent oral poliomyelitis vaccine, unless otherwise specified, and to satisfy immunization requirements.

B. Vaccine Doses Required for School Attendance. A child at any age within the range designated by the black bar is required to have documentation of the indicated number of doses of the specified vaccine.

<u>Vaccine Against</u> ↓	<u>Age</u> →	<u>4 - 6 years and attendance in Kindergarten or 1st grade</u>	<u>7 - 10 years</u>	<u>11 years or older</u>
<u>Diphtheria, Tetanus, Pertussis</u>		<u>4 to 6 DTP/DTaP¹</u>	<u>3 or 4 tetanus-diphtheria containing vaccines²</u>	<u>3 to 5 tetanus-diphtheria-containing vaccines, including 1 Tdap^{2,3}</u>
<u>Meningococcal invasive disease</u>		---	---	<u>1 MCV4</u>
<u>Hepatitis B</u>		<u>3 to 4 Hep B⁴</u>		<u>2 to 4 Hep B^{4,5}</u>



<u>Poliomyelitis</u>		<u>3 or 4 Polio⁶</u>
<u>Measles, Mumps, Rubella</u>		<u>2 MMR</u>
<u>Varicella zoster</u>		<u>1-2 VAR⁷</u>

- 1 Only four doses of DTP/DTaP are required if the fourth dose of DTP/DTaP was received after the child's fourth birthday; otherwise an additional dose is required after the child's fourth birthday, up to a maximum of six doses.
- 2 Only three doses of tetanus-diphtheria-containing vaccine are required if the first dose of tetanus-diphtheria-containing vaccine was received on or after the child's first birthday; otherwise four are required.
- 3 One dose of Tdap is required if five years have passed since the date of the child's last dose of tetanus-diphtheria-containing vaccine and the child has not received Tdap. At least one dose of a tetanus-diphtheria-containing vaccine is required to have been administered within the previous 10 years.
- 4 Only three doses are required if the third dose was received at or after the child was 24 weeks of age; otherwise four are required.
- 5 Only two doses, at least four months apart, are required if the child received the adolescent series using the Merck Recombivax HB Adult Formulation vaccine when the child was 11-15 years of age.
- 6 Bivalent and monovalent oral poliomyelitis vaccines do not meet these immunization requirements. An oral poliomyelitis vaccine received before April 2016 is assumed to be trivalent oral poliomyelitis vaccine, unless otherwise specified, and to satisfy immunization requirements. Only three doses are required if the third dose was received after the child's fourth birthday and at least six months after the second dose; otherwise four doses are required, with the last received after the child's fourth birthday. Poliomyelitis vaccine is not required for individuals 18 years of age or older.
- 7 One dose is required if received by a child between 12 months and 12 years of age. A child who received a first dose of VAR at 13 years of age or older is required to receive a second dose if at least four weeks have passed since the date of the first dose.

Table 7.2. Immunization Schedule for a Child Who Has Not Completed the Vaccine Series Required in Table 7.1 before Entry into a Child Care or School

- A.** If a child does not meet the applicable requirements in Table 7.1, the child is required to have the first dose of vaccine for each of the diseases indicated in R9-6-702 before school entry or no later than 15 calendar days after child care entry.
- B.** If a child does not meet the applicable requirements in Table 7.1, the child is required to have the second and subsequent doses of vaccine for each of the diseases indicated in R9-6-702 either:
 1. Before school entry or no later than 15 calendar days after child care entry, or
 2. At the intervals specified below.

See next page



	Intervals between Doses				
Vaccine Against ↓	Dose →	2nd Dose	3rd Dose	4th Dose	5th Dose
Diphtheria, Tetanus, Pertussis					
<u>Child < 7 years of age</u> (DTP or a combination of DTP and DTaP)		<u>No sooner than four weeks after the first dose</u>	<u>No sooner than four weeks after the second dose</u>	<u>No sooner than six months after the third dose</u>	<u>No sooner than six months after the fourth dose, if the fourth dose was received at < 4 years of age</u>
<u>Child 7 through 10 years of age</u> (Tetanus-diphtheria containing vaccines)		<u>No sooner than four weeks after the first dose</u>	<u>No sooner than six months after the second dose</u>	<u>No sooner than six months after the third dose, if the first dose was received at < 12 months of age</u>	---
<u>Child > 10 years of age</u> (Tetanus-diphtheria containing vaccine, including one Tdap)		<u>No sooner than four weeks after the first dose</u>	<u>No sooner than six months after the second dose</u>	<u>No sooner than six months after the third dose, if the first dose was received at < 12 months of age</u>	---
Poliomyelitis					
<u>Child < 4 years of age</u>		<u>No sooner than four weeks after the first dose</u>	<u>No sooner than four weeks after the second dose</u>	<u>No sooner than six months after the third dose, if the third dose was received at < 4 years of age</u>	---
<u>Child between 4 and 18 years of age</u>		<u>No sooner than four weeks after the first dose</u>	<u>No sooner than six months after the second dose</u>	<u>No sooner than six months after the third dose, if the third dose was received at < 4 years of age</u>	---
Measles, Mumps, Rubella <u>Child 4 years of age or older</u>		<u>No sooner than one month after the first dose</u>	---	---	---
Haemophilus influenzae type b					
<u>Child 7-11 months of age</u>		<u>No sooner than two months after the first dose</u>	---	---	---
<u>Child 12-14 months of age</u>		<u>No sooner than two months after the first dose</u>	<u>No sooner than two months after the second dose if the first or second dose was received at < 12 months of age</u>	---	---
<u>Child 15-59 months of age</u>		---	---	---	---
		(A child 15 through 59 months of age is required to have one dose of vaccine.)	---	---	---



Hepatitis B	<u>No sooner than four weeks after the first dose</u> <u>(Only two doses, at least four months apart, are required if the child received the adolescent series using the Merck Recombivax HB Adult Formulation vaccine when the child was 11-15 years of age.)</u>	<u>No sooner than four months after the first dose and two months after the second dose for a child > 24 weeks of age who did not receive the adolescent series.</u>	---	---
Hepatitis A <u>(Maricopa County only)</u>	<u>No sooner than six months after the first dose</u>	---	---	---
Varicella <u>(A child 12 months through 12 years of age is required to have one dose of vaccine.)</u>	<u>No sooner than one month after the first dose for a child 13 years of age or older</u>	---	---	---

R9-6-703. Responsibilities of Individuals and Local Health Agencies for Administering Vaccines

- A. Upon request of a ~~responsible person parent~~, a local health agency shall provide for the immunization of a child against any disease listed in ~~R9-6-702(A)(1)~~ R9-6-702.
- B. An individual administering a vaccine shall ensure that the dosage and route ~~of administration of each vaccine are provided by which the vaccine is administered is:~~
 - 1. ~~As recommended by the Centers for Disease Control and Prevention, or~~
 - 2. ~~according~~ According to the manufacturer's recommendations.
- C. Before administering a vaccine to a child, the individual administering the vaccine shall:
 - 1. Provide the ~~responsible person child's parent~~ with the following ~~written~~ information in writing:
 - a. A description of the disease,
 - b. A description of the vaccine,
 - c. A statement of the risks of the disease and the risks and benefits of immunization, and
 - d. Contraindications for administering the vaccine; and
 - 2. Obtain ~~a statement signed by~~ documentation from the ~~responsible person child's parent~~ confirming that the ~~responsible person child's parent~~:
 - a. Was provided the ~~written~~ information described in subsection (C)(1),
 - b. Was provided an opportunity to read the ~~written~~ information described in subsection (C)(1),
 - c. Was provided an opportunity to ask questions, and
 - d. Requests that the designated vaccine be administered to the child.
- D. Following the administration of a vaccine, the individual administering the vaccine shall provide ~~written information~~ to the ~~responsible person child's parent~~ or, if a child is immunized at school, to the child to give to the ~~responsible person, that includes child's parent~~:
 - 1. Information in writing about:
 - ~~1-a.~~ The vaccine administered,
 - ~~2-b.~~ The reactions to the vaccine that might be expected, and
 - ~~3-c.~~ The course of action if a severe reaction to the vaccine occurs that may require medical attention; and
 - 2. Documentary proof of immunization, according to A.R.S. § 36-674 and R9-6-704(A).
- E. An individual administering a vaccine shall provide a written record as set forth in R9-6-704 to the immunized child or to the ~~responsible person~~.

R9-6-704. Standards for Documentary Proof of Immunization or Immunity

- A. An individual may establish proof of a child's immunity to a disease listed in ~~R9-6-702(A)(1)~~ by one of the following An administrator of a school or a child care administrator shall accept any of the following as documentary proof of immunization for a child:
 - 1. ~~An immunization record~~ A copy of a document recording the immunizations administered to the child that contains:
 - a. The child's name;
 - b. The child's date of birth;
 - c. The type of vaccine administered;
 - d. ~~The month and year of each immunization, other than MMR, for a child who received an immunization before January 1, 2003;~~
 - e. ~~The month, day, and year of MMR immunization for a child who received an immunization before January 1, 2003;~~
 - f.d. The month, day, and year of each immunization for a child who received an immunization on or after January 1, 2003; and
 - g.e. The name of the individual administering the vaccine or the name of the entity that the individual administering the vaccine represents;
 - 2. Laboratory evidence of immunity;
 - 3-2. An Arizona school immunization record A document from an Arizona school or child care recording the child's immunizations, including a print-out from a school-based or child care-based vaccination information system, that includes contains, in a Department-provided format:



- a. The child's name;
 - b. The child's date of birth;
 - c. The grade of the child on the date of enrollment;
 - d. Whether the child is male or female;
 - e. The type of vaccine administered;
 - f. The month and year of each immunization, other than MMR, for a child who received an immunization before January 1, 2003;
 - g. The month, day, and year of MMR immunization for a child who received an immunization before January 1, 2003; and
 - h. The month, day, and year of each immunization for a child who received an immunization on or after January 1, 2003;
 - i. The name and address of the school or child care; and
 - j. The name and signature of the individual at the school or child care providing the document to the child's parent and the date signed;
- 4.3. A school immunization record document from a school in another state recording the child's immunizations; or
5. An electronic version of the child's immunization record containing the information in subsection (A)(1)(a) through (f) generated by an immunization registry, and signed and dated by any of the following:
- a. A local health officer;
 - b. A school administrator;
 - c. A child care administrator;
 - d. A WIC administrator;
 - e. An immunization registry administrator or immunization registry administrator's designee; or
 - f. A physician, physician's designee, practical nurse, or registered nurse;
6. An electronic version of the child's immunization record generated by a school, signed and dated by the school administrator or the school administrator's designee, and containing the information in subsection (A)(1)(a) through (f); or
7. A statement of immunity as described in subsection (B).
4. A printout from an immunization registry containing the information in subsections (A)(1)(a) through (c).
- B.** A physician, physician's designee, the physician's designee, practical nurse, or registered nurse may sign a statement of immunity stating that a child is immune to a disease, but shall not sign a statement of immunity to measles or rubella without obtaining serologic evidence of immunity.
- B.** An administrator of a school or a child care administrator shall accept a certification of medical exemption from immunization due to immunity, as specified in R9-6-706(D), as documentary proof of immunity for a child.

R9-6-705. Responsibilities of Schools and Child Care Administrators of Schools, Child Care Administrators, and the Department

- A.** Except as provided in R9-6-706, a school administrator or a child care administrator shall ensure that an immunization record for each child attending a school or child care is maintained at the school or child care and contains the applicable documentary proof of immunity listed in R9-6-704.
- B.** If a child does not meet the requirements for immunization according to Table 1 or Table 2 or requirements for exemption from immunization according to R9-6-706, a school administrator shall:
- 1. Not allow the child to enter the school; or
 - 2. If the child is already attending the school, remove the child from school as authorized by A.R.S. § 15-872.
- C.** If a child does not meet the requirements for immunization according to Table 1 or Table 2 or requirements for exemption from immunization according to R9-6-706, a child care administrator shall notify the responsible person in writing at the time of entry that:
- 1. The child may attend the child care for not more than 15 days from the date of the notification; and
 - 2. If the child is not immunized by the 15th day following notification, the child is not permitted to attend the child care.
- D.** A school administrator or child care administrator shall determine that a child is in compliance with an immunization requirement in this Article for a specific disease if:
- 1. The child's immunization record contains proof of immunity required in R9-6-704, and the child has received the required immunizations according to Table 1 or Table 2; or
 - 2. A responsible person has submitted to the school or child care documentation of an exemption from immunization according to R9-6-706.
- E.** At the time of enrollment, if a child's immunization record is not available, does not contain proof of immunity required in R9-6-704, or does not contain proof of an exemption according to R9-6-706, a school administrator or school administrator's designee, or a child care administrator shall notify the responsible person:
- 1. That the child is not in compliance with immunization requirements;
 - 2. In writing, that:
 - a. For the child enrolling in a school, all immunizations are required to be completed according to Table 1 or Table 2 and proof provided to the school before entry; or
 - b. For the child enrolling in a child care, all immunizations required in Table 1 or Table 2 are required to be completed and proof provided to the child care within 15 days of the notification; and
 - 3. In writing, that the responsible person is required to send the child to a physician or local health agency to obtain written proof of immunization before entry.
- F.** If a school administrator or a child care administrator questions the accuracy of a child's immunization record and is unable to verify the accuracy of the immunization record, the school administrator or the child care administrator shall notify, in writing, the responsible person:
- 1. That the responsible person is required to send the child to a physician or local health agency to review the child's immunization history and provide immunizations as needed;



- 2. For a child attending a school, that the child is not allowed to return to school until the child's immunization record meets the standards of documentary proof in R9-6-704 and is presented to the school; and
 - 3. For a child attending a child care, that, beginning 15 days following the notification, the child is not allowed to attend the child care, unless the child's immunization record meets the standards of documentary proof in R9-6-704 and is presented to the child care.
- G.** A school administrator or child care administrator shall maintain a list that contains the name of each child who:
- 1. Is exempt from providing proof of immunity according to R9-6-706, or
 - 2. Has not provided proof of immunity in compliance with R9-6-704.
- H.** A school administrator or child care administrator shall not allow a child who lacks proof of immunity against a disease listed in R9-6-702(A) to attend the school or child care during an outbreak of the disease for which the child lacks proof of immunity. The Department or local health agency shall determine the start and termination of an outbreak.
- A.** An administrator of a school or a child care administrator shall ensure that:
- 1. For each child attending the school or child care, one of the following is maintained at the school or child care for each disease listed in R9-6-702:
 - a. Documentary proof of immunization, as specified in R9-6-704(A), according to Table 7.1;
 - b. Documentary proof of immunization, as specified in R9-6-704(A), demonstrating compliance with Table 7.2;
 - c. Documentary proof of immunity, as specified in R9-6-704(B) and according to R9-6-706(D); or
 - d. A statement of exemption from immunization, as specified in R9-6-706(A) through (C);
 - 2. Lists are maintained at the school or child care of children who:
 - a. Do not have documentary proof of:
 - i. Immunization for each disease listed in R9-6-702, according to Table 7.1; or
 - ii. Immunity for each disease listed in R9-6-702, according to R9-6-706(D);
 - b. Do not have documentary proof according to subsection (A)(1)(a) or (c) but are in compliance with Table 7.2; or
 - c. Have a statement of exemption from immunization, according to R9-6-706(A), (B), or (C), for any of the diseases listed in R9-6-702;
 - 3. Except as provided in subsection (D), for a child enrolled in school who does not have one of the documents in subsection (A)(1) for each disease listed in R9-6-702:
 - a. The child's parent is notified in writing at the time of school enrollment or, for an enrolled child, at the time of review of immunization documentation that the child:
 - i. Is not in compliance with Arizona immunization requirements; and
 - ii. Except as required by 42 U.S.C. 11301, will be excluded from school entry, according to A.R.S. § 15-872(B), unless the documentation required in subsection (A)(1) is provided for each disease listed in R9-6-702 before school entry; and
 - b. The child is excluded from school entry if the required documentation is not provided before school entry; and
 - 4. Except as provided in subsection (D), for a child enrolled in a child care who does not have one of the documents in subsection (A)(1) for each disease listed in R9-6-702:
 - a. The child's parent is notified in writing before or at the time of child care entry or, for an enrolled child, at the time of review of immunization documentation that the child:
 - i. Is not in compliance with Arizona immunization requirements, and
 - ii. May attend the child care for not more than 15 days from the date of child care entry without providing one of the documents in subsection (A)(1) for each disease listed in R9-6-702; and
 - b. The child is excluded from child care entry if the required documentation is not provided for the child within 15 days following child care entry.
- B.** If an administrator of a school or a child care administrator questions the accuracy of a document provided for a child as documentary proof of immunization or immunity and is unable to verify the accuracy of the document, the administrator of the school or the child care administrator shall notify the child's parent in writing that:
- 1. For a child attending a school:
 - a. The administrator of the school cannot verify compliance with Arizona immunization requirements on the basis of the documents provided; and
 - b. Except as required by 42 U.S.C. 11301, the child will be excluded from school entry, according to A.R.S. § 15-872(B), until the child's parent provides to the school documentation that meets the requirements in R9-6-704 or R9-6-706;
 - 2. For a child attending a child care:
 - a. The child care administrator cannot verify compliance with Arizona immunization requirements on the basis of the documents provided; and
 - b. The child may attend the child care for not more than 15 days after the date of child care entry without the child's parent providing to the child care documentation that meets the requirements in R9-6-704 or R9-6-706; and
 - 3. The child's parent may bring the child to a physician, a registered nurse practitioner, a local health agency, or, as authorized under A.R.S. § 32-1974, a pharmacist as defined in A.R.S. § 32-1901 to:
 - a. Review the child's immunization history,
 - b. Provide needed immunizations, and
 - c. Provide the required documentation.
- C.** An administrator of a school or a child care administrator shall not allow a child to attend the school or child care during an outbreak of a disease listed in R9-6-702, as determined by the Department or a local health agency, for which the child lacks:
- 1. Documentary proof of immunization, according to R9-6-704(A); or
 - 2. Documentary proof of immunity, according to R9-6-704(B).



- D.** If the Department receives notification from the Centers for Disease Control and Prevention that there is a shortage of a vaccine for a disease listed in R9-6-702, or that the amount of a vaccine for a disease listed in R9-6-702 is being limited, the Department shall:
1. Determine whether:
 - a. Compliance with exclusion requirements in subsections (A)(3) and (4) is suspended for the vaccine in limited supply, or
 - b. A different vaccine or a combination of different vaccines may substitute for the vaccine in limited supply;
 2. Provide notification in writing to each school and child care in this state:
 - a. Of the shortage or limitation of the vaccine;
 - b. Whether the Department is:
 - i. Suspending compliance with exclusion requirements in subsections (A)(3) and (4) on the basis of the vaccine in limited supply; or
 - ii. Recommending an alternative vaccine or combination of vaccines to satisfy the requirement R9-6-702 for the vaccine in limited supply and, if so, the Department's recommendation; and
 - c. If known, when the shortage or limitation of the vaccine is expected to end and the vaccine to be available; and
 3. Upon receiving notification from the Centers for Disease Control and Prevention that the vaccine is available, notify each school and child care in this state:
 - a. That the vaccine is available, and
 - b. If applicable, the date that compliance with exclusion requirements in subsections (A)(3) and (4) will be reinstated.
- E.** The Department shall notify each school and child care in this state if the Department no longer requires compliance with subsection (A) for a disease listed in R9-6-702.

R9-6-706. Exemptions from Immunizations

- A.** ~~A child who has reached a fifth birthday is exempt from the Hib immunization requirement.~~
- B.** ~~A child who is 7 through 10 years of age is exempt from the pertussis immunization requirement.~~
- C.** ~~A child:~~
1. ~~Until September 1, 2011, is exempt from the VAR immunization requirement if the child's responsible person states, verbally or in writing, that the child has had varicella; and~~
 2. ~~After September 1, 2011, is not exempt from the VAR immunization requirement unless the child provides laboratory evidence of immunity to varicella.~~
- D.** ~~A child who submits laboratory evidence of immunity to a disease to a school or child care is not required to be immunized against that disease as a condition for school or child care entry.~~
- E.** ~~For a child attending a school, a parent or guardian shall submit to the school a written statement of exemption from immunization for personal beliefs as required in A.R.S. § 15-873(A)(1) or written certification of medical exemption as required in A.R.S. § 15-873(A)(2) on a form provided by the Department that contains:~~
1. ~~The child's name;~~
 2. ~~The child's date of birth;~~
 3. ~~The type of exemption requested;~~
 4. ~~The immunizations from which the parent or guardian is requesting an exemption;~~
 5. ~~Whether the medical exemption is permanent or temporary, if applicable;~~
 6. ~~The date the medical exemption terminates, if applicable;~~
 7. ~~The parent or guardian's signature and the date signed; and~~
 8. ~~The physician's or registered nurse practitioner's signature and the date signed, if applicable.~~
- F.** ~~For a child attending a child care, a responsible person shall submit to the child care a written statement of exemption from immunization on a form provided by the Department that includes:~~
1. ~~The child's name,~~
 2. ~~The child's date of birth,~~
 3. ~~The type of exemption,~~
 4. ~~The immunizations from which the responsible person is requesting an exemption,~~
 5. ~~If a medical exemption, whether the medical exemption is permanent or temporary,~~
 6. ~~If temporary, the date the medical exemption terminates, if applicable,~~
 7. ~~The responsible person's signature and the date signed, and~~
 8. ~~The physician's or registered nurse practitioner's signature and the date signed, if applicable.~~
- G.** ~~A child care administrator or school administrator shall:~~
1. ~~Record an exemption on a child's immunization record,~~
 2. ~~Allow a child with a temporary medical exemption to attend a child care or school until the date the temporary exemption terminates, and~~
 3. ~~Notify a child's responsible person in writing of the date the child is required to complete all immunizations before the temporary medical exemption terminates.~~
- A.** For a child attending a school, the child is exempt from the applicable immunization requirements in R9-6-702 for personal beliefs, as allowed by A.R.S. § 15-873(A)(1), if the child's parent submits to the school a statement of exemption from immunization for personal beliefs, in a Department-provided format, that contains:
1. The parent's name,
 2. The child's name,
 3. The child's date of birth,
 4. The immunizations from which the child's parent is requesting an exemption,
 5. A statement that the parent is requesting the exemption based on personal beliefs, and
 6. The signature of the child's parent and the date signed.



- B.** For a child attending a child care, the child is exempt from the applicable immunization requirements in R9-6-702 for religious beliefs, as allowed in A.R.S. § 36-883(C), if the child’s parent submits to the child care a statement of exemption from immunization for religious beliefs, in a Department-provided format, that contains:
 - 1. The parent’s name;
 - 2. The child’s name;
 - 3. The child’s date of birth;
 - 4. The immunizations from which the child’s parent is requesting an exemption;
 - 5. A statement that the parent is requesting the exemption based on religious beliefs, and
 - 6. The signature of the child’s parent and the date signed.
- C.** A child is exempt from the applicable immunization requirements in R9-6-702, as allowed by A.R.S. § 15-873(A)(2), if the child’s parent submits to a school or child care a certification of medical exemption from immunization, in a Department-provided format, that contains:
 - 1. The parent’s name;
 - 2. The child’s name;
 - 3. The child’s date of birth;
 - 4. The immunizations from which the child’s parent is requesting an exemption;
 - 5. A statement that the parent is requesting a medical exemption according to A.R.S. § 15-873(A)(2);
 - 6. Statements from a physician or registered nurse practitioner that:
 - a. The immunizations specified according to subsection (C)(4) may be harmful to the child’s health;
 - b. Indicate the specific nature of the medical condition or circumstance that precludes immunization;
 - c. Indicate whether the medical exemption is permanent or temporary; and
 - d. If the medical exemption is temporary, provide the date the medical exemption ends;
 - 7. The signature of the physician or registered nurse practitioner providing the medical exemption and the date signed; and
 - 8. The signature of the child’s parent and the date signed;
- D.** A child is exempt from the applicable immunization requirements in R9-6-702 due to immunity if the child’s parent submits to a school or child care:
 - 1. A certification of medical exemption from immunization due to immunity, in a Department-provided format, that contains:
 - a. The parent’s name;
 - b. The child’s name;
 - c. The child’s date of birth;
 - d. The name of each disease for which the child’s parent is requesting an exemption from immunization requirements;
 - e. A statement that the parent is requesting a medical exemption from immunization due to the child’s immunity to a disease;
 - f. A statement from a physician or registered nurse practitioner that the physician or registered nurse practitioner has determined that the child is immune to the disease specified according to subsection (D)(1)(d), for which an exemption from immunization requirements is being requested, based on:
 - i. For measles, rubella, or varicella, a review by the physician or registered nurse practitioner of laboratory evidence of immunity for the child; or
 - ii. For a disease other than measles, rubella, or varicella, a review by the physician or registered nurse practitioner of either:
 - (1) Laboratory evidence of immunity for the child, or
 - (2) The medical records of the physician or registered nurse practitioner;
 - g. The signature of the physician or registered nurse practitioner providing the medical exemption and the date signed; and
 - h. The signature of the child’s parent and the date signed; and
 - 2. If applicable, a copy of the laboratory evidence of immunity.
- E.** An administrator of a school or a child care administrator shall:
 - 1. Include a child’s exemption from the requirements in R9-6-702 in the documentation required in R9-6-705(A)(1); and
 - 2. If a child has a temporary medical exemption:
 - a. Allow the child to attend a school or child care until the date the temporary exemption ends; and
 - b. At least 30 calendar days before the temporary medical exemption ends, notify the child’s parent in writing of the date by which the child is required to complete all immunizations.

R9-6-707. Reporting Requirements

- A.** By November 15 of each year, a school administrator shall submit a report to the Department or local health agency on a form provided by the Department that contains:
 - 1. The name and address of the school;
 - 2. An identification of whether it is a public school, private school, or charter school;
 - 3. The name, telephone number, and fax number of a contact person;
 - 4. The name and district number of the school district, if applicable;
 - 5. The county the school is located in;
 - 6. Each grade taught at the school;
 - 7. The number of children enrolled at the school in designated grades as of the date of the report;
 - 8. The number of children with documentary proof of immunization status, including the number of children who are in each of the following categories:
 - a. Have received each immunization required for their age;
 - b. Have a medical exemption;
 - c. Are exempt for personal beliefs according to A.R.S. § 15-873, and
 - d. Have submitted laboratory evidence of immunity as defined in A.R.S. § 36-671, and



9. The number of doses received per child of each vaccine required in Table 1.
- B.** If requested by the Department or local health agency, a school administrator or child care administrator shall provide the following outbreak, case, or suspect case information:
1. Immunization information in R9-6-704;
 2. Attendance information specifying each date each child was present at the school or child care during the communicable period; and
 3. Any other information relating to the outbreak, case, or suspect case that is requested by the Department or local health agency.
- C.** A school administrator that has an individual authorized by law to administer vaccines and receives vaccines provided by the Department shall:
1. Prepare a report on a form provided by the Department each calendar month that contains:
 - a. A VFC PIN number;
 - b. The provider name or business name, address, telephone number, and fax number;
 - c. The beginning date and end date of the report;
 - d. The number of children immunized during the preceding calendar month;
 - e. The age and date of birth of each child immunized during the preceding calendar month;
 - f. Whether each child immunized during the preceding calendar month is:
 - i. Covered by KidsCare;
 - ii. Covered by AHCCCS;
 - iii. Uninsured;
 - iv. A Native American or an Alaskan native;
 - v. Underinsured; and
 - vi. Non-VFC eligible, if applicable;
 - g. The number of doses of each vaccine administered during the preceding calendar month; and
 - h. The manufacturer, manufacturer's lot number, and expiration date of each vaccine listed in Table 1 that was administered during the preceding calendar month; and
 2. Send the report required in subsection (C)(1) by the fifth day of the following month to:
 - a. The local health agency, if the vaccine was provided by the local health agency; or
 - b. The Department, if the vaccine was provided by the Department.
- D.** By November 15 of each year, a child care administrator shall submit to the Department or local health agency a report on a form provided by the Department that contains:
1. The name, mailing address, and telephone number of the child care;
 2. The date of the report;
 3. The name of a contact person;
 4. The Department license or certificate number of the child care, if applicable;
 5. The name of the child care administrator;
 6. Whether the children are in child care;
 7. Whether the children in child care are in a Head Start program;
 8. The number of children attending the child care who were less than 5 years of age as of October 1; and
 9. The number of children less than five years of age as of October 1 for whom the child care has immunization records on file specifying the number of children who are in each of the following categories:
 - a. Have received each immunization required for their age;
 - b. Have medical exemptions;
 - c. Are exempt for religious beliefs according to the rules in 9 A.A.C. 5 regulating child care facilities or child care group homes; and
 - d. Have submitted laboratory evidence of immunity.
- E.** In addition to the report required in subsection (D), by November 15 of each year, a child care administrator shall submit to the Department or local health agency a report on a form provided by the Department that contains:
1. The information in subsection (D)(1) through (D)(4);
 2. The information in subsection (D)(6), and
 3. For each child less than 5 years of age as of October 1:
 - a. The birth date of the child;
 - b. How many doses of each vaccine listed in Table 1 the child has received;
 - c. For each vaccine listed in Table 1 except MMR, the month, day, and year of the most recent immunization;
 - d. For MMR, the month, day, and year of each immunization; and
 - e. Whether each child has a medical or religious exemption.
- F.** By March 30 of each year, a local health officer shall forward to the Department the information contained in the reports received by the local health agency according to subsections (A) and (D).
- G.** A local health officer who receives and distributes vaccine provided by the Department shall submit to the Department the report required in subsection (C) every calendar month.
- H.** As required by A.R.S. § 36-135, a health care professional shall submit for each vaccine administered to a child the information required in A.R.S. § 36-135(B), the IRMS number, and the VPC PIN number, if applicable, to the Department as follows:
1. If reporting by mail or fax, the health care professional shall use a form provided by the Department.
 2. If reporting by telephone, the health care professional shall call a telephone number provided by the Department for this purpose between 8:00 a.m. and 5:00 p.m., Monday through Friday, except state holidays.
 3. If reporting electronically, the health care professional shall:
 - a. Connect to the ASHS web page through a secure Internet connection and enter the information; or



- b. Ensure that the information is submitted in a format that can be imported into ASHS and:
 - i. Provide a compact disk or digital video disk that contains the information to the Department; or
 - ii. Transfer the information to the Department through a secure file transfer protocol.
- A.** By November 15 of each year, an administrator of a school shall submit to the Department a report, in a Department-provided format, that contains:
1. The name, the physical address, and, if different, the mailing address of the school;
 2. The date of the report;
 3. Whether the school is a:
 - a. Charter school, as defined in A.R.S. § 15-101;
 - b. Private school, as defined in A.R.S. § 15-101; or
 - c. Public school, as defined in A.R.S. § 15-101;
 4. The name, email address, and telephone number of an individual to contact for the school;
 5. The name and district number of the school district, if applicable;
 6. The county in which the school is located;
 7. The number of children enrolled at the school in designated grades, as of the date of the report; and
 8. The number of children in each of the designated grades who:
 - a. Have received each immunization required according to Table 7.1;
 - b. Have received an immunization required according to Table 7.1 or submitted a certification of medical exemption from immunization due to immunity, according to R9-6-706(D), for each of the diseases in R9-6-702, including the number for each disease for which certification of medical exemption from immunization due to immunity was submitted;
 - c. Have an exemption from immunization for personal beliefs, according to R9-6-706(A), for one or more of the diseases in R9-6-702, including the number for each disease;
 - d. Have a medical exemption from immunization, according to R9-6-706(C) for one or more of the diseases in R9-6-702, including:
 - i. The number for each disease, and
 - ii. Whether the medical exemption is temporary or permanent; or
 - e. Are receiving immunizations required according to Table 7.2, and the number of doses of each vaccine received.
- B.** By November 15 of each year, a child care administrator shall submit to the Department a report, in a Department-provided format, that contains:
1. The name, the physical address, and, if different, the mailing address of the child care;
 2. The date of the report;
 3. The name, email address, and telephone number of an individual to contact for the child care;
 4. The Department license or certificate number of the child care, as applicable;
 5. The name of the child care administrator; and
 6. The number of children attending the child care who are at least 18 months of age and not attending a school, as of the date of submission of the report, in each of the following categories:
 - a. Children who have received each immunization required according to Table 7.1;
 - b. Children who have received an immunization required according to Table 7.1 or submitted a certification of medical exemption from immunization due to immunity, according to R9-6-706(D), for each of the diseases in R9-6-702, including the number for each disease for which laboratory evidence of immunity was submitted;
 - c. Children who have an exemption from immunization for religious beliefs, according to R9-6-706(B), for one or more of the diseases in R9-6-702, including the number for each disease;
 - d. Children who have a medical exemption from immunization, according to R9-6-706(C), for one or more of the diseases in R9-6-702, including:
 - i. The number for each disease, and
 - ii. Whether the medical exemption is temporary or permanent; or
 - e. Children who are receiving immunizations required according to Table 7.2, and the number of doses of each vaccine received.

Table 1. Immunization Requirements for Child Care or School Entry Repealed

Age at Entry into a Child Care or School	Number of Doses of Vaccine Required	Special Notes and Exceptions
<2 months	1 Hep B	(See Note 1)
2 through 3 months	1 DTP or DTaP 1 Polio 1 Hib 1 Hep B	(See Note 1)
4 through 5 months	2 DTP or DTaP 2 Polio 2 Hib 2 Hep B	(See Note 1)



6 through 11 months	3 DTP or DTaP 2 Polio 3 Hib 2 Hep B	(Hib exception – See Note 2 for a child 7 months through 59 months of age.) (See Note 1)
12 through 14 months	3 DTP or DTaP 3 Polio 1-4 Hib 1 MMR 3 Hep B 1 Varicella	(See Note 2) (See Note 3) (See Note 1) (See Note 6)
15 through 59 months	4 DTP or DTaP 3 Polio 1-4 Hib 1-2 MMR 3 Hep B 1 Varicella	(See Note 2) (See Note 3) (See Note 1) (See Note 8)
1 through 5 years (Only required for Maricopa County child care)	2 Hep A	(See Note 4)
Kindergarten or 1st grade entry 4 through 6 years	5 DTP or DTaP 4 Polio 2 MMR 3 Hep B 1 Varicella	Exception – A 5th dose is not required if the 4th dose of diphtheria tetanus containing vaccine was received after the 4th birthday. Exception – A 4th dose is not required if the 3rd dose of polio was received after the 4th birthday. (See Note 3) A child entering school shall receive a 2nd dose, 1 month or more after the date of the 1st dose. (See Note 8)
7 years through 10 years	4 Tetanus diphtheria containing vaccines (no pertussis) 4 Polio 2 MMR 3 Hep B 1 Varicella	Exception – A 4th dose is not required if the 1st dose of diphtheria tetanus containing vaccine was received after 12 months of age. Exception – A 4th dose is not required if the 3rd dose of polio was received after the 4th birthday. (See Note 7) (See Note 3) A child entering school shall receive the Hep B series according to Note 1. (See Note 8)
11 years	1 MV	(See Note 5)



<p>11 years or older</p>	<p>4 Tetanus diphtheria-containing vaccines including 1 Tdap.</p> <p>1 Tdap, in addition to the 4 Tetanus diphtheria-containing vaccines, if 5 years have passed since the date of a child's last dose of tetanus diphtheria-containing vaccine and the child has not received Tdap.</p> <p>1 Tetanus diphtheria-containing vaccine, if 10 years or more have passed since the date of the child's last dose of Tdap or tetanus diphtheria-containing vaccine.</p> <p>4 Polio</p> <p>2 MMR</p> <p>3 Hep B</p> <p>1-2 Varicella</p>	<p>(See Note 6) Exception — A 4th dose is not required if the 1st dose of diphtheria-tetanus-containing vaccine was received after 12 months of age.</p> <p>Exception — A 4th dose is not required if the 3rd dose of polio was received after the 4th birthday. (See Note 7)</p> <p>(See Note 3)</p> <p>A child entering school shall receive the Hep B series according to Note 1. (See Note 8)</p>
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1. A child shall receive the 1st dose of Hep B no later than 15 days following child care entry. A child shall receive the 2nd dose of Hep B 4 weeks or more after the date of the 1st dose. A child who is 6 months of age or older shall receive the 3rd dose 2-5 months after the date of the 2nd dose and 4 months or more after the date of the 1st dose. For a child 11-15 years of age who receives the optional Merck Recombivax HB Adult Formulation vaccine, only 2 doses are required 4 or more months apart.
2. The recommended schedule for 4 dose Hib vaccine is 2, 4, and 6 months of age with a booster dose at 12-15 months of age. The optimal schedule for 3 dose Hib vaccine is 2 and 4 months of age with a booster dose at 12-15 months of age. There shall be a minimum interval of 4 weeks between each of the first 3 doses. A child shall receive a booster dose no earlier than 12 months of age and no earlier than 8 weeks after the previous dose. A child who starts the Hib series after 7 months of age may be required to complete a full 3 or 4 dose series. A child who starts Hib at 15 months of age or older shall receive 1 dose at 15-59 months of age.
3. A child who is 12 months of age or older, shall receive measles, mumps, and rubella vaccines as individual antigens or as a combined MMR vaccine. A child shall receive the 1st dose of MMR before school entry, or no later than 15 days following child care entry. A child who is 4 years of age or older and who is entering school shall receive a 2nd dose of MMR 1 month or more after the date of the 1st dose.
4. A child who is 1 through 5 years of age shall receive the 1st dose of hepatitis A vaccine no later than 15 days following child care entry in Maricopa County. A child shall receive a 2nd dose 6 months following the date of the 1st dose.
5. A child shall receive MV according to R9-6-702(C) no later than 15 days following school entry.
6. A child shall receive a dose of Tdap before the 2 doses of tetanus diphtheria-containing vaccine.
7. Polio vaccine is not required for individuals 18 years of age or older.
8. A child shall receive VAR according to R9-6-702(B) no later than 15 days following child care or school entry. A child who receives VAR at 12 months through 12 years of age shall receive one dose. A child who receives the 1st dose of VAR at 13 years of age or older shall receive the 2nd dose if 4 weeks or more have passed since the date of the 1st dose.



Table 2. Catch-up Immunization Schedule for Child Care or School Entry Repealed

Vaccine	Dose	Time Intervals, Special Notes, and Exceptions
1. Diphtheria, Tetanus, and Pertussis a. For a Child Younger Than 7 Years of Age: DTP or any combination of DTP or DTaP	1st	A child shall receive the 1st dose before school entry, or no later than 15 days following child care entry.
	2nd	If 4 weeks or more have passed since the date of the 1st dose, a child shall receive the 2nd dose before school entry, or no later than 15 days following child care entry.
	3rd	If 4 weeks or more have passed since the date of the 2nd dose, a child shall receive the 3rd dose before continued attendance at school, or no later than 15 days following continued attendance at child care.
	4th	If 6 months or more have passed since the date of the 3rd dose, a child shall receive the 4th dose before continued attendance at school, or no later than 15 days following continued attendance at child care.
	5th or more	A child shall receive a 5th dose before continued attendance at school, or no later than 15 days following child care entry. Exception – A 5th dose is not required if the child received the 4th dose after the child’s 4th birthday.
b. For a Child 7 through 10 Years of Age: Tetanus diphtheria containing vaccines (no pertussis)	1st	A child shall receive a 1st dose before school entry.
	2nd	If 4 weeks or more have passed since the date of the 1st dose, a child shall receive the 2nd dose before school entry.
	3rd	If 6 months or more have passed since the date of the 2nd dose, a child shall receive the 3rd dose before school entry.
	4th	A 4th dose is not required if the 1st dose of diphtheria-tetanus containing vaccine was received after 12 months of age.
c. For a Child 11 Years of Age and Older: Tetanus diphtheria containing vaccines including 1 Tdap	1st	(See Note 2 below) A child shall receive a 1st dose before school entry.
	2nd	If 4 weeks or more have passed since the date of the 1st dose, a child shall receive the 2nd dose before school entry.
	3rd	If 6 months or more have passed since the date of the 2nd dose, a child shall receive the 3rd dose before school entry.
	4th	Exception – A 4th dose is not required if the 1st dose of diphtheria-tetanus containing vaccine was received after 12 months of age.
2. Polio	1st	(See Note 3 below.) A child shall receive the 1st dose before school entry, or no later than 15 days following child care entry.



	2nd-	If 4 weeks or more have passed since the date of the 1st dose, a child shall receive the 2nd dose before school entry, or no later than 15 days following child care entry.
	3rd-	If 4 weeks or more have passed since the date of the 2nd dose, the child shall receive the 3rd dose before school entry, or no later than 15 days following child care entry.
	4th	If 8 weeks or more have passed since the date of the 3rd dose, the child shall receive the 4th dose before school entry. Exception - A 4th dose is not required if the 3rd dose was received after the 4th birthday.
3. MMR—Measles, Mumps, Rubella	1st-	A child who is 12 months of age or older shall receive the 1st dose before school entry, or no later than 15 days following child care entry.
	2nd-	If 1 month or more has passed since the date of the 1st dose, a child who is 4 years of age or older, entering kindergarten through 12th grade, shall receive the 2nd dose before school entry.
4. Hib—Haemophilus influenzae type b (Not required for individuals aged 5 years of age and older.)	1st through 4th	A child who is younger than 5 years of age shall receive a dose no later than 15 days following child care entry. (See Note 4 below.)
5. Hep B—Hepatitis B	1st-	A child shall receive the 1st dose before school entry, or no later than 15 days following child care entry.
	2nd-	If 4 weeks or more have passed since the date of the 1st dose, a child shall receive the 2nd dose before school entry, or no later than 15 days following child care entry.
	3rd-	If 2 months or more have passed since the date of the 2nd dose, and 4 months or more have passed since the date of the 1st dose and the child is at least 6 months of age, a child shall receive the 3rd dose before school entry, or no later than 15 days following child care entry. Exception - A child who is 11 through 15 years of age who is receiving the Merck Recombivax HB-Adult Formulation vaccine is not required to receive a 3rd dose.
6. Hep A—Hepatitis A Only required for Maricopa County child-care	1st-	A child who is 1 through 5 years of age shall receive the 1st dose no later than 15 days following child care entry.
	2nd-	If 6 months or more have passed since the date of the 1st dose, a child shall receive the 2nd dose no later than 15 days following child care entry.
7. Varicella	1st	(See Note 5 below.) A child who is 12 months of age through 12 years shall receive one dose before school entry, or no later than 15 days following child care entry.



	2nd	If one month or more has passed since the date of the first dose, a child who is 13 years of age or older shall receive a second dose.
8. Meningococcal	1st	(See Note 1 below) A child who is 11 years old shall receive one dose of MV before school entry.

1. A child shall receive MV according to R9-6-702(C) no later than 15 days following school entry.
2. A child shall receive a dose of Tdap before the 2 doses of tetanus-diphtheria-containing vaccine.
3. Polio vaccine is not required for individuals 18 years of age or older.
4. A child who begins the Hib series at 7 months of age or older shall receive Hib according to the following schedule:
5. A child shall receive VAR according to R9-6-702(B) no later than 15 days following child care entry.

Current Age (months)	Prior Immunization History	Recommended Regimen
7-11	1 dose	1 dose at 7-11 months of age and a booster at least 2 months later at 12-15 months of age
7-11	2 doses	1 dose at 7-11 months of age and a booster at least 2 months later at 12-15 months of age
12-14	1 dose before 12 months	2 doses administered at least 2 months apart
12-14	2 doses before 12 months	1 dose
15-59	Any incomplete schedule	1 dose

R9-6-708. Release of Immunization Information

In addition to the persons who have access to immunization information according to A.R.S. § 36-135(D), and consistent with the limitations in A.R.S. § 36-135(E) and (H), the Department may release immunization information to:

1. An authorized representative of a ~~state or~~ local health agency for the control, investigation, analysis, or follow-up of disease;
2. A child care administrator, to determine the immunization status of a child in the child care;
3. An authorized representative of ~~WIC~~ the federal Women, Infants, and Children Program administered by the Department, to determine the immunization status of children enrolled in ~~WIC~~ the federal Women, Infants, and Children Program;
4. An individual or organization authorized by the Department; to conduct medical research to evaluate medical services and health-related services, as defined in A.R.S. § 36-401, health quality, immunizations data quality, and efficacy; or
5. An authorized representative of an out-of-state agency, including:
 - a. ~~a~~ A state health department,
 - b. A ~~local~~ health agency,
 - c. A school; ~~or~~ child care,
 - d. A health care provider, or
 - e. ~~a~~ A state agency that has legal custody of a child.



**NOTICES OF EXPIRATION OF RULES
UNDER A.R.S. § 41-1056(J)**

This section of the *Arizona Administrative Register* contains Notices of Expiration of Rules. Under A.R.S. § 41-1056(J), if an agency does not file a five-year rule review report with the Governor’s Regulatory Review Council (including a revised report); or if an agency does not file an extension before the due date of the report; or if an agency files an extension but does not submit a report

within the extension period; the rules scheduled for review expire.

The Council is required to notify the Secretary of State that the rules have expired and are no longer enforceable. The notice is published in the *Register*, and the rules are removed from the *Code*.

**GOVERNOR’S REGULATORY REVIEW COUNCIL
NOTICE OF EXPIRATION OF RULES UNDER A.R.S. § 41-1056(J)**

**DEPARTMENT OF REVENUE
LUXURY TAX SECTION**

[R18-196]

- 1. **Agency name:** Department of Revenue
- 2. **Title and its heading:** 15, Revenue
- 3. **Chapter and its heading:** 3, Department of Revenue - Luxury Tax Section
- 4. **Article and its heading:** 4, Tax on Alcoholic Beverages

As required by A.R.S. § 41-1056(J), the Council provides notice that the following rules expired as of July 28, 2018:

R15-3-407. Filing Requirements for a Primary Source of Supply

Signature is of Nicole O. Colyer

/s/

Nicole Ong Colyer
Chairwoman

Date of Signing

Sept. 5, 2018



NOTICES OF RULEMAKING DOCKET OPENING

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

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

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

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

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

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION**

[R18-197]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System - Administration
Article and its heading: 3, General Eligibility Requirements
Section numbers: R9-22-303 (*As part of this rulemaking, the Administration may add, delete, or modify sections as necessary.*)

2. **The subject matter of the proposed rule:**
 The Administration is in the process of requesting a waiver from the federal prior quarter coverage eligibility requirement. On the assumption that the waiver will be approved, AHCCCS is requesting authorization to initiate the process of repealing and amending rules regarding prior quarter coverage so that the change can be implemented expeditiously upon federal approval. Prior quarter eligibility is when a person who applies for AHCCCS may also qualify for Title XIX eligibility in any one of the three previous months prior to application. While A.R.S. § 36-2903(A) provides that the system's reimbursement responsibility is prospective from the date of the eligibility determination, AHCCCS has implemented prior quarter coverage to ensure federal financial participation for Arizona's Medicaid Program.

3. **A citation to all published notices relating to the proceeding:**
 Notice of Proposed Rulemaking: 24 A.A.R. 2663, September 28, 2018 (*in this issue*)

4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
 Name: Nicole Fries
 Address: AHCCCS
 Office of Administrative Legal Services
 701 E. Jefferson, Mail Drop 6200
 Phoenix, AZ 85034
 Telephone: (602) 417-4232
 Fax: (602) 253-9115
 E-mail: AHCCCSrules@azahcccs.gov

5. **The time which the agency will accept written comments and the time and place where oral comments may be made:**
 The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

6. **A timetable for agency decisions or other action on the proceeding, if known:**
 The Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Rulemaking is published along with this notice.



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 STATE BOARD OF ACCOUNTANCY

[M18-71]

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

Title: Expiration of a CPA Certificate Due to Non-Registration or Non-Compliance with CPE Requirements

Policy Statement #: 2018-001

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

Issue/Effective Date: August 23, 2018

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

The substantive policy statement clarifies the Board's interpretation of how long a Registrant has before their certificate or registration expires due to non-registration or non-compliance with CPE requirements.

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

A.R.S. § 32-730.03

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

This is a new substantive policy statement.

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Monica L. Petersen, Executive Director

Address: Board of Accountancy
100 N. 15th Ave., Suite 165
Phoenix, AZ 85007

Telephone: (602) 364-0870

Fax: (602) 364-0903

E-mail: mpetersen@azaccountancy.gov

Website: www.azaccountancy.gov

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

Copies of the substantive policy statement are available, at no charge, from 8:00 a.m. until 5:00 p.m., Monday through Friday, at the Board of Accountancy located at 100 N. 15th Ave., Suite 165, Phoenix AZ 85007, or on the Board's website: <https://www.azaccountancy.gov/>.



GOVERNOR EXECUTIVE ORDER

Executive Order 2018-02 is being reproduced in each issue of the *Administrative Register* as a notice to the public regarding state agencies' rulemaking activities.

This order will appear in the *Register* until its expiration on December 31, 2018, and has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2018-02

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

[M18-46]

WHEREAS, burdensome regulations inhibit job growth and economic development; and

WHEREAS, job creators and entrepreneurs are especially hurt by red tape and regulations; and

WHEREAS, in 2015 the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order, and renewed the moratorium in 2016 and 2017; and

WHEREAS, in 2017 the State of Arizona eliminated or repealed 676 needless regulations; and

WHEREAS, estimates show these eliminations saved job creators more than \$48 million in operating costs; and

WHEREAS, 161,000 private sector jobs have been added to Arizona since January 2015; and

WHEREAS, all government agencies of the State of Arizona should continue to promote customer-service-oriented principles for the people that it serves; and

WHEREAS, each State agency shall continue a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation; and

WHEREAS, each State agency should evaluate its administrative rules using any available and reliable data and performance metrics; and

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed; and

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
 - a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
 - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace, or safety.
 - d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
 - f. To comply with a state statutory requirement.
 - g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
 - j. To eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. A State agency subject to this Order, shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by Arizona Revised Statutes or Arizona Administrative Code.
4. A State agency subject to this Order, shall coordinate with the Office of Economic Opportunity to prepare a statement of estimated regulatory costs analyzing the economic impact of agency rules, including an analysis of the effort of such rules on the creation and retention of jobs within the State of Arizona.
5. A State agency subject to this Order, shall review the agency's rules related to license reciprocity and identify opportunities to decrease burdens for qualified professionals who relocate to Arizona, whether administrative or legislative, and report these opportunities to the office of the Governor no later than July 1, 2018.



6. A State agency subject to this Order, shall review the agency’s rules to identify opportunities for veterans by recognizing the skills, credentials, and training received during military service in place of some or all of the training requirements for a specific license, and include additional opportunities in the report to the office of the Governor no later than July 1, 2018.
7. For the purposes of this Order, the term “State agencies,” includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
8. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule,” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
9. This Executive Order expires on December 31, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Twelfth day of February in the Year Two Thousand and Eighteen and of the Independence of the United States of America the Two Hundred and Thirty-Sixth.

ATTEST:
Michele Reagan
SECRETARY OF STATE



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

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

FINAL SUMMARY

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 FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING

PROPOSED EXPEDITED

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

SUPPLEMENTAL EXPEDITED

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 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

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 R14-2-803. PM-1617;
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 R6-6-308. FN-2013
 R6-6-309. FN-2013
 R6-6-501. FR-2013
 R6-6-502. FR-2103
 R6-6-503. FR-2013
 R6-6-504. FR-2013
 R6-6-505. FR-2013

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R6-14-301. EN-2081
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 R6-14-308. EN-2081
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 R6-14-402. EN-2081
 R6-14-403. EN-2081

R6-14-404.	EN-2081	R7-2-810.	FXN-146	R12-4-311.	PM-529; SPM-1936
R6-14-405.	EN-2081	Environmental Quality, Department of - Air Pollution Control		R12-4-313.	PM-529; SPM-1936
R6-14-406.	EN-2081	R18-2-220.	PM-2615	R12-4-314.	PN-529; SPM-1936
R6-14-407.	EN-2081	R18-2-731.	PM-501; FM-1864	R12-4-315.	PR-529; SPM-1936
R6-14-408.	EN-2081	R18-2-901.	PM-501; FEM-1564; FM-1864	R12-4-316.	PR-529; SPM-1936
R6-14-409.	EN-2081	R18-2-1101.	FEM-1564	R12-4-317.	PR-529; SPM-1936
R6-14-410.	EN-2081	Appendix 2.	FEM-1564	R12-4-318.	PM-529; SPM-1936
R6-14-411.	EN-2081	R18-2-1601.	EXP-2500	R12-4-319.	PM-529; SPM-1936
R6-14-412.	EN-2081	R18-2-1602.	EXP-2500	R12-4-320.	PM-529; SPM-1936
R6-14-413.	EN-2081	R18-2-1603.	EXP-2500	R12-4-321.	PM-529; SPM-1936
R6-14-414.	EN-2081	R18-2-1604.	EXP-2500	R12-4-322.	PM-529; SPM-1936
R6-14-415.	EN-2081	R18-2-1605.	EXP-2500	R12-4-401.	PM-529; SPM-1936
R6-14-416.	EN-2081	R18-2-1606.	EXP-2500	R12-4-601.	FE#-393; FEN-393
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R6-14-501.	EN-2081	R18-2-1608.	EXP-2500	R12-4-603.	FE#-393; FEM-393
R6-14-502.	EN-2081	R18-2-1609.	EXP-2500	R12-4-604.	FE#-393; FEM-393
R6-14-503.	EN-2081	Equalization, State Board of		R12-4-605.	FE#-393; FEM-393
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R6-5-3307.	PN-2357	R16-4-112.	PN-619	R1-6-101.	PM-2007
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R6-3-51140.	FM-1417	R16-4-114.	PN-619	R1-6-201.	PM-2007
R6-3-5205.	FM-1417	R16-4-115.	PN-619	R1-6-202.	PM-2007
R6-3-5240.	FM-1417	R16-4-116.	PN-619	R1-6-301.	PM-2007
R6-3-52235.	FM-1417	R16-4-117.	PN-619	R1-6-302.	PM-2007
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R7-2-607.	FXM-195	R12-4-307.	PM-529; SPM-1936		
R7-2-608.	FXM-195	R12-4-308.	PM-529; SPM-1936		
R7-2-609.	FXM-195	R12-4-309.	PM-529; SPM-1936		
R7-2-609.01.	FXN-791	R12-4-310.	PM-529; SPM-1936		
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R7-2-611.	FXM-195; FXM-1427				
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R7-2-621.	FXM-195				



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 R9-5-602. PEM-2471
 R9-5-603. PEM-2471

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 R9-10-1514. P#-1922;
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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.

January		February		March		April		May		June	
Date Filed	Effective Date										
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1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



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
August 3, 2018	August 24, 2018	September 24, 2018
August 10, 2018	August 31, 2018	October 1, 2018
August 17, 2018	September 7, 2018	October 9, 2018
August 24, 2018	September 14, 2018	October 15, 2018
August 31, 2018	September 21, 2018	October 22, 2018
September 7, 2018	September 28, 2018	October 29, 2018
September 14, 2018	October 5, 2018	November 5, 2018
September 21, 2018	October 12, 2018	November 13, 2018
September 28, 2018	October 19, 2018	November 19, 2018
October 5, 2018	October 26, 2018	November 26, 2018
October 12, 2018	November 2, 2018	December 3, 2018
October 19, 2018	November 9, 2018	December 10, 2018
October 26, 2018	November 16, 2018	December 17, 2018
November 2, 2018	November 23, 2018	December 24, 2018
November 9, 2018	November 30, 2018	December 31, 2018
November 16, 2018	December 7, 2018	January 7, 2019
November 23, 2018	December 14, 2018	January 14, 2019
November 30, 2018	December 21, 2018	January 22, 2019
December 7, 2018	December 28, 2018	January 28, 2019
December 14, 2018	January 4, 2019	February 4, 2019
December 21, 2018	January 11, 2019	February 11, 2019
December 28, 2018	January 18, 2019	February 19, 2019
January 4, 2019	January 25, 2019	February 25, 2019
January 11, 2019	February 1, 2019	March 4, 2019
January 18, 2019	February 8, 2019	March 11, 2019
January 25, 2019	February 15, 2019	March 18, 2019
February 1, 2019	February 22, 2019	March 25, 2019
February 8, 2019	March 1, 2019	April 1, 2019
February 15, 2019	March 8, 2019	April 8, 2019
February 22, 2019	March 15, 2019	April 15, 2019



GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

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

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

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2018

[M18-01]

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