



# Arizona Administrative REGISTER

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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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

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

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

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

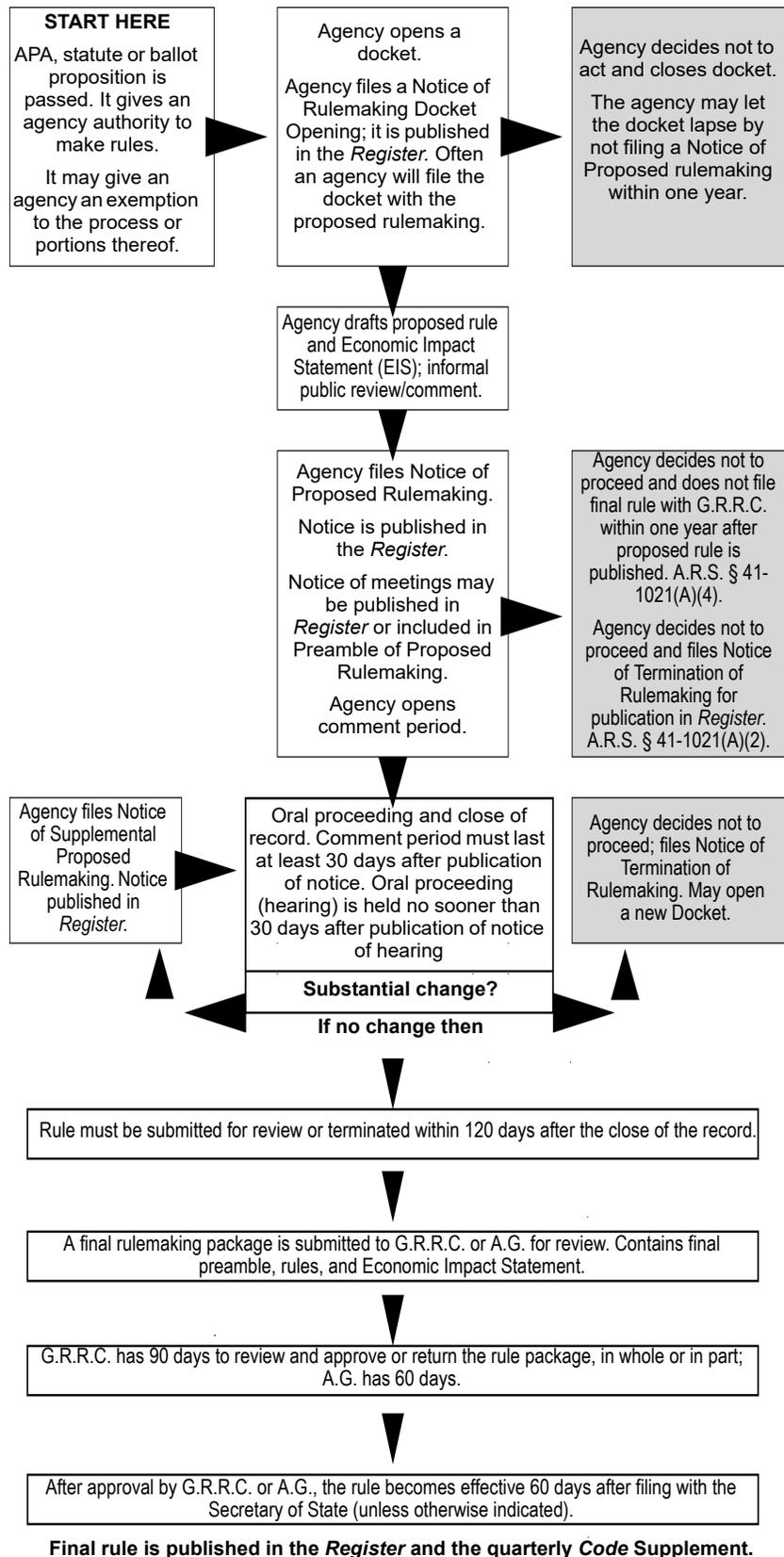
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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





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

Under current law, each motor vehicle registered in the state is required to have one license plate, which the Department provides at no charge. The duplicate special license plate fee is only applicable to a vehicle owner with a special license plate who requests a duplicate special license plate. A.R.S. § 28-2151 also authorizes the Department to charge the estimated mailing cost to send a license plate to the owner. A vehicle owner currently pays postage costs of \$5.53 for a full-size license plate. The proposed rules establish a new one-time fee of \$10 for a vehicle owner who requests a duplicate special license plate. At current postage costs, a vehicle owner can obtain and receive a duplicate special license plate for \$15.53. Since obtaining a duplicate special license plate is optional, the regulatory burden is limited to those Arizona vehicle owners who request a duplicate special plate. For some types of special license plates, such as a disabled license plate or a veteran's license plate, the vehicle owner must meet certain statutory requirements, thereby limiting the number of drivers who can obtain the special license plate.

The rules could have a minor impact on small businesses, as defined in A.R.S. § 41-1001(21). Small businesses that own a light duty passenger car or a pick-up truck or van that is 3/4 ton or less, that is used commercially for 1,000 or more hours in a registration year are required to have commercial vehicle registration. A small business may select a special license plate design if not prohibited by statute or Department policies as long as the duplicate special license plate is not used on a commercial vehicle that is over 26,000 lbs. A small business would be required to pay the \$10 fee for a duplicate special license plate and postage costs if the vehicle owner desires a duplicate special license plate.

Although the manufacturing cost for a special license plate varies with the plate design, the Department estimates that the average manufacturing cost for each duplicate special license plate is \$3.50. The Department will incur costs for systems programming necessary to implement this charge on vehicle owners who purchase a duplicate special license plate. Due to major systems programming changes that were planned and ongoing during 2018 and 2019, the Department delayed implementation of the duplicate special license plate fee to reduce programming costs. The Department has not included any administrative overhead expenditures in the duplicate special license plate fee, so the Department will be able to recoup only the manufacturing and postage costs for a duplicate special license plate.

Duplicate special license plate fees are deposited in the Highway User Revenue Fund (HURF), which will be used for transportation infrastructure purposes in the state.

The rules will not impact public or private employment. Other state or local agencies will not incur any additional costs.

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

Name: Jane McVay  
Address: Arizona Department of Transportation  
Administrative Rules and Agency Policy  
206 S. 17th Ave., Mail Drop 180A  
Phoenix, AZ 85007  
Telephone: (602) 712-4279  
E-mail: jmcvay@azdot.gov

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

The Department has scheduled the following oral proceeding on the proposed rules:

Date: May 8, 2019  
Time: 11:00 a.m.  
Location: Arizona Department of Transportation (ADOT)  
ADOT Auditorium  
206 S. 17th Ave.  
Phoenix, AZ 85007

Written comments on the proposed rulemaking should be directed to the person listed under item 4 and may be submitted for 30 days after the publication of the proposed rules until the close of record at 5 p.m. on May 8, 2019.

Pursuant to Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA), ADOT does not discriminate on the basis of race, color, national origin, age, gender or disability. Persons that require a reasonable accommodation based on language or disability should contact ADOT Civil Rights at (602) 712-8946 or [civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov). Requests should be made as early as possible to ensure the state has an opportunity to address the accommodation.

Personas que requieren asistencia o una adaptacion razonable por habilidad limitada en ingles o discapacidad deben ponerse en contacto con la Oficina de Derechos Civiles de ADOT at (602) 712-8946 or [civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov). Las solicitudes deben hacerse tan pronto como sea posible para asegurar que el consejo tiene la oportunidad de abordar el alojamiento.

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

There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.

**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 a permit, however a duplicate special license plate is a general permit because the activities and practices authorized by a duplicate special license plate are the same for all vehicle owners with a duplicate special license plate.

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

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

No federal laws are directly applicable to this rule, and consequently, the rules are not more stringent than 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:**

A business competitive analysis was not submitted to the Department.

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

The rules do not incorporate any material by reference.

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

**TITLE 17. TRANSPORTATION  
CHAPTER 4. DEPARTMENT OF TRANSPORTATION  
TITLE, REGISTRATION, AND DRIVER LICENSES**

**ARTICLE 3. VEHICLE REGISTRATION**

Section

R17-4-351.     Special License Plate; Definition

R17-4-352.     Duplicate Special License Plate; Fee

**ARTICLE 3. VEHICLE REGISTRATION**

**R17-4-351. Special License Plate; Definition**

For the purposes of R17-4-352, "special license plate" or "special plate" has the meaning prescribed in A.R.S. § 28-2401.

**R17-4-352. Duplicate Special License Plate; Fee**

- A.** The Department shall charge and collect from a motor vehicle owner a one-time fee of \$10 for each duplicate special license plate requested.
- B.** The Department shall charge and collect the current applicable U.S. Postal Service postage rate as provided in A.R.S. § 28-2151 and A.A.C. R17-1-204 to mail a duplicate special license plate to a motor vehicle owner.



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 9. HEALTH SERVICES

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

[R19-41]

PREAMBLE

Table with 2 columns: Article, Part, or Section Affected (as applicable) and Rulemaking Action. Lists various rule numbers (R9-8-501 to R9-8-551) and their corresponding actions (New Section or Repeal).

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 36-136(A)(4) through (7) and (G)

Implementing statute: A.R.S. §§ 36-136(I)(8) and 36-601

3. The effective date of the rules:

March 6, 2019

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):

The Arizona Department of Health Services (Department) requests an immediate effective date for the new rules under A.R.S. § 41-1032(A)(4) and (5). By prescribing measures necessary to ensure that recreational vehicle parks are operated and maintained in a sanitary manner in 9 A.A.C. 8, Article 5, the rules are less burdensome than current rules; provide greater benefits to the Department, counties, and public; and have no public impact on public health and safety, and do not affect public involvement or the public participation process.

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. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rulemaking:**

Notice of Rulemaking Docket Opening: 24 A.A.R. 510, March 9, 2018

Notice of Proposed Rulemaking: 24 A.A.R. 3217, November 16, 2018

**5. The agency's contact person who can answer questions about the rulemaking:**

Name: Eric Thomas, Chief

Address: Arizona Department of Health Services  
Division of Public Health Services, Public Health Preparedness,  
Office of Environmental Health  
150 N. 18th Ave., Suite 140  
Phoenix, AZ 85007-3248

Telephone: (602) 364-0929

Fax: (602) 364-3146

E-mail: [Eric.Thomas@azdhs.gov](mailto:Eric.Thomas@azdhs.gov)

or

Name: Robert Lane, Chief

Address: Arizona Department of Health Services  
Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007-3248

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: [Robert.Lane@azdhs.gov](mailto:Robert.Lane@azdhs.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:**

A.R.S. § 36-136(I)(8) requires the Department to create rules related to health and sanitation for various specific aspects of trailer coach parks, including food preparation in community kitchens; sewage and excreta disposal; garbage and trash collection, storage and disposal; and water supply. A.R.S. § 36-601 requires the Department to take action in response to "any person who is maintaining a nuisance or engaging in any practice contrary to the health laws of the state." To implement A.R.S. § 36-136(I)(8) for trailer coach parks, the Department adopted rules at 9 A.A.C. 8, Article 5. The 11 rules in Article 5 prescribe measures necessary to ensure that trailer coach parks are built, operated, and maintained in a sanitary manner, and specifically provide minimum standards for application, park plan, water supply, sewage disposal, sanitation facilities, services buildings, community kitchens, and waste disposal. The Department received an exception from the Governor's rulemaking moratorium, established by Executive Order 2017-02, and is proposing to amend the Article to address matters identified in its 2017 five-year-review report for the trailer coach parks rules and make other changes to improve efficiency and effectiveness of the rules. During the regular rulemaking process, the Department solicited comments from stakeholders about how the rules may be improved. The proposed 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 rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Department did not review 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:**

The trailer coach park rules were adopted by regular rulemaking in 1980, and at that time, an economic, small business, and consumer statement (EIS) was not required. The rules have not been amended and there is no EIS on file. The Article 5 title has been changed and the new Article 5 title is "Recreational Vehicles and Parks." The Department believes that affected persons include the Department, county agencies acting as regulatory authorities, owners of recreational vehicles and parks, and the public. The annual costs and revenues are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000. Costs and benefits are listed as significant when meaningful or important, but not readily subject to quantification.

The Department, according to A.R.S. § 36-136(D), has delegated its recreational vehicles and parks inspection and abatement authority under A.R.S. § 36-136(I)(8) to the local health departments and environmental service departments, except for Gila County. These departments use the rules while conducting annual and complaint inspections of recreational vehicles and parks. Arizona recreational vehicles and parks are inspected for general sanitation practices including, but not limited to, garbage and trash removal, sewage connections, and water and wastewater. During fiscal year 2018, 1,823 trailer coach parks (aka: recreational vehicles and parks) were operating in Arizona. County sanitarians conducted 1,888 regular inspections, 100 complaint-based inspections, and 43 enforcement actions in these trailer coach parks. Additionally in fiscal year 2018, the Department did not conduct any trailer coach park inspections or complaint-based inspections.

After reviewing the new rules, the Department anticipates that the Department could incur up to a moderate cost to complete the 9 A.A.C. 8, Article 5 rulemaking and for providing technical assistance to counties and owners of recreational vehicle parks related to the rulemaking. The Department believes county agencies may incur up to a moderate cost to provide training and technical sup-



port to employees and owners of recreational vehicle parks. Owners of recreational vehicle parks are not expected to incur additional cost and rather, are expected to receive a significant benefit for having fewer requirements to comply with and rules that are simplified, clearer, and more effective. For example, requirements for application park plans, and sanitation facilities have been repealed. The Department does not anticipate that the public will incur any cost as a result of the new rules. The Department expects that the new rules will significantly benefit counties and owners of recreational vehicle parks because they are more effective, understandable and reduce regulatory burdens. The Department believes the new rules are consistent with other state statutes and rules and increase public health and safety for all Arizonians. Lastly, the Department believes the benefits of having the new recreational vehicle parks rules outweigh any costs incurred by the Department and counties.

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

During the December 27, 2018 oral proceeding, the Department received a request to delete R9-13-507(3) requiring a responsible party to ensure that “No dwelling space is more than 200 feet from a refuse container.” The Department deleted the requirement, and instead, clarified in R9-13-507(1) that refuse containers provided by a recreational vehicle park are capable of adequately serving all dwelling spaces. The Department, in compliance with A.R.S. § 41.1025(B), has determined that the rules are not “substantially different” from the published proposed rules.

**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 received comments from two members of the public during the December 27, 2018 oral proceeding. Both public members are owners of recreational vehicle parks and members of the National/Arizona Associations of RV Parks and Campgrounds. The members expressed concerns regarding a new requirement in R9-8-507(3) for recreational vehicle parks to make available additional refuse containers. The members stated that the new requirement would increase owners' costs to add additional refuse containers and increase campers' health risks from vermin infestations. Members also mentioned that their parks have never been cited for matters related to refuse containers. The requirement, “No dwelling space is located more than 200 feet from a refuse container,” is not in current Article 5 rules. The Department changed R9-8-507 as stated in paragraph 10 and believes deleting R9-8-507(3) makes the rule less burdensome and has no public impact on public health and safety.

**12. Any agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rules 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 statutes 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 rule does not require issuance of a general permit.

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

Not applicable

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

No business competitiveness analysis was received by the Department.

**13. Incorporations by reference and their location in the rules:**

Not applicable

**14. Whether the rule was previously made, amended, or repealed as an emergency rules. 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 rule follows:**

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

**ARTICLE 5. TRAILER COACH PARKS RECREATIONAL VEHICLES AND PARKS**

Section	
R9-8-501.	<del>Reserved</del> <u>Definitions</u>
R9-8-502.	<del>Reserved</del> <u>General Provisions</u>
R9-8-503.	<del>Reserved</del> <u>Bathroom, Toilet Alternative, and Shower Room Management</u>
Table 5.1.	<u>Toilet or Toilet Alternative Requirements</u>
Table 5.2.	<u>Bathroom, Toilet Alternative, and Shower Room Management</u>
R9-8-504.	<del>Reserved</del> <u>Common Area Management</u>
R9-8-505.	<del>Reserved</del> <u>Water Supply</u>
R9-8-506.	<del>Reserved</del> <u>Sewage Disposal</u>
R9-8-507.	<del>Reserved</del> <u>Refuse Management</u>



- R9-8-512. ~~Definitions~~ Repealed
- R9-8-521. ~~Plans and specifications~~ Repealed
- R9-8-522. ~~Application~~ Repealed
- R9-8-523. ~~Park plan~~ Repealed
- R9-8-531. ~~Water supply~~ Repealed
- R9-8-533. ~~Sewage disposal system~~ Repealed
- R9-8-541. ~~Sanitation facilities~~ Repealed
- R9-8-542. ~~Service buildings~~ Repealed
- R9-8-543. ~~Toilet facilities~~ Repealed
- R9-8-544. ~~Community kitchens; recreational facilities~~ Repealed
- R9-8-551. ~~Waste disposal~~ Repealed

#### **ARTICLE 5. TRAILER COACH PARKS RECREATIONAL VEHICLES AND PARKS**

##### **R9-8-501. Reserved Definitions**

In this Article, unless otherwise specified:

1. “Bathroom” means a structure or room that contains at least one toilet and lavatory.
2. “Bedding” has the same meaning as in A.R.S. § 36-796.
3. “Clean” means free from dirt or debris.
4. “Common area” means an area of a recreational vehicle park, excluding areas within dwelling spaces, that is provided by the recreational vehicle park for general use.
5. “Community kitchen” means a structure or room in a common area that is provided by a recreational vehicle park for preparing food.
6. “Compensation” means money or other consideration, including goods, services, vouchers, time, government or public expenditures, government or public funding, or another benefit that is received as payment.
7. “Dependent recreational vehicle” means a recreational vehicle that does not have a toilet, bathtub, or shower room.
8. “Distribution system” has the same meaning as in A.A.C. R18-4-103(B).
9. “Dwelling space” means a plot of ground designated to accommodate one recreational vehicle for dwelling or sleeping purposes for more than 30 days, and does not include a plot of ground that is:
  - a. Designated to accommodate one recreational vehicle and is occupied by the owner of the plot of ground; or
  - b. Exclusively designated to:
    - i. Accommodate a recreational vehicle specified in A.R.S. § 33-2102, and
    - ii. Remains on the plot of ground for dwelling for more than 180 consecutive days specified in A.R.S. § 33-2101.
10. “Easily cleanable” means a characteristic of a surface that allows effective removal of dirt and debris by normal cleaning methods based on the material, design, construction, and installation of the surface.
11. “Faucet” means a fixture connected to a distribution system that provides and regulates the flow of potable water.
12. “Fixture” means an attachment to a structure.
13. “Food” means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for human consumption.
14. “Human excreta” means fecal and urinary discharges and includes any waste that contains this material.
15. “Independent recreational vehicle” means a vehicular type that has a toilet, bathtub, or shower room.
16. “Lavatory” means a sink or a basin with a faucet that supplies potable water and with a drain connected to a sewage collection system.
17. “Non-absorbent” means incapable of being penetrated by liquid, such as a material coated or treated with rubber, plastic, or other sealing substance.
18. “Owns” means to have the right to possess, use, and convey the interest.
19. “Person” means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or another agency.
20. “Political subdivision” means the same as in A.R.S. § 38-382.
21. “Potable water” means water safe for human consumption that meets the requirements of 18 A.A.C. 4 or satisfies the requirements in R9-8-505(6).
22. “Public health nuisance” means the activities or conditions dangerous to public health that are subject to A.R.S. § 36-601.
23. “Recreational vehicle” has the same meaning as in A.R.S. § 33-2102.
24. “Recreational vehicle park” or “trailer coach park” specified in A.R.S. § 36-136(D)(8) is defined in this Article to mean a place or portion of a place that offers two or more dwelling spaces for recreational vehicles to use overnight, regardless of whether or not compensation is exchanged.
25. “Refuse” has the same meaning as in A.A.C. R18-13-302.
26. “Refuse container” means a receptacle that is capable of being moved and is used for refuse storage.



- 27. “Regulatory authority” means
  - a. The Department; or
  - b. Under delegation, the following entities as specified in A.R.S. § 36-136(E):
    - i. A local health department.
    - ii. A county environmental department, or
    - iii. A public health services district.
- 28. “Responsible party” means a person who owns a recreational vehicle park or a designee of the person who owns the recreational vehicle park.
- 29. “Sanitary” means free from filth, bacteria, viruses, mold, and fungi.
- 30. “Sewage” has the same meaning as in A.A.C. R18-9-101.
- 31. “Sewage collection system” has the same meaning as in A.A.C. R18-9-101.
- 32. “Shower head” means a fixture connected to a distribution system that allows potable water to fall on a user’s body.
- 33. “Shower room” means a structure or room that contains at least one shower head and at least one floor drain.
- 34. “Stored” means holding refuse before the refuse is disposed of according to A.A.C. R18-13-311 and R18-13-312.
- 35. “Toilet” means a water-flushed, chemical-flushed, or no-flush bowl for the disposal of human excreta.
- 36. “Toilet alternative” means any system other than a toilet that:
  - a. Is designed or used for the purpose of collecting human excreta; and
  - b. Has a process for waste treatment, such as composting, incinerating, chemical flushing, oil flushing, or a privy system.
- 37. “Utensil” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware.

**R9-8-502. ~~Reserved~~ General Provisions**

- A.** This Article does not apply:
  - 1. To a recreational vehicle park located on federal or tribal land within the state;
  - 2. If an agency of the state or federal government or a political subdivision of the state provides land for overnight parking and restrictions for use of such areas are posted; or
  - 3. To recreational vehicles exempt under A.R.S. § 36-136(I)(8).
- B.** A violation of this Article is a public health nuisance and may be subject to abatement pursuant to A.R.S. § 36-602.
- C.** Inspections of recreational vehicle parks shall be conducted in accordance with A.R.S. § 36-136(I)(8) by the regulatory authority.

**R9-8-503. ~~Reserved~~ Bathroom, Toilet Alternative, and Shower Room Management**

- A.** A responsible party shall ensure that a recreational vehicle park provides a bathroom or toilet alternative if it accommodates a recreational vehicle that does not have a toilet.
- B.** A responsible party shall ensure that:
  - 1. No dwelling space offered for use by a recreational vehicle is more than 400 feet from a bathroom or toilet alternative;
  - 2. Signs plainly indicate the locations of bathrooms, toilet alternatives, and shower rooms provided by the recreational vehicle park; and
  - 3. The recreational vehicle park has a sufficient number of bathrooms or toilet alternatives according to Table 5.1.
- C.** A responsible party shall ensure that each bathroom, toilet alternative, and shower room provided by the recreational vehicle park meets the requirements listed in Table 5.2.

**Table 5.1. Bathroom or Toilet Alternative Requirements**

<u>Number of Dependent Recreational Vehicles Occupying the Recreational Vehicle Park</u>	<u>Number of Bathrooms or Toilet Alternatives</u>
<u>1-25</u>	<u>1</u>
<u>26-50</u>	<u>2</u>
<u>51-75</u>	<u>3</u>
<u>Every additional 1-25</u>	<u>+1 additional</u>



**Table 5.2. Bathroom, Toilet Alternative, and Shower Room Management**

<u>Requirement</u>	<u>Bathroom</u>	<u>Toilet Alternative</u>	<u>Shower Room</u>
<u>Is clean and sanitary</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Is ventilated by an openable window, air conditioning, or other mechanical device</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Has toilet paper</u>	<u>X</u>	<u>X</u>	
<u>Is maintained free from public health nuisance and free from insect and vermin infestation</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Has refuse containers as specified in R9-8-507(1)</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Has surfaces that are easily cleanable, sanitary and free from gaps other than ventilation</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Has single-use soap or soap inside a dispenser at each provided lavatory</u>	<u>X</u>		<u>X</u>
<u>Has single-use paper towels or air hand dryers at each provided lavatory</u>	<u>X</u>		<u>X</u>
<u>Has a floor drain connected to a sewage collection system and, if built after the effective date of this Article, has floors that slope to the drain.</u>			<u>X</u>
<u>Has potable water from all shower heads</u>			<u>X</u>
<u>Has floors and walls of a non-absorbent material</u>	<u>X</u>		<u>X</u>

**R9-8-504. Reserved Common Area Management**

A responsible party shall ensure that the following requirements are met:

1. Each common area:
  - a. Is clean and sanitary.
  - b. Is ventilated by an openable window, air conditioning, or other mechanical device.
  - c. Is maintained free from public health nuisance and free from insect and vermin infestations, and
  - d. Has refuse containers as specified in R9-8-507(1).
2. Bedding and cloth towels provided by the recreational vehicle park are:
  - a. Maintained in good-repair;
  - b. Clean and sanitary; and
  - c. Kept free of ectoparasites including bedbugs, lice, and mites.
3. A community kitchen provided by a recreational vehicle park:
  - a. Is maintained in a clean and sanitary condition; and
  - b. Complies with 9 A.A.C. 8, Article 1, if operating as a food establishment.
4. Any multi-use utensils and equipment provided by a recreational vehicle park in a common areas or community kitchen are easily cleanable and either:
  - a. Are washed, rinsed, and made sanitary before use by each separate individual; or
  - b. A conspicuously located sign identifies which multi-use utensils and equipment provided by the recreational vehicle park are not washed, rinsed, and made sanitary before use by each separate individual.
5. A recreational vehicle park shall comply with 9 A.A.C. 8 Article 8, if within a common area, the recreational vehicle park provides a:
  - a. Natural bathing place as defined in A.A.C. R18-5-201.
  - b. Semi-artificial bathing place as defined in R9-8-801.
  - c. Spa as defined in A.A.C. R18-5-201, or
  - d. Swimming pool as defined in A.A.C. R18-5-201.

**R9-8-505. Reserved Water Supply**

A responsible party shall ensure that the following requirements are met:

1. All water provided by the recreational vehicle park for human consumption is potable water.
2. Any source of water provided by the recreational vehicle park that is not potable is clearly identified with “not for human consumption” signage at each access point.
3. The potable water supply and distribution system provided by the recreational vehicle park is designed to provide sufficient quantity at a minimum pressure of 20 pounds per square inch at ground level at each bathroom, shower room, and permanent water fixture provided at by the recreational vehicle park.
4. No dwelling space is more than 300 feet from a potable water source.
5. If water is hauled to the recreational vehicle park as a potable water supply, the water and transport shall meet the requirements of A.A.C. R18-4-214.
6. If potable water provided by the recreational vehicle park is not from a public water system as defined by 18 A.A.C. 4:
  - a. The potable water provided is tested prior to use with results of:
    - i. No coliform bacteria or other fecal indicator present, and
    - ii. Nitrate (as N) no greater than 10 mg/l.
  - b. The potable water provided is routinely monitored to determine:



- i. The presence or absence of total coliform bacteria at least once every month of operation, and
- ii. The concentration of nitrates at least once every 3 months.
- c. Water samples collected in accordance with this section shall be analyzed by a laboratory that is licensed according to A.A.C. 14, Article 6.
- d. Records of water sample results analyzed in accordance with this section shall be:
  - i. Maintained at the recreational vehicle park for at least 12 months, and
  - ii. Made available to the regulatory authority upon request.
- e. Written notification must be provided to the regulatory authority within 24 hours when any water quality requirement listed in subsection (a) out-of-compliance.

**R9-8-506. ~~Reserved Sewage Disposal~~**

A responsible party shall ensure that sewage and human excreta produced within the recreational vehicle park:

- 1. Does not create a public health nuisance, and
- 2. Is collected and disposed of by systems designed, constructed and operated in compliance with the requirements in 18 A.A.C. 9, Articles 3 and 7.

**R9-8-507. ~~Reserved Refuse Management~~**

A responsible party shall ensure that the following requirements are met:

- 1. The recreational vehicle park has conspicuously located refuse containers capable of adequately servicing all dwelling spaces that are:
  - a. Constructed of non-absorbent material that is capable of withstanding expected use and remaining easily cleanable, and
  - b. Covered.
- 2. Signs plainly indicate the locations of refuse containers.
- 3. Refuse produced within the recreational vehicle park:
  - a. Does not create a public health nuisance; and
  - b. Is collected, stored, and disposed of according to 18 A.A.C. 13, Article 3.

**R9-8-512. ~~Definitions Repealed~~**

- ~~A. "Department" means the Arizona Department of Health Services.~~
- ~~B. "Dependent trailer coach" means a trailer coach which does not have a flush toilet, bathtub, or shower.~~
- ~~C. "Independent trailer coach" means a trailer which has a flush toilet, bathtub or shower, and lavatory.~~
- ~~D. "Park" means a trailer coach park.~~
- ~~E. "Person" means any individual, firm, trust, partnership, company, society, association, corporation, or political subdivision.~~
- ~~F. "Trailer coach" means any vehicle including mobile homes having no foundation other than wheels, jacks, or skirtings, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. Removal of the wheels shall not change the meaning of the term.~~
- ~~G. "Trailer coach park" means any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation. This does not apply where all trailers are occupied by the owner of the plot and his immediate family, nor does it include areas provided for recreational purposes or overnight parking by agencies of the local, state and federal governments, where posted restrictions for use of such areas are provided.~~
- ~~H. "Trailer coach space" means a plot of ground within a trailer coach park designed for the accommodation of one trailer coach.~~

**R9-8-521. ~~Plans and specifications Repealed~~**

- ~~A. No construction on or at a trailer coach park shall commence until the Department has approved the plans and specifications for the public water supply and sewage disposal system.~~
- ~~B. No person shall maintain or operate a trailer coach park without the written approval of the local health department.~~
- ~~C. A park plan showing all building locations and trailer coach spaces shall be provided as part of the plans and specifications.~~
- ~~D. No change or modification of water supply or sewage disposal in any existing trailer coach park shall be made until plans and specifications have been submitted to and approved by the Department.~~
- ~~E. All plans and specifications shall be submitted to the Department in quadruplicate.~~

**R9-8-522. ~~Application Repealed~~**

- ~~A. An application for approval by the Department, prepared in duplicate on forms furnished by the Department, shall be filed at the time the plans are submitted for approval. The form shall be completely filled out unless otherwise indicated.~~
- ~~B. The distance to the nearest public water supply main and to a sewer main of a municipal or community system shall be given.~~

**R9-8-523. ~~Park plan Repealed~~**

- ~~A. The minimum size of trailer coach spaces shall be in compliance with regulations of local planning boards and other official agencies.~~
- ~~B. The park shall be located on a site which is properly graded to ensure rapid drainage and the elimination of standing pools of water.~~

**R9-8-531. ~~Water supply Repealed~~**

- ~~A. The public water supply and distribution systems to the trailer spaces and service building shall comply with all provisions of Article 2 of this Chapter.~~
- ~~B. The water supply system shall be so designed, constructed and maintained to provide a minimum supply demand of six fixture units at a residual pressure of not less than twenty pounds per square inch at each trailer site requiring water in addition to the water requirements of the service building.~~
- ~~C. Each independent trailer coach space shall be provided with a cold water tap at least four inches above the ground.~~



**D.** Hot water, a minimum of 120° F, shall be provided at all times in the service building for all bathing, washing, cleaning and laundry facilities.

**R9-8-533. Sewage disposal system Repealed**

- A.** The sewage disposal system shall comply with all provisions of Article 3 of this Chapter.
- B.** Where a public sewerage system is to be used and is already in existence, or if sewers are proposed and have been approved by the Department, it will only be necessary to show the location and size of the sewer lines within the park. Approval to construct the sewers serving the trailer park will not be given unless the capacity of the receiving sewers and the treatment facility which will receive the wastes is determined to have adequate capacity for the increased load resulting from the installation of the trailer park.

**R9-8-541. Sanitation facilities Repealed**

Toilets, bathing, laundry and other sanitation facilities shall be housed in a service building which shall present easy access from all trailer coach spaces by means of walkways or roadways.

**R9-8-542. Service buildings Repealed**

- A.** Service buildings shall be permanent structures, complying with all applicable ordinances and statutes regulating building construction.
- B.** Service buildings shall meet the following requirements:
  1. All facilities shall be well lighted.
  2. They shall be ventilated with screened openings.
  3. They shall be constructed of such moisture proof material, including painted woodwork, as shall permit repeated cleaning and washing.
  4. Properly vented heating facilities shall be provided.
  5. The floors of the service buildings shall be of water impervious material and sloped to properly located floor drains.
- C.** Service buildings containing toilet and bathing facilities shall not be located farther than 200 feet from any dependent trailer coach space.
- D.** Existing parks serving dependent trailer coaches shall meet the requirements of this Section within six months from the effective date.

**R9-8-543. Toilet facilities Repealed**

**A.** All parks accommodating dependent trailer coaches shall be provided with the following number of toilets, showers and other sanitation facilities:

*Number of Trailer Parking Spaces	NUMBER OF FACILITIES REQUIRED IN SERVICE BUILDINGS							
	TOILETS		URINALS	LAVATORIES		SHOWERS		**Other
	Men	Women	Men	Men	Women	Men	Women	
1-15	1	1	1	1	1	1	1	1 service sink
16-30	1	2	1	2	2	1	1	with a flushing rim
31-45	2	2	1	3	3	1	1	
46-60	2	3	2	3	3	2	2	
61-80	3	4	2	4	4	2	2	1 utility sink
81-100	3	4	2	4	4	3	3	

For parking areas having more than 100 trailer spaces there shall be provided: one additional toilet and lavatory for each sex per each additional 30 trailer spaces; one additional shower for each sex per each additional 40 trailer spaces; and one additional men's urinal per each additional 100 trailer spaces.

\*Parking spaces for dependent trailers, i.e., number of facilities required per number of dependent parking trailer spaces.

\*\*Additional fixtures including laundry trays, clothes washing machines (one for every 30 sites) and an ice making machine may be provided.

- B.** Where a trailer coach park is designed for and exclusively limited to use by independent trailers, emergency sanitary facilities are not required.
- C.** When a park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule for trailer spaces and shall be based on the total number of persons using such facilities.

**R9-8-544. Community kitchens, recreational facilities Repealed**

Trailer coach parks which provide a community kitchen or other recreational facilities shall comply with these rules and regulations relating to campgrounds and Article 2 of this Chapter relating to eating and drinking establishments.

**R9-8-551. Waste disposal Repealed**

- A.** The storage, collection, transportation and disposal of garbage, trash, rubbish, manure and other objectionable wastes shall be in accordance with the provisions of Article 4 of this Chapter.
- B.** Each trailer coach space shall be provided with a trapped sewer, at least three inches in diameter, which shall be connected to receive all liquid waste from the trailer coach located in such space. Except that a trapped sewer is not required in parks restricted to trailer coaches in which all fixtures discharge through a trap located in the trailer plumbing system.



NOTICE OF FINAL RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 8. DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

[R19-42]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R9-8-601 New Section
R9-8-602 New Section
R9-8-603 New Section
Table 6.1 New Table
Table 6.2 New Table
R9-8-604 New Section
R9-8-605 New Section
R9-8-606 New Section
R9-8-607 New Section
R9-8-608 New Section
R9-8-611 Repeal
R9-8-612 Repeal
R9-8-613 Repeal
R9-8-614 Repeal
R9-8-615 Repeal
R9-8-616 Repeal
R9-8-617 Repeal
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. §§ 36-136(A)(4) through (7) and (G)
Implementing statute: A.R.S. §§ 36-136(I)(8) and 36-601
3. The effective date of the rules:
March 6, 2019
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):
The Arizona Department of Health Services (Department) requests an immediate effective date for the new rules under A.R.S. § 41-1032 (A)(4) and (5). By prescribing measures necessary to ensure that camp grounds are operated and maintained in a sanitary manner in 9 A.A.C. 8, Article 6, the rules are less burdensome than current rule; provides a greater benefit to the Department, county agencies, and public; and have no public impact on the public health and safety and do not affect public involvement or the public participation process.
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. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rulemaking:
Notice of Rulemaking Docket Opening: 24 A.A.R. 511, March 9, 2018
Notice of Proposed Rulemaking: 24 A.A.R. 3225, November 16, 2018
5. The agency's contact person who can answer questions about the rulemaking:
Name: Eric Thomas, Chief
Address: Arizona Department of Health Services
Division of Public Health Services, Public Health Preparedness,
Office of Environmental Health
150 N. 18th Ave., Suite 140
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E-mail: [Robert.Lane@azdhs.gov](mailto:Robert.Lane@azdhs.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:**

A.R.S. § 36-136(I)(8) requires the Department to create rules related to health and sanitation for various specific aspects of camp grounds, including food preparation in community kitchens; sewage and excreta disposal; garbage and trash collection, storage and disposal; and water supply. A.R.S. § 36-601 requires the Department to take action in response to "any person who is maintaining a nuisance or engaging in any practice contrary to the health laws of the state." To implement A.R.S. § 36-136(I)(8) for camp grounds, the Department adopted rules at 9 A.A.C. 8, Article 6. The 7 rules in Article 6 prescribe measures necessary to ensure that camp grounds are built, operated, and maintained in a sanitary manner, and specifically provide minimum standards for supervision, water supply, sewage and refuse disposal, toilets, and construction and maintenance of buildings.

In response to the Department's 2017 five-year-review report for the camp grounds rules, the Governor's Regulatory Review Council ordered the Department to complete a rulemaking on 9 A.A.C. 8, Article 6 by January 1, 2019. The Department received an exception from the Governor's rulemaking moratorium, established by Executive Order 2017-02, and is proposing to amend the Article to address matters identified in its 2017 five-year-review report for the camp grounds rules and make other changes to improve efficiency and effectiveness of the rules. On August 7, 2018, the Governor's Regulatory Review Council approved the Department's request to extend 9 A.A.C. 8, Article 6 rulemaking due date to July 1, 2019. During the regular rulemaking process, the Department solicited comments from stakeholders about how the rules may be improved. The proposed 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 rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Department did not review 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:**

According to Arizona Administrative Rules and Regulations (copyright 1975), the first filing of the camp ground rulemaking occurred prior to 1976 and was approved by regular rulemaking. The rules have not been amended and there is no EIS on File. The Article 6 title has been changed and the new title is "Campgrounds" and not "Camp Grounds." The Department believes that affected persons include the Department, county agencies acting as regulatory authorities, owners of campgrounds, and the public. The annual costs and revenues are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000. Costs and benefits are listed as significant when meaningful or important, but not readily subject to quantification.

The Department, pursuant to A.R.S. § 36-136(D), has delegated its camp ground inspection and abatement authority under A.R.S. § 36-136(I)(8) to the local health departments and environmental service departments, except Apache county. These departments use the rules while conducting annual and complaint inspections of camp grounds. Arizona camp grounds are inspected for general sanitation practices including, but not limited to, garbage and trash removal, sewage connections, and water and wastewater. Thirty-nine camp grounds were operating in Arizona during fiscal year 2018. County sanitarians conducted 26 regular inspections, one complaint-based inspection, and no enforcement actions in these campgrounds. Additionally in fiscal year 2018, the Department did not conduct any camp ground inspections or complaint-based inspections.

After reviewing the new rules, the Department anticipates that the Department could incur up to a moderate cost to complete the 9 A.A.C. 8, Article 6 rulemaking and for providing technical assistance to counties and owners of camp grounds related to the rulemaking. The Department believes county agencies may incur up to a moderate cost to provide training and technical support to employees and owners of campgrounds. Owners of campgrounds are not expected to incur additional cost and rather, are expected to receive a significant benefit for having fewer requirements to comply with. For example, requirements for supervision and construction and maintenance of buildings have been repealed. The Department does not expect that the public will incur any cost as a result of the new rules. The Department believes the new rules will significantly benefit counties and owners of campgrounds because they are more effective, understandable and reduce regulatory burdens. The Department believes the new rules are consistent with other state statutes and rules and increase public health and safety for all Arizonians. Lastly, the Department believes the benefits of having the new campground rules outweigh any costs incurred by the Department and county agencies.

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

Between the proposed rulemaking and the final rulemaking, no changes were made to the rulemaking.

**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 received comments from two members of the public during the December 27, 2018, oral proceeding. Both public members are owners of recreational vehicle parks and members of the National/Arizona Associations of RV Parks and Campgrounds. The members asked the Department to remove a R9-8-607(3) that requires a responsible party of a camp ground to ensure



that no campsite is more than 200 feet from a refuse container. The requirement in R9-8-607(3) is currently in the camp ground rules. The members expressed no concern should the Department decide not to remove the requirement from campground rules. Because camp ground owners already complying with the requirement, the Department does not plan to remove or change the rule. The Department believes that keeping the rule does not increase cost or burden for camp ground owners and has no negative public impact on public health and safety.

**12. Any agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rules 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 rule does not require issuance of a general permit.

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

Not applicable

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

No business competitiveness analysis was received by the Department.

**13. Incorporations by reference and their location in the rules:**

Not applicable

**14. Whether the rule was previously made, amended, or repealed as an emergency rules. 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 rule follows:**

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

**ARTICLE 6. CAMP-GROUNDS CAMPGROUNDS**

Section

- R9-8-601. ~~Reserved~~ Definitions
- R9-8-602. ~~Reserved~~ General Provisions
- R9-8-603. ~~Reserved~~ Bathroom, Toilet Alternative, and Shower Room Management
- Table 6.1. Toilet or Toilet Alternative Requirements
- Table 6.2. Bathroom, Toilet Alternative, and Shower Room Management
- R9-8-604. ~~Reserved~~ Common Area Management
- R9-8-605. ~~Reserved~~ Water Supply
- R9-8-606. ~~Reserved~~ Sewage Disposal
- R9-8-607. ~~Reserved~~ Refuse Management
- R9-8-608. ~~Reserved~~ Camping Shelter Management
- R9-8-611. ~~Scope~~ Repealed
- R9-8-612. ~~Supervision~~ Repealed
- R9-8-613. ~~Water supply~~ Repealed
- R9-8-614. ~~Protection against fires~~ Repealed
- R9-8-615. ~~Sewage and refuse disposal~~ Repealed
- R9-8-616. ~~Toilets~~ Repealed
- R9-8-617. ~~Construction and maintenance of buildings~~ Repealed

**ARTICLE 6. CAMP-GROUNDS CAMPGROUNDS**

**R9-8-601. ~~Reserved~~ Definitions**

In this Article, unless otherwise specified:

1. "Bathroom" means a structure or room that contains at least one toilet or urinal.
2. "Bedding" has the same meaning as in A.R.S. § 36-796.
3. "Campground" means land or a portion of land that is designated for the purpose of outdoor activities and offers campsites.
4. "Camping shelter" means either of the following:
  - a. A recreational vehicle offered for overnight use that:
    - i. Provides an individual a covered space, and
    - ii. Does not provide sleeping material; or
  - b. A structure offered for overnight use, such as a cabin or teepee, that:



- i. Provides an individual a covered space; and
  - ii. Does not provide:
    - (a) Sleeping material.
    - (b) A lavatory, or
    - (c) A toilet.
- 5. “Campsite” means a plot of ground offered by a campground for overnight sleeping activities for an individual or a group of individuals to engage in any of the following uses for less than 30 days:
  - a. Erecting a self-provided tent.
  - b. Arranging self-provided sleeping material.
  - c. Occupying a camping shelter, or
  - d. Parking a self-provided motor vehicle as defined in A.R.S. § 44-281 or a self-provided recreational vehicle as defined in A.R.S. § 33-2102.
- 6. “Clean” means free from dirt or debris.
- 7. “Common area” means an area of a campground, excluding areas within a campsite, that is provided by a campground for general use.
- 8. “Community kitchen” means a structure or room, excluding areas within a campsite, that is provided by a campground for preparing food.
- 9. “Distribution system” has the same meaning as in A.A.C. R18-4-103(B).
- 10. “Easily cleanable” means a characteristic of a surface that allows effective removal of dirt and debris by normal cleaning methods based on the material, design, construction, and installation of the surface.
- 11. “Faucet” means a fixture connected to a distribution system that provides and regulates the flow of potable water.
- 12. “Fixture” means an attachment to a structure.
- 13. “Food” means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for human consumption.
- 14. “Human excreta” means fecal and urinary discharges and includes any waste that contains this material.
- 15. “Lavatory” means a sink or a basin with a faucet that supplies potable water capable of reaching at least 85° F and with a drain connected to a sewage collection system.
- 16. “Non-absorbent” means incapable of being penetrated by liquid, such as a material coated or treated with rubber, plastic, or other sealing substance.
- 17. “Owns” means to have the right to possess, use, and convey the interest.
- 18. “Person” means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or another agency.
- 19. “Potable water” means water safe for human consumption that meets the requirements of 18 A.A.C. 4 or satisfies the requirements in R9-8-605(4).
- 20. “Public health nuisance” means the activities or conditions dangerous to public health that are subject to A.R.S. § 36-601.
- 21. “Recreational vehicle” has the same meaning as in A.R.S. § 33-2102.
- 22. “Refuse” has the same meaning as in A.A.C. R18-13-302.
- 23. “Refuse container” means a receptacle that is capable of being moved and is used for refuse storage.
- 24. “Regulatory authority” means
  - a. The Department; or
  - b. Under delegation, the following entities as specified in A.R.S. § 36-136(E):
    - i. A local health department.
    - ii. A county environmental department, or
    - iii. A public health services district.
- 25. “Responsible party” means a person who owns a campground or a designee of the person who owns the campground.
- 26. “Sanitary” means free from filth, bacteria, viruses, mold, and fungi.
- 27. “Sewage” has the same meaning as in A.A.C. R18-9-101.
- 28. “Sewage collection system” has the same meaning as in A.A.C. R18-9-101.
- 29. “Shower head” means a fixture connected to a distribution system that allows potable water to fall on a user’s body.
- 30. “Shower room” means a structure or room that contains at least one shower head and at least one floor drain.
- 31. “Sleeping material” means any of the following:
  - a. A sheet.
  - b. A pillow.
  - c. A pillowcase.
  - d. A blanket, or
  - e. A sleeping bag.
- 32. “Stored” means holding refuse before the refuse is disposed of according to A.A.C. R18-13-311 and R18-13-312.
- 33. “Tent” means a collapsible structure that is designed for overnight sleeping purposes and capable of being moved.
- 34. “Toilet” means a water-flushed, chemical-flushed, or no-flush bowl for the disposal of human excreta.
- 35. “Toilet alternative” means any system other than a toilet that:
  - a. Is designed or used for the purpose of collecting human excreta; and
  - b. Has a process for waste treatment, such as composting, incinerating, chemical flushing, oil flushing, or a privy system.
- 36. “Urinal” means a water-flushed, chemical-flushed, or no-flush upright basin used for urination only.
- 37. “Utensil” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware.



**R9-8-602. Reserved General Provisions**

- A. This Article does not apply to:
  1. Primitive camp and picnic grounds as defined in A.R.S. § 36-136(I)(8), or
  2. Campgrounds located on federal or tribal land within the state.
- B. A violation of this Article is a public health nuisance and may be subject to abatement pursuant to A.R.S. § 36-602.
- C. Inspections of campgrounds shall be conducted in accordance with A.R.S. § 36-136(I)(8) by the regulatory authority.

**R9-8-603. Reserved Bathroom, Toilet Alternative, and Shower Room Management**

- A responsible party shall ensure that:
1. No campsite is more than 400 feet from a toilet or toilet alternative;
  2. Signs plainly indicate the locations of toilets and showers provided by the campground;
  3. The campground has a sufficient number of toilets or toilet alternatives according to Table 6.1, and
  4. Each bathroom, toilet alternative, and shower room provided by the campground meets the requirements listed in Table 6.2.

**Table 6.1. Toilet or Toilet Alternative Requirements**

<u>Number of Individuals Occupying the Campground</u>	<u>Number of Toilets or Toilet Alternatives</u>
<u>1-25</u>	<u>1</u>
<u>26-50</u>	<u>2</u>
<u>51-75</u>	<u>3</u>
<u>Every additional 1-25</u>	<u>+1 additional</u>

**Table 6.2. Bathroom, Toilet Alternative, and Shower Room Management**

<u>Requirement</u>	<u>Bathroom</u>	<u>Toilet Alternative</u>	<u>Shower Room</u>
<u>Is clean and sanitary</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Is ventilated by an openable window, air conditioning, or other mechanical device</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Has toilet paper</u>	<u>X</u>	<u>X</u>	
<u>Is maintained free from public health nuisance and free from insect and vermin infestation</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Has refuse containers as specified in R9-8-607(1)</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Has surfaces that are easily cleanable, sanitary, and free from gaps other than ventilation</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Has soap and single-use paper towels or air hand dryers at each lavatory</u>	<u>X</u>		
<u>Has a floor drain connected to a sewage collection system and, if built after the effective date of this Article, has floors that slope to the drain.</u>			<u>X</u>
<u>Has potable water from all shower heads</u>			<u>X</u>
<u>Has floors and walls of a non-absorbent material</u>			<u>X</u>

**R9-8-604. Reserved Common Area Management**

- A responsible party shall ensure that the following requirements are met:
1. Bedding and towels provided by the campground are:
    - a. Maintained in good-repair;
    - b. Clean and sanitary; and
    - c. Kept free of ectoparasites including bedbugs, lice, and mites.
  2. A community kitchen provided by a campground:
    - a. Is maintained in a clean and sanitary condition; and
    - b. Complies with 9 A.A.C. 8, Article 1 if operating as a food establishment.
  3. Any multi-use utensils and equipment provided by the campground are easily cleanable and either:
    - a. Are washed, rinsed, and made sanitary before use by each separate individual; or
    - b. A conspicuously located sign identifies which multi-use utensils and equipment provided by the campground are not washed, rinsed, and made sanitary before use by each separate individual.
  4. A campground shall comply with 9 A.A.C. 8 Article 8, if within a common area, the campground provides a:
    - a. Natural bathing place as defined in A.A.C. R18-5-201,
    - b. Semi-artificial bathing place as defined in R9-8-801,
    - c. Spa as defined in A.A.C. R18-5-201, or
    - d. Swimming pool as defined in A.A.C. R18-5-201.

**R9-8-605. ~~Reserved~~ Water Supply**

A responsible party shall ensure that the following requirements are met:

1. All water provided by the campground for human consumption is potable water.
2. Any source of water provided by the campground that is not potable is clearly identified with “not for human consumption” signage at each access point.
3. The potable water supply and distribution system provided by the campground is designed to provide sufficient quantity at a minimum pressure of 20 pounds per square inch at ground level at each bathroom, shower room, and permanent water fixture provided by the campground.
4. No campsite is more than 300 feet from a potable water source.
5. If water is hauled to the campground as a potable water supply, the water and transport shall meet the requirements of A.A.C. R18-4-214.
6. If potable water provided by the campground is not from a public water system as defined by 18 A.A.C. 4:
  - a. The potable water provided is tested prior to use with results of:
    - i. No coliform bacteria or other fecal indicator present; and
    - ii. Nitrate (as N) no greater than 10 mg/l.
  - b. The potable water provided is routinely monitored to determine:
    - i. The presence or absence of total coliform bacteria at least once every month of operation, and
    - ii. The concentration of nitrates at least once every 3 months.
  - c. Water samples collected in accordance with this section shall be analyzed by a laboratory that is licensed by the Arizona State Laboratory Office of Laboratory Services and licensed according to 9 A.A.C. 14, Article 6.
  - d. Records of water sample results analyzed in accordance with this section shall be:
    - i. Maintained at the campground for at least 12 months and
    - ii. Made available to the Department upon request.
  - e. Written notification must be provided to the regulatory authority within 24 hours when any water quality requirement listed in subsection (a) is out-of-compliance.

**R9-8-606. ~~Reserved~~ Sewage Disposal**

A responsible party shall ensure that sewage and human excreta produced within the campground:

1. Does not create a public health nuisance; and
2. Is collected and disposed of by systems designed, constructed and operated in compliance with the requirements in 18 A.A.C. 9, Articles 3 and 7.

**R9-8-607. ~~Reserved~~ Refuse Management**

A responsible party shall ensure that the following requirements are met:

1. The campground has conspicuously located refuse containers that are:
  - a. Constructed of non-absorbent material that is capable of withstanding expected use and remaining easily cleanable, and
  - b. Covered.
2. Signs plainly indicate the locations of refuse containers.
3. No campsite is more than 200 feet from a refuse container.
4. Refuse produced within the campground:
  - a. Does not create a public health nuisance; and
  - b. Is collected, stored, and disposed of according to 18 A.A.C. 13, Article 3.

**R9-8-608. ~~Reserved~~ Camping Shelter Management**

A responsible party shall ensure that the following requirements are met:

1. A camping shelter is:
  - a. Clean and sanitary;
  - b. Ventilated by an openable window, air conditioning, or other mechanical device; and
  - c. Maintained free from public health nuisance and free from insect and vermin infestation.
2. Bedding and towels provided in a camping shelter are:
  - a. Maintained in good-repair;
  - b. Clean and sanitary; and
  - c. Kept free of ectoparasites including bedbugs, lice, and mites.

**R9-8-611. ~~Scope Repealed~~**

~~The regulations in this Article shall apply to any city, county, city and county, village, community, institution, person, firm or corporation operating, maintaining or offering for public use within the state of Arizona any tract of land on which persons may camp or picnic either free of charge or by payment of a fee. Each and every owner and lessee of any public camp or picnic ground shall be held responsible for full compliance with these regulations.~~

**R9-8-612. ~~Supervision Repealed~~**

- ~~**A.** The management of every public camp or picnic ground shall assume responsibility for maintaining in good repair all sanitary appliances on said ground and shall promptly bring such action as may be necessary to prosecute or eject from such ground any person who willfully or maliciously damages such appliances or any person who in any way fails to comply with these regulations.~~
- ~~**B.** At least one caretaker shall be employed by the management to visit said camp or picnic ground every day that campers or picnickers occupy said ground. Such caretaker shall do whatever may be necessary to keep said ground and its equipment in a clean and sanitary condition.~~



~~C. Each camping party shall be allotted usable space of not less than 350 square feet.~~

**R9-8-613. Water supply Repealed**

- ~~A. The water supply system shall be in accordance with Article 2 of this Chapter and shall be provided in ample quantity to meet all requirements of the maximum number of persons using such ground at any time. Said water supply shall be easily obtained from its source or on a pipe distribution system from faucets which shall be located not more than 300 feet from a camp or picnic spot within such ground. If water supply is obtained direct from above-ground source, said source must be covered properly and water withdrawn by means of open pipe or faucet as approved by the Department. In no case can dipping from open springs, seeps or wells be permitted.~~
- ~~B. Any water considered unsafe for human consumption in the vicinity of such ground, to which campers or picnickers may have access, shall be either eliminated or purified or shall be kept posted with placards definitely warning persons against its use.~~

**R9-8-614. Protection against fires Repealed**

~~No fires shall at any time be so located as to endanger automobiles or other property in the camp ground. No fires shall be left unattended at any time, and all fires shall be completely extinguished before leaving.~~

**R9-8-615. Sewage and refuse disposal Repealed**

- ~~A. Supervision and equipment: Supervision and equipment sufficient to prevent littering of the ground with rubbish, garbage or other refuse shall be provided and maintained. Fly tight depositories for such materials shall be provided and conspicuously located. Each and every camp or picnic spot on said ground shall be within a distance of not over 200 feet from such a depository. These depositories shall not be permitted to become foul smelling or unsightly or breeding places for flies.~~
- ~~B. The method of final sewage or refuse disposal utilized in connection with the operation of any camp or picnic ground shall be such as to create no nuisance.~~
- ~~C. Basins: A sufficient number of basins, iron hoppers or sinks shall be provided and each shall be connected with a sewerage system; these are to be used for the disposal of domestic waste waters.~~

**R9-8-616. Toilets Repealed**

~~Fly tight privies or water flushed toilets shall be provided and shall be maintained in a clean and sanitary condition. Separate toilets for men and women shall be provided, one for each 25 men and one for each 25 women or fraction thereof of the maximum number of persons occupying such ground at any time. No camp or picnic spot within such ground shall be at a greater distance than 400 feet from both a women's and men's toilet. The location of all toilets shall be plainly indicated by signs.~~

**R9-8-617. Construction and maintenance of buildings Repealed**

~~If cottages, cabins, tent houses, dwelling houses or other structures to be used for human habitation are erected in any public camping ground, the following requirements in their construction shall be observed: (Note: All local building ordinances must be complied with in addition to observing the following requirements.)~~

- ~~1. All wood floors shall be raised at least 18 inches above the ground and space underneath such floors shall be left open and free from obstruction on at least two opposite sides. All floors shall be constructed of tongue and groove material.~~
- ~~2. Interior walls shall be of surfaced lumber or other material that may easily be kept clean and shall be constructed so that they may always be kept in a thoroughly clean condition.~~
- ~~3. No room for sleeping purposes shall have less than 500 cubic feet of air space for each occupant.~~
- ~~4. The area of window space in each sleeping room shall be equal to at least one eighth of the floor area of the room.~~
- ~~5. Windows of sleeping rooms shall be so constructed that at least half of each window can be opened.~~
- ~~6. Cooking, including the preparation and storing of food must not be allowed in any room used for sleeping. Partitions and doors between cooking and sleeping rooms must be tight.~~
- ~~7. If kitchen is provided, it must be equipped with running water and a sink connected with a sewerage system or septic tank. Kitchen must be screened against flies and mosquitoes.~~
- ~~8. If inside toilet is provided it must be water flushed and connected with a sewerage system or septic tank. Room containing such toilets must have window opening to the outside air. Bath and lavatory must be connected with sewerage system or septic tank.~~
- ~~10. Covered metal garbage containers must be provided, at least one for every two buildings.~~
- ~~11. Buildings shall be cleaned daily and after each occupancy shall be thoroughly cleaned. If bedding is provided it must be kept in a clean condition.~~



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

[R19-43]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| R9-8-1301   | New Section                     |
| R9-8-1302   | New Section                     |
| R9-8-1303   | New Section                     |
| Table 13.1  | New Table                       |
| R9-8-1304   | New Section                     |
| R9-8-1305   | New Section                     |
| R9-8-1306   | New Section                     |
| R9-8-1307   | New Section                     |
| R9-8-1308   | New Section                     |
| R9-8-1312   | Repeal                          |
| R9-8-1314   | Repeal                          |
| R9-8-1321   | Repeal                          |
| R9-8-1322   | Repeal                          |
| R9-8-1331   | Repeal                          |
| R9-8-1332   | Repeal                          |
| R9-8-1333   | Repeal                          |
| R9-8-1334   | Repeal                          |
| R9-8-1335   | Repeal                          |
| R9-8-1336   | Repeal                          |
| R9-8-1337   | Repeal                          |
| R9-8-1338   | Repeal                          |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. §§ 36-136(A)(4) through (7) and (G)  
 Implementing statute: A.R.S. §§ 36-136(I)(8) and 36-601
- 3. The effective date of the rules:**  
 March 6, 2019
- 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):**  
 The Arizona Department of Health Services (Department) requests an immediate effective date for the new rule under A.R.S. § 41-1032 (A)(4) and (5). By prescribing measures necessary to ensure that hotels, motels, and tourist courts are operated and maintained in a sanitary manner in 9 A.A.C. 8, Article 13, the rules are less burdensome than current rule; provides a greater benefit to the Department; county agencies; owners of hotels, motels, and tourist courts; and public; and have no public impact on the public health and safety and do not affect public involvement or public participation process.
- 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. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rulemaking:**  
 Notice of Rulemaking Docket Opening: 24 A.A.R. 512, March 9, 2018  
 Notice of Proposed Rulemaking: 24 A.A.R. 3232, November 16, 2018
- 5. The agency's contact person who can answer questions about the rulemaking:**  
 Name: Eric Thomas, Chief  
 Address: Arizona Department of Health Services  
 Division of Public Health Services, Public Health Preparedness,  
 Office of Environmental Health  
 150 N. 18th Ave., Suite 140  
 Phoenix, AZ 85007-3248  
 Telephone: (602) 364-0929  
 Fax: (602) 364-3146  
 E-mail: [Eric.Thomas@azdhs.gov](mailto:Eric.Thomas@azdhs.gov)



or  
 Name: Robert Lane, Chief  
 Address: Arizona Department of Health Services  
 Administrative Counsel and Rules  
 150 N. 18th Ave., Suite 200  
 Phoenix, AZ 85007-3248  
 Telephone: (602) 542-1020  
 Fax: (602) 364-1150  
 E-mail: [Robert.Lane@azdhs.gov](mailto:Robert.Lane@azdhs.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:**

A.R.S. § 36-136(I)(8) requires the Department to create rules related to health and sanitation for various specific aspects of hotels, motels, and tourist courts, including food preparation in community kitchens; sewage and excreta disposal; garbage and trash collection, storage and disposal; and water supply. A.R.S. § 36-601 requires the Department to take action in response to "any person who is maintaining a nuisance or engaging in any practice contrary to the health laws of the state." To implement A.R.S. § 36-136(I)(8) for hotels, motels, and tourist courts, the Department adopted rules at 9 A.A.C. 8, Article 13. The 12 rules in Article 13 prescribe measures necessary to ensure that hotels, motels, and tourist courts are built, operated, and maintained in a sanitary manner, and specifically provide minimum standards for inspection, dwelling units, water supply, sewage disposal, sanitation facilities, refuse, and waste disposal.

In response to the Department's 2017 five-year-review report for the hotels, motels, and tourist courts rules, the Governor's Regulatory Review Council ordered the Department to complete a rulemaking on 9 A.A.C 8, Article 13 by January 1, 2019. The Department received an exception from the Governor's rulemaking moratorium, established by Executive Order 2017-02, and is proposing to amend this Article to address matters identified in its 2017 five-year-review report for the hotel, motels, and tourist courts rules and make other changes to improve efficiency and effectiveness of the rules. On August 7, 2018, the Governor's Regulatory Review Council approved the Department's request to extend 9 A.A.C. 8, Article 13 rulemaking due date to July 1, 2019. During the regular rulemaking process, the Department solicited comments from stakeholders about how the rules may be improved. The proposed rules will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

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

The Department did not review 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:**

The hotels, motels, and tourist courts rules were promulgated before November 1, 1976, and at that time, no economic, small business, and consumer impact (EIS) was required. The rules have not been amended and there is no EIS on file. The Article 13 title has been changed and the new Article 13 title is "Lodging Establishments." The Department believes that affected persons include the Department, county agencies acting as regulatory authorities, owners of hotels, motels, and tourist courts, and the public. The annual costs/revenues are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000. Costs and benefits are listed as significant when meaningful or important, but not readily subject to quantification.

The Department, pursuant to A.R.S. § 36-136(D), has delegated its hotels, motels, and tourist courts inspection and abatement authority under A.R.S. § 36-136(I)(8) to the local health departments and environmental service departments, except Apache county. These departments use the rules while conducting annual and compliant inspections of hotels, motels and tourist courts. Arizona hotels, motels and tourist courts are routinely inspected for general sanitation practices including, but not limited to, garbage and trash removal, sewage connections, and water and wastewater. During fiscal year 2018, 1,367 hotels, motels, and tourist courts were operating in Arizona. County sanitarians conducted 1,431 regular inspections, 210 complaint-based inspections, and 25 enforcement actions in these establishments. Additionally in fiscal year 2018, the Department did not conduct any hotels, motels, and tourist courts regular or complaint-based inspections.

After reviewing the new rules, the Department anticipates that the Department could incur a moderate cost to complete the 9 A.A.C. 8, Article 13 rulemaking and for providing technical assistance to counties and owners of lodging establishments related to the rulemaking. The Department believes county agencies may incur up to a moderate cost to provide training and technical support to employees and owners of lodging establishments. Owners of lodging establishments are expected to incur a minimal cost related to new requirements for windows and grounds and the public is not expected to incur any costs. The Department believes the new rules will significantly benefit counties, owners of lodging establishments, and the public because they are more effective and understandable and reduce regulatory burdens. The Department believes the new rules are consistent with other state statutes and rules and increase public health and safety for all Arizonians. Lastly, the Department believes the benefits of having the new lodging establishment rules outweigh any costs incurred by the Department, county agencies, and owners of a lodging establishment.



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

Between the proposed rulemaking and the final rulemaking, the Department revised the definition “lodging establishment” in R9-8-1301(15) to include “or [‘hotels, motels, or tourist courts’] specified in A.R.S. § 36-136(I)(8) as defined in this Article to mean...” The Department also, in R9-8-1305, corrected misprinted word “campground” with “lodging establishment,” as needed. These changes make the rules more effective, understandable, and consistent with other rules and implementing statutes. In compliance with A.R.S. § 41-1025(B), the Department has determined that the rules are not “substantially different” from the published proposed rules.

**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 received a written comment from Cochise County to correct a misprint in R9-8-1305. The Department corrected the misprint by replacing the word “campground” with “lodging establishment” as needed.

**12. Any agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rules 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 rule does not require issuance of a general permit.

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

Not applicable

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

No business competitiveness analysis was received by the Department.

**13. Incorporations by reference and their location in the rules:**

Not applicable

**14. Whether the rule was previously made, amended, or repealed as an emergency rules. 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 rule follows:**

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

**ARTICLE 13. HOTELS, MOTELS AND TOURIST COURTS LODGING ESTABLISHMENTS**

Section	
R9-8-1301.	<del>Reserved</del> <u>Definitions</u>
R9-8-1302.	<del>Reserved</del> <u>General Provisions</u>
R9-8-1303.	<del>Reserved</del> <u>Bathroom and Shower Room Management</u>
<u>Table 13.1.</u>	<u>Bathroom and Shower Room Management</u>
R9-8-1304.	<del>Reserved</del> <u>Common Area Management</u>
R9-8-1305.	<del>Reserved</del> <u>Water Supply</u>
R9-8-1306.	<del>Reserved</del> <u>Sewage Disposal</u>
R9-8-1307.	<del>Reserved</del> <u>Refuse Management</u>
R9-8-1308.	<del>Reserved</del> <u>Lodging Unit Management</u>
R9-8-1312.	<del>Definitions</del> <u>Repealed</u>
R9-8-1314.	<del>Inspection</del> <u>Repealed</u>
R9-8-1321.	<del>Dwelling units</del> <u>Repealed</u>
R9-8-1322.	<del>Grounds</del> <u>Repealed</u>
R9-8-1331.	<del>Bedding</del> <u>Repealed</u>
R9-8-1332.	<del>Food service</del> <u>Repealed</u>
R9-8-1333.	<del>Drinking water, ice</del> <u>Repealed</u>
R9-8-1334.	<del>Refuse</del> <u>Repealed</u>
R9-8-1335.	<del>Water supply</del> <u>Repealed</u>
R9-8-1336.	<del>Toilet, lavatory</del> <u>Repealed</u>
R9-8-1337.	<del>Sewage disposal</del> <u>Repealed</u>



R9-8-1338. Plumbing Repealed

**ARTICLE 13. HOTELS, MOTELS AND TOURIST COURTS LODGING ESTABLISHMENTS**

**R9-8-1301. Reserved Definitions**

In this Article, unless otherwise specified:

1. "Bathroom" means a structure or room that contains at least one toilet or urinal.
2. "Bedding" has the same meaning as in A.R.S. § 36-796.
3. "Clean" means free from dirt or debris.
4. "Common area" means any area of a lodging establishment, excluding areas within a lodging unit, that is provided by the lodging establishment for general use.
5. "Community kitchen" means a structure or room, excluding areas within a lodging unit, that is provided by a lodging establishment for preparing food.
6. "Compensation" means money or other consideration, including goods, services, vouchers, time, government or public expenditures, government or public funding, or another benefit that is received as payment.
7. "Distribution system" has the same meaning as in A.A.C. R18-4-103(B).
8. "Easily cleanable" means a characteristic of a surface that allows effective removal of dirt and debris by normal cleaning methods based on the material, design, construction, and installation of the surface.
9. "Faucet" means a fixture connected to a distribution system that provides and regulates the flow of potable water.
10. "Fixture" means an attachment to a structure.
11. "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for human consumption.
12. "Human excreta" means fecal and urinary discharges and includes any waste that contains this material.
13. "Lavatory" means a sink or a basin with a faucet that supplies potable water and with a drain connected to a sewage collection system.
14. "Lodger" means the same as "transient" in A.R.S. § 42-5070(F).
15. "Lodging establishment" or "hotels, motels, or tourist courts" specified in A.R.S. § 36-136(I)(8) is defined in this Article to mean a place or portion of a place that offers two or more lodging units for lodgers to use in exchange for compensation, if:
  - a. The lodging units are located on a single plot of land,
  - b. Two or more lodging units are offered by the same owner or lessee, and
  - c. The lodging units are offered for a lodger to use for less than 30 consecutive days.
16. "Lodging unit" means the total space offered for overnight use as a single unit to an individual lodger or party of lodgers, if the space includes:
  - a. Bedding;
  - b. Sleeping material; and
  - c. The following:
    - i. A structure or room that has 3 or more sides and a top; or
    - ii. A mobile home, house trailer, recreational vehicle as defined in A.R.S. § 33-2102, houseboat, or other similar structure at a fixed location.
17. "Non-absorbent" means incapable of being penetrated by liquid, such as a material coated or treated with rubber, plastic, or other sealing substance.
18. "Owns" means to have the right to possess, use, and convey the interest.
19. "Person" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or another agency.
20. "Potable water" means water safe for human consumption that meets the requirements of 18 A.A.C. 4 or satisfies the requirements in R9-8-1305(4).
21. "Public health nuisance" means the activities or conditions dangerous to public health that are be subject to A.R.S. § 36-601.
22. "Refuse" has the same meaning as in A.A.C. R18-13-302.
23. "Refuse container" means a receptacle that is capable of being moved and is used for refuse storage.
24. "Regulatory authority" means
  - a. The Department; or
  - b. Under delegation, the following entities as specified in A.R.S. § 36-136(E):
    - i. A local health department,
    - ii. A county environmental department, or
    - iii. A public health services district.
25. "Responsible party" means the person who owns a lodging establishment or a designee of a person who owns the lodging establishment.
26. "Sanitary" means free from filth, bacteria, viruses, mold, and fungi.
27. "Sewage" has the same meaning as in A.A.C. R18-9-101.
28. "Sewage collection system" has the same meaning as in A.A.C. R18-9-101.
29. "Shower head" means a fixture connected to a distribution system that allows potable water to fall on a user's body.
30. "Shower room" means a structure or a room that contains at least one shower head and at least one floor drain.
31. "Sleeping material" means any of the following:
  - a. A sheet,
  - b. A pillow,
  - c. A pillowcase,
  - d. A blanket, or



- e. A sleeping bag.
- 32. “Stored” means holding refuse before the refuse is disposed of according to A.A.C. R18-13-311 and R18-13-312.
- 33. “Toilet” means a water-flushed, chemical-flushed, or no-flush bowl for the disposal of human excreta.
- 34. “Urinal” means a water-flushed, chemical-flushed, or no-flush upright basin used for urination only.
- 35. “Utensil” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware.

**R9-8-1302. ~~Reserved~~ General Provisions**

- A.** This Article does not apply to:
  - 1. The activities listed in A.R.S. § 42-5070(B);
  - 2. A lodging establishment located on federal or tribal land within the state;
  - 3. A lodging establishment that:
    - a. Is owner occupied, and
    - b. Has no more than six lodging units;
  - 4. A camping shelter as defined in R9-8-601(4); or
  - 5. A dormitory on the campus of a college or university.
- B.** A violation of this Article is a public health nuisance and may be subject to abatement pursuant to A.R.S. § 36-602.
- C.** Inspections of lodging establishments shall be conducted in accordance with A.R.S. § 36-136(I)(8) by the regulatory authority.

**R9-8-1303. ~~Reserved~~ Bathroom and Shower Room Management**

- A.** A responsible party shall ensure that each lodger has access to a toilet, a lavatory, and a shower room, located either:
  - 1. Within the lodging unit the lodger is occupying or
  - 2. Within 200 feet from an entrance to the lodging unit.
- B.** A responsible party shall ensure that each bathroom and shower room provided by the lodging establishment meets the requirements listed in Table 13.1.

**Table 13.1. ~~Reserved~~ Bathroom and Shower Room Management**

<u>Requirement</u>	<u>Bathroom</u>	<u>Shower Room</u>
<u>Is clean and sanitary</u>	X	X
<u>Is ventilated by an openable window, air conditioning, or other mechanical device</u>	X	X
<u>Has toilet paper</u>	X	
<u>Is maintained free from public health nuisance and free from insect and vermin infestation</u>	X	X
<u>Has refuse containers as specified in R9-8-1307(1)</u>	X	X
<u>Has surfaces that are easily cleanable, sanitary and free from gaps other than ventilation</u>	X	X
<u>Has single use soap or soap inside a dispenser</u>	X	X
<u>Has floors and walls of a non-absorbent material</u>	X	X
<u>Has single-use paper towels</u> OR <u>Hand dryers</u> OR <u>Cloth towels that are machine washed with detergent and machine dried before use by each separate individual or group of individuals who stay in a lodging unit</u>	X	
<u>Has cloth towels, which are machine washed with detergent and machine dried before use by each separate individual or group of individuals who stay in a lodging unit</u>		X
<u>Has a floor drain connected to a sewage collection system and, if built after the effective date of this Article, has floors that slope to the drain</u>		X
<u>Has potable water from all shower heads</u>		X

**R9-8-1304. ~~Reserved~~ Common Area Management**

- A responsible party shall ensure that the following requirements are met:
- 1. Each common area:
    - a. Is clean and sanitary;
    - b. Is ventilated by an openable window, air conditioning, or other mechanical device;
    - c. Is maintained free from public health nuisance and free from insect and vermin infestation; and
    - d. Has refuse containers as specified in R9-8-1307(1).
  - 2. Bedding and towels provided by the lodging establishment in each common area is:



- a. Maintained in good-repair;
- b. Clean and sanitary; and
- c. Kept free of ectoparasites including bedbugs, lice, and mites.
- 3. A community kitchen provided by a lodging establishment complies with 9 A.A.C. 8, Article 1 if operating as a food establishment.
- 4. Any multi-use utensils and equipment provided by the lodging establishment are easily cleanable and either:
  - a. Are washed, rinsed, and made sanitary before use by each separate individual; or
  - b. A conspicuously located sign identifies which multi-use utensils and equipment provided by the lodging establishment are not washed, rinsed, and made sanitary before use by each separate individual.
- 5. A lodging establishment shall comply with 9 A.A.C. 8 Article 8, if within a common area, the lodging establishment provides a:
  - a. Natural bathing place as defined in A.A.C. R18-5-201.
  - b. Semi-artificial bathing place as defined in R9-8-801.
  - c. Spa as defined in A.A.C. R18-5-201, or
  - d. Swimming pool as defined in A.A.C. R18-5-201.

**R9-8-1305. Reserved Water Supply**

A responsible party shall ensure that the following requirements are met:

- 1. All water provided by the lodging establishment for human consumption is potable water.
- 2. Any source of water provided by the lodging establishment that is not potable is clearly identified with “not for human consumption” signage at each access point.
- 3. The potable water supply and distribution system provided by the lodging establishment is designed to provide sufficient quantity at a minimum pressure of 20 pounds per square inch at floor level at each bathroom, shower room, and permanent water fixture provided by the lodging establishment.
- 4. No lodging unit is more than 300 feet from a potable water source.
- 5. If water is hauled to the lodging establishment as a potable water supply, the water and transport shall meet the requirements of A.A.C. R18-4-214.
- 6. If potable water provided by the lodging establishment is not from a public water system as defined by 18 A.A.C. 4:
  - a. The potable water provided is tested prior to use with results of:
    - i. No coliform bacteria or other fecal indicator present, and
    - ii. Nitrate (as N) no greater than 10 mg/l.
  - b. The potable water provided is routinely monitored to determine:
    - i. The presence or absence of total coliform bacteria at least once every month of operation, and
    - ii. The concentration of nitrates at least once every three months.
  - c. Water samples collected in accordance with this section shall be analyzed by a laboratory that is licensed by the Arizona State Laboratory Office of Laboratory Services and licensed according to 9 A.A.C. 14, Article 6.
  - d. Records of water sample results analyzed in accordance with this section shall be:
    - i. Maintained at the lodging establishment for at least 12 months, and
    - ii. Made available to the Department upon request.
  - e. Written notification must be provided to the regulatory authority within 24 hours when any water quality requirement listed in subsection (a) is out-of-compliance.

**R9-8-1306. Reserved Sewage Disposal**

A responsible party shall ensure that sewage and human excreta produced within the lodging establishment:

- 1. Does not create a public health nuisance; and
- 2. Is collected and disposed of by systems designed, constructed and operated in compliance with the requirements in 18 A.A.C. 9, Articles 3 and 7.

**R9-8-1307. Reserved Refuse Management**

A responsible party shall ensure that the following requirements are met:

- 1. The lodging establishment has conspicuously located refuse containers that are:
  - a. Constructed of non-absorbent material that is capable of withstanding expected use and remaining easily cleanable; and
  - b. Covered.
- 2. Refuse produced at the lodging establishment:
  - a. Does not create a public health nuisance; and
  - b. Is collected, stored, and disposed of according to 18 A.A.C. 13, Article 3.

**R9-8-1308. Reserved Lodging Unit Management**

A responsible party shall ensure that the following requirements are met:

- 1. Each lodging unit:
  - a. Is:
    - i. Clean and sanitary.
    - ii. Ventilated by an openable window, air conditioning, or other mechanical device, and
    - iii. Maintained free from public health nuisance and free from insect and vermin infestation.
  - b. Has refuse containers as specified in R9-8-1307(1).
  - c. Contains adequately sized sleeping material provided by a lodging establishment.
- 2. Bedding, sleeping material, and towels provided in a lodging unit are:
  - a. Maintained in good-repair;
  - b. Clean and sanitary; and



- c. Kept free of ectoparasites including bedbugs, lice, and mites.
- 3. Cloth towels, sheets, and pillowcases provided in a lodging unit are machine washed with detergent and machine dried before use by each separate individual or group of individuals who stay in a lodging unit.
- 4. Multi-use utensils and equipment provided in a lodging unit meet the requirements in R9-8-1304(4).

#### **R9-8-1312. Definitions Repealed**

- A.** "Approved" means acceptable to the Department.
- B.** "Department" means the Arizona Department of Health Services or a local health department designated by the Arizona Department of Health Services.
- C.** "Dwelling unit" means any suite, room, cottage, bedroom, or other unit established or maintained by a transient dwelling establishment for temporary occupancy.
- D.** "Person" means the state, a municipality, district, or other political subdivision, a cooperative, institution, corporation, company, firm, partnership, or individual.
- E.** "Plumbing or plumbing system" means and includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste, and vent pipes; and the building drains with their devices, appurtenances and connections either within or adjacent to the transient dwelling establishment.
- F.** "Transient" means any member of the public who occupies a dwelling unit on a temporary basis in a transient dwelling establishment as defined above.
- G.** "Transient dwelling establishment" means and includes any place where sleeping accommodations are available to transients or tourists on a temporary basis such as a hotel, motel, motor hotel, tourist court, tourist camp, rooming house, boarding house, inn, and similar facilities by whatever name called, consisting of two or more dwelling units; provided, however, that the term shall not be construed to include apartments, clubs, boarding houses, rooming houses, and similar facilities where occupancy of all dwelling units is on a permanent or semi-permanent basis.

#### **R9-8-1314. Inspection Repealed**

Representatives of the local health department shall make such inspections of any transient dwelling establishment as are necessary to assure compliance with these regulations, but not less than once each year. A copy of the report of the inspection shall be furnished the owner, lessee, or operator of the transient dwelling establishment indicating the degree of compliance or non-compliance with the provisions of these regulations. Failure to correct any discrepancies noticed within the time limit specified shall be cause for denial, revocation, or suspension of the permit to operate.

#### **R9-8-1321. Dwelling units Repealed**

- A.** Dwelling units shall be of sufficient size to afford ample circulation of air and freedom of movement, but not less than 100 square feet of floor area shall be provided for each unit, exclusive of bathrooms, closets, kitchens, and similar ancillary facilities.
- B.** Floors of all rooms shall be of such construction as to be easily cleaned and shall be kept clean and in good repair.
- C.** The walls and ceilings of all rooms shall be of a finish that will permit easy cleaning and shall be kept clean and in good repair.
- D.** Where windows are relied on to provide light and ventilation, the area of the windows for each dwelling unit shall be equal to at least 20% of the floor area.
- E.** Not less than 25% of the window area furnished shall be capable of being opened unless other satisfactory means of ventilation is provided. Windows capable of being opened shall be effectively screened.
- F.** Furniture, drapes, carpets, and other accessories shall be kept clean and in good repair.
- G.** Dwelling units shall be maintained free of insects, rodents, and other vermin.
- H.** The provisions of A.R.S. Title 36, Chapter 13, Article 2 relating to gas appliances shall be met.

#### **R9-8-1322. Grounds Repealed**

- A.** Grounds of a transient dwelling establishment shall be properly graded and drained.
- B.** Grounds shall be kept clean and free of accumulations of refuse and other debris. There shall be no evidence of fly, mosquito, or rodent breeding or infestation.

#### **R9-8-1331. Bedding Repealed**

- A.** The beds, mattresses, pillows, and bed linen, including sheets, pillow slips, blankets, etc., used in all transient dwelling establishments shall be maintained in good repair, shall be kept clean and free of vermin, and shall be properly stored when not in use.
- B.** Each bed, bunk, cot, or other sleeping place shall be provided with pillow slips, under and top sheets for the use of guests. Sheets and pillow slips shall be adequately sized to completely cover the mattress and pillow.
- C.** Clean linen shall be provided to each new guest and shall be changed at least once each week when occupancy exceeds this period.

#### **R9-8-1332. Food service Repealed**

The storage, preparation and serving of food and drink shall comply with the requirements of Article 1 of this Chapter.

#### **R9-8-1333. Drinking water, ice Repealed**

- A.** Where drinking fountains are provided, the fountain shall be constructed so that the drinking is from a free jet projected at an angle from the vertical and provided with a guard to prevent the mouth being placed directly against the orifice. There shall be no possibility of the orifice becoming submerged. The fountain bowl shall be constructed of nonabsorbent, easily cleanable material.
- B.** All glasses and other multi-use utensils furnished to each dwelling unit shall be cleaned and sanitized in an approved manner after each occupancy. Single service paper cups with suitable dispenser may be substituted for glasses.
- C.** The use of a common drinking cup is prohibited.
- D.** Ice shall be obtained from an approved source and shall be stored and handled in such a manner as to prevent contamination.



**R9-8-1334. Refuse Repealed**

- ~~A. All refuse shall be stored and disposed of in accordance with Article 4 of these regulations.~~
- ~~B. Garbage cans shall be thoroughly washed after emptying and shall be maintained free of odors and other objectionable conditions.~~
- ~~C. All containers for rubbish shall be cleaned as often as necessary to prevent a nuisance.~~
- ~~D. All refuse containers shall be maintained in good repair.~~

**R9-8-1335. Water supply Repealed**

~~Each transient dwelling establishment shall be provided with an adequate and safe water supply from an approved source. Whenever a transient dwelling establishment finds it necessary to develop a source or sources of supply, complete plans and specifications of the proposed water system shall be submitted to the Department and approval received prior to the start of construction. The design, construction, and operation of all such water supply systems shall comply with Article 2 of this Chapter.~~

**R9-8-1336. Toilet, lavatory Repealed**

- ~~A. Adequate and convenient toilet, lavatory, and bathing facilities shall be provided at all transient dwelling establishments and shall be available to the guests at all times.~~
- ~~B. Where private or connecting toilet rooms are not available for each dwelling unit, separate and plainly marked central toilet rooms for each sex shall be provided, located within 200 feet of such units.~~
- ~~C. Central toilet rooms shall provide not less than one toilet, one lavatory, and one tub or shower for each sex for each 10 dwelling units, or major fraction thereof, not having private or connecting baths. At least one urinal shall be provided in each central toilet room designated for men.~~
- ~~D. Hot and cold water and soap shall be provided in all toilet rooms. Clean, individual sanitary towels shall be furnished for each guest.~~
- ~~E. Toilet rooms shall be well lighted and ventilated. Where gravity or mechanical ventilation is provided, the ventilation ducts for the toilet rooms shall not be connected into ventilation ducts from or to any dwelling unit.~~
- ~~F. Floors of all toilet rooms shall be of easily cleanable construction, shall be kept clean and in good repair, and where necessary shall slope to properly located drains.~~
- ~~G. Walls and ceilings of all toilet rooms shall be of easily cleanable construction and shall be kept clean and in good repair.~~

**R9-8-1337. Sewage disposal Repealed**

- ~~A. The liquid wastes from all transient dwelling establishments shall be discharged into a public sewer system in compliance with applicable local ordinances or codes or into separate sewage disposal facilities approved by the Department.~~
- ~~B. Separate sewage disposal facilities will not be approved where in the opinion of the Department connection to a public sewer is practicable.~~
- ~~C. Where separate sewage disposal facilities are proposed the design, construction and operation of such systems shall be in accordance with Article 3 of this Chapter. Plans and specifications for such systems shall be submitted to the Department and approval received prior to the start of construction.~~
- ~~D. Recommendations are found in the Engineering Bulletins of the Department to assist in compliance with these regulations regarding the design of sewage disposal systems. Copies of these Bulletins may be obtained from the Department.~~
- ~~E. No sewage treatment effluent or other wastewater shall be deposited on the surface of the ground except in a manner approved by the Department.~~

**R9-8-1338. Plumbing Repealed**

~~All plumbing shall be installed in accordance with any local ordinance or code. Where a local ordinance or code does not exist, plumbing shall be installed in accordance with the requirements adopted by reference in R9-1-412(D).~~



**NOTICES OF EMERGENCY RULEMAKING**

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

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

Questions about the interpretation of the emergency rules should be addressed to the agency proposing them.

Refer to Item #5 to contact the person charged with the rulemaking.

**NOTICE OF EMERGENCY RULEMAKING  
TITLE 21. CHILD SAFETY  
CHAPTER 5. DEPARTMENT OF CHILD SAFETY  
PERMANENCY AND SUPPORT SERVICES**

[R19-53]

**PREAMBLE**

1. **Article, Part, or Section Affected (as applicable)**                      **Rulemaking Action**  
     R21-5-201    Amend  
     R21-5-205    Amend
  
2. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
     Authorizing statute: A.R.S. § 8-453(A)(5)  
     Implementing statute: A.R.S. §§ 8-453(A)(9)(b)(iii), 8-453(A)(18), 8-521, and 8-521.01
  
3. **The effective date of the rule:**  
     March 21, 2019
  - 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. **Citations to all related emergency rulemaking notices published in the Register as specified in R1-1-409(A) that pertain to the record of this notice of emergency rulemaking:**  
     None
  
5. **The agency’s contact persons who can answer questions about the rulemaking:**  
     Name:                      Shawn Fuller, General Counsel  
     Address:                    Department of Child Safety  
                                     3003 N. Central Ave.  
                                     Phoenix, AZ 85012  
     Telephone:                (602) 255-2554  
     E-mail:                      Shawn.Fuller@azdcs.gov  
     Or:  
     Name:                      Angie Trevino, Rules Development and Policy Specialist  
     Address:                    Department of Child Safety  
                                     3003 N. Central Ave.  
                                     Phoenix, AZ 85012  
     Telephone:                (602) 255-2569  
     E-mail:                      Angelica.Trevino@azdcs.gov  
     Web site:                    https://dcs.az.gov/about/dcs-rules-rulemaking

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

The rules proposed for emergency rulemaking pertain to the Independent Living and the Transitional Independent Living Program. For youth who are in the custody of the Department, these programs provide services to help them prepare for adulthood. The justification for this emergency rulemaking is A.R.S. § 41-1026(A)(1). The current rules offer youth who are adjudicated dependent foster youth, up to their 18th birthday, to have the option of entering into voluntary extended foster care program. The emergency rulemaking amends these rules in order to extend this same option to youth who are dually adjudicated (dependent and delinquent) and placed in a secure setting up to their 19th birthday. In state Fiscal year 2018, A.R.S. § 8-202 was amended to extend the Ari-



zona Department Juvenile Corrections’ jurisdiction for detained delinquent youth to be served up to their 19th birthday.

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

Not applicable

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

Not applicable

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

The Department anticipates that this rulemaking will have moderate economic impact on the implementing agency, small businesses, and consumers. There is no additional cost to other state agencies anticipated by this rulemaking. The persons directly impacted by this rulemaking are youth who are dually adjudicated as delinquent and foster youth and placed in a secure setting prior to their 18th birthday. These youth will benefit from the option to enter into extended foster care in order to receive services to aid in their preparation for adulthood. Through receipt of services these youth will have long term improved outcomes and a reduced reliance on other Social Services.

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

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

The rules pertain to the Independent Living Program and Transitional Independent program. A general permit is not used.

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:**

42 U.S.C. 675 and 677. The rules are not more stringent than 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

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

Not applicable

12. **An agency explanation about the situation justifying the rulemaking as an emergency rule:**

The current rules offer youth who have been adjudicated dependent foster youth, on their 18th birthday, to have the option of entering into a voluntary extended foster care program. The emergency rulemaking is needed to amend the rules to extend this same option to youth who are dually adjudicated (dependent and delinquent) and placed in a secure setting up to their 19th birthday. Without the amendment, this option to enter into the voluntary extended foster care program would not be available to dually adjudicated youth who reside in a secure setting up to their 19th birthday. A.R.S. § 8-202 was amended in 2018 to permit the Arizona Department of Juvenile Corrections to have extended jurisdiction for detained delinquent youth to be served up to their 19th birthday.

13. **The date the Attorney General approved the rule:**

March 21, 2019

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

TITLE 21. CHILD SAFETY  
CHAPTER 5. DEPARTMENT OF CHILD SAFETY  
PERMANENCY AND SUPPORT SERVICES

ARTICLE 2. INDEPENDENT LIVING AND TRANSITIONAL INDEPENDENT LIVING PROGRAMS

Section

R21-5-201. Definitions

R21-5-205. ~~Out-of-home Care Services for Foster Youth 18 through 20 Years of Age~~ ~~in Out-of-home Care~~

ARTICLE 2. INDEPENDENT LIVING AND TRANSITIONAL INDEPENDENT LIVING PROGRAMS

R21-5-201. Definitions

The following definitions apply to this Article:

1. “Active participation” means the foster youth is demonstrating efforts toward completion of case plan goals such as regular attendance at school or employment that results in school credits or earned wages.
2. “Aftercare services” means assistance and support available to eligible, former foster youth living in Arizona after the Department, tribal foster care, or other state foster care case is dismissed, and includes services available through the Transitional Independent Living Program.
3. “Age of majority” means that a person is at least 18 years old.
4. “Approved living arrangement” means a residence that has been reviewed by the assigned Child Safety Worker or other responsible agency staff and approved within the individual case plan.



5. “Arizona Young Adult Program” means a group of programs and services designed to assist eligible youth to make a successful transition to adulthood. The programs and services include Independent Living Services, the Independent Living Subsidy Program, Voluntary Out-of-home Care for Foster Youth 18 through 20 Years of Age, and the Transitional Independent Living Program.
6. “Child placing agency” means the same as in A.R.S. § 8-501(A)(1)(a)(iii), and includes a Child Welfare Agency that OLR licenses as a Placing Agency to place a child in a licensed foster home, or facility.
7. “Child Welfare Agency” means the same as in A.R.S. § 8-501.
8. “Child Safety Worker” means the same as in A.R.S. § 8-801.
9. “Custody of the Department” means that the foster youth:
  - a. Is in out-of-home care under the supervision of the Department while the subject of a dependency petition, as an adjudicated dependent, or placed voluntarily under A.R.S. § 8-806; or
  - b. Is 18, 19, or 20 years of age, a resident of Arizona, and has signed an individual case plan agreement for voluntary out-of-home care. This includes foster youth who were dually adjudicated (dependent and delinquent) and released from a secure setting prior to, or on the foster youth’s ~~18th~~ 19th birthday.
10. “Department” or “DCS” means the Arizona Department of Child Safety.
11. “Eligible youth” means a person who meets the qualifications in A.R.S. § 8-521 for the Independent Living Program, the qualifications in A.R.S. § 8-521.01 for the Transitional Independent Living Program, or is a person who was formerly in another state’s child welfare program who would otherwise be eligible.
12. “Employment” means:
  - a. Paid employment;
  - b. Participation in employment-readiness activities, which include career assessment and exploration, and part time enrollment in an employment or career readiness education program;
  - c. Volunteer positions;
  - d. Job-shadowing;
  - e. Internship; or
  - f. Other paid or unpaid employment-related activities.
13. “Extraordinary purchase” means an expenditure by an eligible youth that impedes an eligible youth’s ability to meet the financial obligations outlined in the eligible youth’s budget.
14. “Foster youth” means a person in the custody of the Department.
15. “Full-time student” means an eligible youth enrolled in an education program identified by the program as being full-time due to the number of credits, credit hours, or other measure of enrollment.
16. “Independent Living Program” means the program authorized by A.R.S § 8-521 to provide an Independent Living Subsidy and educational case management to a foster youth.
17. “Independent Living Services” or “IL Services” means an array of assistance and support services, including those provided under the Independent Living Program, that the Department provides, contracts, refers, or otherwise arranges that are designed to help a foster youth transition to adulthood by building skills and resources necessary to ensure personal safety, well-being, and permanency into adulthood.
18. “Independent Living Subsidy” or “IL Subsidy” means a monthly stipend provided under the Independent Living Program to a foster youth, to assist in meeting monthly living expenses. This stipend replaces any foster care maintenance payment from the Department for support of the foster youth’s daily living expenses.
19. “Individual case plan” means an agreement between an eligible foster youth and the Department, directed by the foster youth that documents specific services and assistance that support the foster youth’s goals in relation to:
  - a. Natural supports including permanent connections to and relationships with family and community, including peer and community mentors;
  - b. A safe, stable, desired living arrangement, which may include a permanent arrangement such as guardianship or adoption;
  - c. Daily living skills;
  - d. Secondary and postsecondary education and training;
  - e. Employment and career planning;
  - f. Physical health, including reproductive health;
  - g. Life care planning;
  - h. Emotional health;
  - i. Mental health;
  - j. Spiritual or faith needs;
  - k. Interpersonal relationships; and
  - l. Age-appropriate extra-curricular, enrichment, and social activities.
20. “Individual service plan” means an agreement that is directed by an eligible youth in the TIL Program that documents specific services and assistance to support the eligible youth’s goals including, as applicable:
  - a. Financial,
  - b. Housing,
  - c. Counseling,
  - d. Employment,
  - e. Education, and
  - f. Other appropriate support and services.
21. “Life skills assessment” means a measure of an eligible youth’s ability to function in a variety of areas such as daily living skills, knowledge of community resources, and budgeting, as determined by a validated assessment tool.



- 22. "Medical professional" means a doctor of medicine or osteopathy, physician's assistant, or registered nurse practitioner licensed in A.R.S. Title 32, or a doctor of medicine licensed and authorized to practice in another state or foreign country. A medical professional from another state or foreign country must provide verification of valid and current licensure in that state or country.
- 23. "Misuse of funds" means that an eligible youth has expended money provided by the Department for specific purposes (such as education or living expenses) on an item that is not permitted by law (such as illegal drugs and alcohol), or on an extraordinary purchase that is not included in an approved budget or individual case or service plan, to the degree that the funds are not available for necessary items and purchases approved within the case plan, service plan, or budget.
- 24. "Natural supports" means relationships and connections that occur in everyday life, independent of formal services, with people or groups who provide personal or other support during a person's lifetime.
- 25. "Out-of-home care" means a placement approved by the Department such as a licensed foster home, residential group care facility operated by a Child Welfare Agency, therapeutic residential facility, independent living setting, approved unlicensed independent living setting, or in a relative or non-relative placement. Out-of-home care excludes a detention facility, forestry camp, training school, or any other facility operated primarily for the detention of a child who is determined delinquent.
- 26. "Personal Crisis" means an unexpected event or series of events in an eligible youth's life that prevents or impedes participation in scheduled services or activities.
- 27. "Residential group care facility" means a Child Welfare Agency that is licensed to receive more than five children for 24-hour social, emotional, or educational supervised care and maintenance at the request of a child, child placing agency, law enforcement agency, parent, guardian, or court. A residential group care facility provides care in a residential setting for children for an extended period of time.
- 28. "Responsible agency staff" means the assigned Child Safety Worker, another identified Department employee, or contracted staff.
- 29. "Service team members" means the eligible youth, the youth's attorney(s), the Guardian ad Litem (GAL), the Court Appointed Special Advocate (CASA), tribal child welfare staff, other parties to the dependency case, contract, or other service providers, responsible agency staff, and other adults involved with the youth or supporting the youth's activities or employment.
- 30. "Substantial non-compliance" means an eligible youth's:
  - a. Termination from an educational, vocational, or employment program due to lack of attendance or failure to make satisfactory progress as defined by the program for reasons unrelated to physical health including pregnancy, emotional, or mental health;
  - b. Persistent lack of communication during a 60-day period with the assigned Child Safety Worker or other responsible agency staff known to the youth that results in a loss of contact with the eligible youth, or interferes with the Department's ability to provide services and supervision or to document individual case plan or service plan progress;
  - c. Persistent misuse of funds provided to support individual case plan or service plan goals; or
  - d. For an eligible foster youth, failure to communicate unexpected changes in the living arrangement as agreed to in the individual case plan or the Independent Living Subsidy agreement.
- 31. "Transitional Independent Living Program" or "TIL Program" means a program of services for residents of Arizona who are eligible youth under A.R.S. § 8-521.01, that provides assistance and support in counseling, education, vocation, employment, and the attainment or maintenance of housing.
- 32. "Transitional Independent Living Services" or "TIL Services" means those services the Department provides through the Transitional Independent Living Program under A.R.S. § 8-521.01, and may include assistance and support with health care, money management, housing, counseling, education, vocational training, and employment. The Department or its contractors provide services through a written agreement with the eligible youth.
- 33. "Validated assessment tool" means a written or verbal survey tool that can demonstrate empirical evidence for reliability and validity.
- 34. "Work day" means Monday through Friday, excluding Arizona state holidays.
- 35. "Young Adult Transitional Insurance" means a category of health care coverage under the state Medicaid program (Arizona Health Care Cost Containment System or AHCCCS) for Medicaid eligible youth who have reached the age of majority in foster care.

**R21-5-205. Out-of-home Care Services for Foster Youth 18 through 20 Years of Age in Out-of-home Care**

- A. The Department may provide out-of-home care services and supervision to a foster youth less than 21 years of age, who reached the age of 18 years while in the custody of the Department, and was either in out-of-home care; or in secure care, as defined by A.R.S. § 8-201(31), through a delinquency action, when the foster youth:
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
- B. No change
  - 1. No change
  - 2. No change
  - 3. No change
- C. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
- D. No change
- E. No change



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



GOVERNOR EXECUTIVE ORDER

Executive Order 2019-01 is being reproduced in each issue of the Administrative Register as a notice to the public regarding state agencies' rulemaking activities.

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2019-01

Moratorium on Rulemaking to Promote Job Creation and Customer-Service-Oriented Agencies; Protecting Consumers Against Fraudulent Activities

[M19-04]

WHEREAS, government regulations should be as limited as possible; and

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

WHEREAS, protecting the public health, peace and safety of the residents of Arizona is a top priority of state government; 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, 2017 and 2018; and

WHEREAS, the State of Arizona eliminated or repealed 422 needless regulations in 2018 and 676 in 2017 for a total of 1,098 needless regulations eliminated or repealed over two years; and

WHEREAS, estimates show these eliminations saved job creators more than \$31 million in operating costs in 2018 and \$48 million in 2017 for a total of over \$79 million in savings over two years; and

WHEREAS, approximately 283,300 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 to conduct 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 while protecting the health, peace and safety of residents; and

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

- 1. 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 justifications 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 which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. 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.
3. A State agency subject to this Order and which issues occupational or professional licenses shall review the agency's rules and practices related to receiving and acting on substantive complaints about unlicensed individuals who are allegedly holding them-



selves out as licensed professionals for financial gain and are knowingly or recklessly providing or attempting to provide regulated services which the State agency director believes could cause immediate and/or significant harm to either the financial or physical health of unknowing consumers within the state. Agencies shall identify and execute on opportunities to improve its complaint intake process, documentation, tracking, enforcement actions and coordination with proper law enforcement channels to ensure those allegedly trying to defraud unsuspecting consumers and putting them at risk for immediate and/or significant harm to their financial or physical health are stopped and effectively diverted by the State agency to the proper law-enforcement agency for review. A written plan on the agency's process shall be submitted to the Governor's Office no later than May 31, 2019.

4. 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.
5. 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 section 41-1001, Arizona Revised Statutes.

**IN WITNESS THEREOF**, 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 ninth day of January in the Year Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty-Third.

**ATTEST:**

**Katie Hobbs**  
**SECRETARY OF STATE**

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**REGISTER INDEXES**

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

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Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**

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

**SUPPLEMENTAL PROPOSED RULEMAKING**

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

**FINAL RULEMAKING**

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

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

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

**FINAL SUMMARY**

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

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

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

**SUPPLEMENTAL EXPEDITED**

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

**FINAL EXPEDITED**

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

**EXEMPT RULEMAKING****EXEMPT**

XN = Exempt new Section  
XM = Exempt amended Section  
XR = Exempt repealed Section  
X# = Exempt renumbered Section

**EXEMPT PROPOSED**

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

**EXEMPT SUPPLEMENTAL PROPOSED**

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

**FINAL EXEMPT RULEMAKING**

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

**EMERGENCY RULEMAKING**

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

**RECODIFICATION OF RULES**

RC = Recodified

**REJECTION OF RULES**

RJ = Rejected by the Attorney General

**TERMINATION OF RULES**

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

**RULE EXPIRATIONS**

EXP = Rules have expired

*See also “emergency expired” under emergency rulemaking*

**CORRECTIONS**

C = Corrections to Published Rules

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## RULES EFFECTIVE DATES CALENDAR

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

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
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
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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
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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
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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.

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
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
March 1, 2019	March 22, 2019	April 22, 2019
March 8, 2019	March 29, 2019	April 29, 2019
March 15, 2019	April 5, 2019	May 6, 2019
March 22, 2019	April 12, 2019	May 13, 2019
March 29, 2019	April 19, 2019	May 20, 2019
April 5, 2019	April 26, 2019	May 28, 2019
April 12, 2019	May 3, 2019	June 3, 2019
April 19, 2019	May 10, 2019	June 10, 2019
April 26, 2019	May 17, 2019	June 17, 2019
May 3, 2019	May 24, 2019	June 24, 2019
May 10, 2019	May 31, 2019	July 1, 2019
May 17, 2019	June 7, 2019	July 8, 2019
May 24, 2019	June 14, 2019	July 15, 2019
May 31, 2019	June 21, 2019	July 22, 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 2019

[M19-05]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> January 22, 2019	<i>Tuesday</i> February 19, 2019	<i>Tuesday</i> February 26, 2019	<i>Tuesday</i> March 5, 2019
<i>Tuesday</i> February 19, 2019	<i>Tuesday</i> March 19, 2019	<i>Tuesday</i> March 26, 2019	<i>Tuesday</i> April 2, 2019
<i>Tuesday</i> March 19, 2019	<i>Tuesday</i> April 23, 2019	<i>Tuesday</i> April 30, 2019	<i>Tuesday</i> May 7, 2019
<i>Tuesday</i> April 23, 2019	<i>Tuesday</i> May 21, 2019	<b>Wednesday</b> May 29, 2019	<i>Tuesday</i> June 4, 2019
<i>Tuesday</i> May 21, 2019	<i>Tuesday</i> June 18, 2019	<i>Tuesday</i> June 25, 2019	<i>Tuesday</i> July 2, 2019
<i>Tuesday</i> June 18, 2019	<i>Tuesday</i> July 23, 2019	<i>Tuesday</i> July 30, 2019	<i>Tuesday</i> August 6, 2019
<i>Tuesday</i> July 23, 2019	<i>Tuesday</i> August 20, 2019	<i>Tuesday</i> August 27, 2019	<b>Wednesday</b> September 4, 2019
<i>Tuesday</i> August 20, 2019	<i>Tuesday</i> September 17, 2019	<i>Tuesday</i> September 24, 2019	<i>Tuesday</i> October 1, 2019
<i>Tuesday</i> September 17, 2019	<i>Tuesday</i> October 22, 2019	<i>Tuesday</i> October 29, 2019	<i>Tuesday</i> November 5, 2019
<i>Tuesday</i> October 22, 2019	<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> November 26, 2019	<i>Tuesday</i> December 3, 2019
<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 7, 2020	<i>Tuesday</i> January 14, 2020
<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> January 28, 2020	<i>Tuesday</i> February 4, 2020

\* 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.



**GOVERNOR'S REGULATORY REVIEW COUNCIL  
NOTICE OF ACTION TAKEN AT THE MARCH 5, 2019 MEETING**

[M19-29]

*Rules:***ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (R-19-0106)**

Title 9, Chapter 25, Article 3, Arizona Health Care Cost Containment System - Administration

**Amend:** R9-22-303**COUNCIL ACTION: APPROVED****DEPARTMENT OF ENVIRONMENTAL QUALITY (R-19-0306)**

Title 18, Chapter 2, Article 2, Air Pollution Control

**Amend:** R18-2-220**COUNCIL ACTION: APPROVED****DEPARTMENT OF HEALTH SERVICES (R-19-0303)**

Title 9, Chapter 8, Article 5, Food, Recreational, and Institutional Sanitation, Trailer Coach Parks

**New Section:** R9-8-501, R9-8-502, R9-8-503, R9-8-504, R9-8-505, R9-8-506, R9-8-507**New Table:** Table 5.1, Table 5.2**Repeal:** R9-8-512, R9-8-521, R9-8-522, R9-8-523, R9-8-531, R9-8-533, R9-8-541, R9-8-542, R9-8-543, R9-8-544, R9-8-551**COUNCIL ACTION: APPROVED****DEPARTMENT OF HEALTH SERVICES (R19-0304)**

Title 9, Chapter 8, Article 6, Camp Grounds

**New Section:** R9-8-601, R9-8-602, R9-8-603, R9-8-604, R9-8-605, R9-8-606, R9-8-607, R9-8-608**New Table:** Table 6.1, Table 6.2**Repeal:** R9-8-611, R9-8-612, R9-8-613, R9-8-614, R9-8-615, R9-8-616, R9-8-617**COUNCIL ACTION: APPROVED****DEPARTMENT OF HEALTH SERVICES (R19-0305)**

Title 9, Chapter 8, Article 13, Hotels, Motels, and Tourist Courts

**New Section:** R9-8-1301, R9-8-1302, R9-8-1303, R9-8-1304, R9-8-1305, R9-8-1306, R9-8-1307, R9-8-1308**New Table:** Table 3.1**Repeal:** R9-8-1312, R9-8-1314, R9-8-1321, R9-8-1322, R9-8-1331, R9-8-1332, R9-8-1333, R9-8-1334, R9-8-1335, R9-8-1336, R9-8-1337, R9-8-1338**COUNCIL ACTION: APPROVED****DEPARTMENT OF ECONOMIC SECURITY (R-19-0201)**

Title 6, Chapter 5, Article 33, Achieving a Better Life Experience (Proposed)

**New Article:** Article 33**New Section:** R6-5-3301, R6-5-3302, R6-5-3303, R6-5-3304, R6-5-3305, R6-5-3306, R6-5-3307**COUNCIL ACTION: APPROVED**



**DEPARTMENT OF PUBLIC SAFETY (R19-0302)**

Title 13, Chapter 3, Articles 7, 9, and 12, Tow Trucks

**Amend:** R13-3-701, R13-3-703, R13-3-902, R13-3-1201

**COUNCIL ACTION: APPROVED WITH CHANGES**

**DEPARTMENT OF HEALTH SERVICES (R19-0301)**

Title 9, Chapter 25, Article 2, Emergency Medical Services

**Amend:** R9-25-201, R9-25-202, R9-25-203, R9-25-204, R9-25-205, R9-25-206, R9-25-207

**COUNCIL ACTION: RETURNED (WILL BE HEARD AT MARCH 26, 2019 STUDY SESSION AND APRIL 2, 2019 COUNCIL MEETING)**

*Five-Year Review Reports:*

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (F19-0103)**

Title 9, Chapter 22, Article 13, Children's Rehabilitative Services (CRS)

**COUNCIL ACTION: APPROVED**

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (F19-0102)**

Title 9, Chapter 22, Article 21, Trauma and Emergency Services Fund

**COUNCIL ACTION: APPROVED**