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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

START HERE
APA, statute or ballot proposition is passed. It gives an agency authority to make rules.

It may give an agency an exemption to the process or portions thereof.

Agency opens a docket.
Agency files a Notice of Rulemaking Docket Opening; it is published in the Register. Often an agency will file the docket with the proposed rulemaking.

Agency drafts proposed rule and Economic Impact Statement (EIS); informal public review/comment.

Agency files Notice of Proposed Rulemaking.
Notice is published in the Register. Notice of meetings may be published in Register or included in Preamble of Proposed Rulemaking.

Agency opens comment period.

Oral proceeding and close of record. Comment period must last at least 30 days after publication of notice. Oral proceeding (hearing) is held no sooner than 30 days after publication of notice of hearing

Substantial change?
If no change then

Rule must be submitted for review or terminated within 120 days after the close of the record.

A final rulemaking package is submitted to G.R.R.C. or A.G. for review. Contains final preamble, rules, and Economic Impact Statement.

G.R.R.C. has 90 days to review and approve or return the rule package, in whole or in part; A.G. has 60 days.

After approval by G.R.R.C. or A.G., the rule becomes effective 60 days after filing with the Secretary of State (unless otherwise indicated).

Final rule is published in the Register and the quarterly Code Supplement.
Definitions


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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

A.A.C. = Arizona Administrative Code
A.A.R. = Arizona Administrative Register
APA = Administrative Procedure Act
A.R.S. = Arizona Revised Statutes
CFR = Code of Federal Regulations
EIS = Economic, Small Business, and Consumer Impact Statement
FR = Federal Register
G.R.R.C. = Governor’s Regulatory Review Council

About Preambles

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

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

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.
NOTICES OF PROPOSED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Proposed Rulemaking. A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same Register issue. When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the Register within three weeks of filing. See the publication schedule in the back of each issue of the Register for more information.

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

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

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R19-102]

PREAMBLE

1. Article, Part, or Section Affected (as applicable)  Rulemaking Action
   R2-20-104    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. § 16-956(A)(7)
   Implementing statute: A.R.S. § 16-941(A)-(B)

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:
   Notice of Rulemaking Docket Opening: 25 A.A.R. 1456, June 14, 2019 (in this issue)

4. The agency's contact person who can answer questions about the rulemaking:
   Name: Thomas M. Collins
   Address: Citizens Clean Elections Commission
            1616 W. Adams, Suite 110
            Phoenix, AZ 85007
   Telephone: (602) 364-3477
   E-mail: ccec@azcleanelections.gov
   Web site: www.azcleanelections.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:
   R2-20-104: Clarifies that personal funds and loans received by participating candidates are subject to the expenditure limits in A.R.S. § 16-941(A)(2) and limits imposed by A.R.S. § 16-941(A)(1). The clarification is the result of analysis of the rule during the 2018 election cycle and is consistent with stakeholder practices and the Commission’s understanding of the rule’s intent.

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

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:
   These changes do not diminish a previous grant of authority to a political subdivision of this state.

8. The preliminary summary of the economic, small business, and consumer impact:
   There is no economic or consumer or small business impact other than that imposed by statute.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:
   Name: Thomas M. Collins
   Address: Citizens Clean Elections Commission
            1616 W. Adams, Suite 110
            Phoenix, AZ 85007
10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:
Pursuant to A.R.S. § 16-956, a 60-day public comment period precedes an oral hearing which is the earliest the Commission may act on a proposed rule. Rule comments are accepted, in addition, through the web site, e-mail, and regular mail, as well as at call to the public at interim meetings. Rules that are passed unanimously may be made effective immediately. All other approved rules are effective January 1. A.R.S. § 16-956(C), (D).

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
   Not applicable
   a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:
      Not applicable
   b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
      Not applicable
   c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:
      Not applicable

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
   Not applicable

13. The full text of the rule follows:

   TITLE 2. ADMINISTRATION
   CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

   ARTICLE 1. GENERAL PROVISIONS

   R2-20-104. Certification as a Participating Candidate

   A. No change
   1. No change
   2. No change
   3. No change
   4. No change
   5. No change
   6. No change

   B. No change
   1. No change
   2. No change
   3. No change
   4. No change

   C. No change
   1. No change
   2. No change
   3. No change
   4. No change
   5. No change
   6. No change
   7. No change
   8. No change
   9. No change
   10. No change
   11. No change

   D. No change
   1. No change
   2. No change
E. Loans. A participating candidate may accept an individual contribution as a loan or may loan his or her campaign committee personal monies during the exploratory and qualifying periods only. The total sum of the contributions received or personal funds and loans shall not exceed the expenditure limits set forth in A.R.S. § 16-941(A)(1) and (2). Personal funds and loans shall not exceed the expenditure limits set forth in A.R.S. § 16-941(A)(2). If the loan is to be repaid, the loans shall be repaid promptly upon receipt of Clean Elections funds if the participating candidate qualifies for Clean Elections funding. Loans from a financial institution or bank, to a candidate used for the purpose of influencing that candidate’s election shall be considered personal monies and shall not exceed the personal monies expenditure limits set forth in A.R.S. § 16-941(A)(2).

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action
   R2-20-113 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. § 16-956(A)(7)
   Implementing statute: A.R.S. § 16-941(A)(1)

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:
   Notice of Rulemaking Docket Opening: 25 A.A.R. 1456, June 14, 2019 (in this issue)

4. The agency's contact person who can answer questions about the rulemaking:
   Name: Thomas M. Collins
   Address: Citizens Clean Elections Commission
            1616 W. Adams, Suite 110
            Phoenix, AZ 85007
   Telephone: (602) 364-3477
   E-mail: ccec@azcleanelections.gov
   Web site: www.azcleanelections.gov

5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:
   R2-20-113: Provides that a candidate’s statement submitted for the Commission’s primary statement pamphlet will be used for the general election pamphlet unless the candidate directs otherwise. This is the Commission’s current ad hoc accommodation for candidates who fail to submit by deadline but contact commission staff in time to use primary statement when possible. The rule change clarifies the process for stakeholders.

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

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:
   These changes do not diminish a previous grant of authority to a political subdivision of this state.

8. The preliminary summary of the economic, small business, and consumer impact:
   There is no economic or consumer or small business impact, other than that already imposed by statute.

9. The agency’s contact person who can answer questions about the economic, small business and consumer impact statement:
   Name: Thomas M. Collins
   Address: Citizens Clean Elections Commission
            1616 W. Adams, Suite 110
            Phoenix, AZ 85007
   Telephone: (602) 364-3477
   E-mail: ccec@azcleanelections.gov
10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Pursuant to A.R.S. § 16-956, a 60-day public comment period precedes an oral hearing which is the earliest the Commission may act on a proposed rule. Rule comments are accepted, in addition, through the web site, e-mail, and regular mail, as well as at call to the public at interim meetings. Rules that are passed unanimously may be made effective immediately. All other approved rules are effective January 1. A.R.S. § 16-956(C), (D).

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

- Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:
  - No applicable
- Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
  - No applicable
- 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 applicable

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

- Not applicable

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 1. GENERAL PROVISIONS

R2-20-113. Candidate Statement Pamphlet

The Commission shall publish a candidate statement pamphlet in both the primary and general elections as required by A.R.S. § 16-956(A)(1). Commission staff shall send invitations for submission of a 200 word statement to every statewide and legislative candidate who has qualified for the ballot. Statements submitted for the primary candidate statement pamphlet shall be used for the general candidate statement pamphlet unless otherwise stated by the candidate.

B. No change
1. No change
2. No change

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

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action
   R2-20-702 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. § 16-956(A)(7)
   Implementing statute: A.R.S. § 16-948

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:
   Notice of Rulemaking Docket Opening: 25 A.A.R. 1457, June 14, 2019 (in this issue)

4. The agency's contact person who can answer questions about the rulemaking:
   Name: Thomas M. Collins
   Address: Citizens Clean Elections Commission
   1616 W. Adams, Suite 110
Title 2. Administration
Chapter 20. Citizens Clean Elections Commission

Article 7. Use of Funds and Repayment

Section R2-20-702. Use of Campaign Funds

NOTICES OF PROPOSED RULEMAKING

June 14, 2019 | Published by the Arizona Secretary of State | Vol. 25, Issue 24  1415
A. No change

B. A participating candidate may:

1. Make a payment from the candidate’s campaign bank account:
   a. To a political committee or civic organization including a person with tax exempt status under section 501(a) of the internal revenue code or an unincorporated association. The payment is not a contribution if the payment is reasonable in relation to the value received.
   b. For customary charges for services rendered, such as for printing and obtaining voter or telephone lists, shall be considered reasonable in relation to the value received.
   c. Of not more than $200 per person to attend a political event open to the public or to party members shall be considered reasonable in relation to the value received.

2. Only make an advanced payment to a political party for services such as consulting, communications, field employees, canvassers, mailers, auto dialers, telephone town halls, electronic communications and other advertising purchases and other campaign services if an itemized invoice identifying the value of the service is provided directly to the participating candidate at the time of the advanced payment.
   a. Payment in the absence of an itemized invoice or advanced payment for such services shall be deemed a contribution to the political party.
   b. Payment may be advanced for postage upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of the postage.
   c. Payment may be advanced for advertising that customarily requires prepayment upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of the advertisement.
   d. A political party may not mark up or add any additional charge to the value of services provided to the particular candidate. All expenditures must be for the services used by the particular participating candidate.
   e. The Commission shall be included in the mail batch for all mailers and invitations. The Commission shall also be provided with documentation from the mail house, printer or other original source showing the number of mailers printed and the number of households to which a mailer was sent. Failure to provide this information within 7 days after a mailer has been mailed may be considered as evidence the mailer was not for direct campaign purposes.

C. No change

D. No change

E. No change

F. No change

G. No change
### NOTICE OF PROPOSED RULEMAKING

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

[R19-105]

**PREAMBLE**

<table>
<thead>
<tr>
<th>Article, Part, or Section Affected (as applicable)</th>
<th>Rulemaking Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>R2-20-704</td>
<td>Amend</td>
</tr>
</tbody>
</table>

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. § 16-956(A)(7)  
   Implementing statute: A.R.S. §§ 16-941(A)-(B), 16-953, 16-956(A)(7)

3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**  
   Notice of Rulemaking Docket Opening: 25 A.A.R. 1457, June 14, 2019 (in this issue)

4. **The agency's contact person who can answer questions about the rulemaking:**  
   Name: Thomas M. Collins  
   Address: Citizens Clean Elections Commission  
   1616 W. Adams, Suite 110  
   Phoenix, AZ 85007  
   Telephone: (602) 364-3477  
   E-mail: ccec@azcleanelections.gov  
   Web site: www.azcleanelections.gov

5. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**  
   A.A.C. R2-20-704: Conforms Commission rules with state law providing that statutes of limitations do not run against state. The amendment ensures that the Commission is in proper position to recover funds pursuant to A.R.S. § 16-956(A)(7), which requires that the Commission ensure that monies required to be paid to fund are so paid, and A.R.S. 16-953 which requires excess Clean Elections Funding be returned to the Commission for deposit in the Clean Elections Fund.

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

7. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**  
   These changes do not diminish a previous grant of authority to a political subdivision of this state.

8. **The preliminary summary of the economic, small business, and consumer impact:**  
   There is no economic or consumer or small business impact other than that imposed by statute.

9. **The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**  
   Name: Thomas M. Collins  
   Address: Citizens Clean Elections Commission  
   1616 W. Adams, Suite 110  
   Phoenix, AZ 85007  
   Telephone: (602) 364-3477  
   E-mail: ccec@azcleanelections.gov  
   Web site: www.azcleanelections.gov

10. **The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**  
    Pursuant to A.R.S. § 16-956, a 60-day public comment period precedes an oral hearing which is the earliest the Commission may act on a proposed rule. Rule comments are accepted, in addition, through the web site, e-mail, and regular mail, as well as at call to the public at interim meetings. Rules that are passed unanimously may be made effective immediately. All other approved rules are effective January 1. A.R.S. § 16-956(C), (D).

11. **All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**  
    Not applicable
    a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**  
       Not applicable
    b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal**

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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:
Not applicable

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
Not applicable

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section
R2-20-704. Repayment

ARTICLE 7. USE OF FUNDS AND REPAYMENT

R2-20-704. Repayment

A. No change
   1. No change
   2. The Commission will notify the candidate of any repayment determinations made under this section as soon as possible, but not later than one year after the day of the election.
   3. No change
   4. No change
   5. No change

B. No change
   1. No change
   2. No change
   3. No change
   4. No change
   5. No change
   6. No change

C. No change
   1. No change
   2. No change

D. No change
   1. No change
   2. No change
   3. No change
      a. No change
      b. No change
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 12. DEPARTMENT OF HEALTH SERVICES
SOBER LIVING HOMES

[Preamble]

1. Article, Part, or Section Affected (as applicable) | Rulemaking Action
Article 1 | New Article
R9-12-101 | New Section
R9-12-102 | New Section
R9-12-103 | New Section
R9-12-104 | New Section
R9-12-105 | New Section
R9-12-106 | New Section
R9-12-107 | New Section
Table 1.1 | New Table
Article 2 | New Article
R9-12-201 | New Section
R9-12-202 | New Section
R9-12-203 | New Section
R9-12-204 | New Section
R9-12-205 | New Section
R9-12-206 | New Section
R9-12-207 | New Section

2. Citations to the agency’s statutory rulemaking authority to include authorizing statutes (general) and the implementing statutes (specific):
   Implementing statute: A.R.S. §§ 36-2062, 36-2063, and 36-2064 as created by Laws 2018, Ch. 194

3. The effective date of the rules:
   July 1, 2019
   The Arizona Department of Health Services (Department) requests an effective date of July 1, 2019, to provide sufficient time for the Department and stakeholders to implement the new rules and also begin licensing as soon as possible.

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 rule:
   Notice of Rulemaking Docket Opening: 24 A.A.R. 2772, October 5, 2018
   Notice of Proposed Rulemaking: 25 A.A.R. 289, February 8, 2019

5. The agency’s contact person who can answer questions about the rulemaking:
   Name: Thomas Salow, Branch Chief
   Address: Department of Health Services
   Public Health Licensing Services
   150 N. 18th Ave., Suite 400
   Phoenix, AZ 85007
   Telephone: (602) 364-1935
   Fax: (602) 364-4808
   E-mail: Thomas.Salow@azdhs.gov
   or

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

Laws 2018, Ch. 194 adds A.R.S. Title 36, Chapter 18, Article 4, pertaining to the licensing and regulation of sober living homes. In A.R.S. § 36-2062(A), Laws 2018, Ch. 194 requires the Department to “adopt rules to establish minimum standards and requirements for the licensure of sober living homes ... necessary to ensure the public health, safety, and welfare.” Laws 2018, Ch. 194 also requires the inclusion of specific standards; the establishment of fees for initial licensure, license renewal, and late payment of licensing fees; and provisions for the Department’s enforcement of licensing requirements. After receiving an exception from the rulemaking moratorium established by Executive Order 2018-02, the Department has adopted rules for licensing sober living homes in Arizona Administrative Code Title 9, Chapter 12 to comply with Laws 2018, Ch. 194. The new 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:**


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:**

Laws 2018, Ch. 194, § 7, repeals A.R.S. §§ 9-500.40 and 11-269.18 upon adoption of these rules, removing the authority of cities and counties to regulate sober living homes. However, this change is caused by the statutes, not the rules.

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

The Department anticipates that the rulemaking may affect the Department, certifying organizations, certified sober living homes operating in Arizona under A.R.S. § 36-2064(A), persons planning to operate a sober living home in Arizona, owners of properties in which sober living homes may be located, local jurisdictions in which a sober living home is or may be located, state agencies or state-contracted vendors directing substance abuse treatment, state or county courts making residential recommendations for individuals under their supervision, licensed health care institutions providing substance abuse treatment, behavioral health providers, individuals receiving substance abuse treatment who are referred to a sober living home and their families, and the general public.

Almost all requirements in the rules are tied directly to a specific statutory requirement. As such, costs imposed by and benefits derived from them are the result of the statutes, rather than the rulemaking. Annual costs/revenues are designated as minimal when more than $0 and $5,000 or less, moderate when between $5,000 and $20,000, and substantial when $20,000 or greater in additional costs or revenues. A cost is listed as significant when meaningful or important, but not readily subject to quantification.

The Department anticipates that the Department may incur substantial costs for setting up and implementing a licensing scheme for sober living homes. These costs will include costs of staffing sufficient to accomplish not only inspections before initial licensure, but also sufficient to conduct investigations of complaints and to investigate claims of unlicensed sober living homes. From prior experience, the Department expects the latter two to be prevalent during the early days of licensure. The Department may receive a substantial benefit from increased revenue derived from licensing fees. State agencies that direct substance abuse treatment, directly or through a vendor, include the Arizona Health Care Cost Containment System (AHCCCS), state correctional facilities, and possibly the Department of Child Safety. Because the number of sober living homes may increase once the rules for licensing sober living homes become effective, the Department believes that the rulemaking may provide a significant benefit to these governmental entities by providing more options for referral/placement.

Currently, several local jurisdictions have created regulations for sober living homes operating in their jurisdictions or have adopted standards recommended by organizations such as the National Alliance for Recovery Residences or the Arizona Recovery Housing Association (AzRHA). These local jurisdictions include the cities of Prescott and Phoenix. Because of the limit of the Department’s statutory authority, the new rules are consistent with, but not as stringent as, these local requirements. A local jurisdiction may perceive these changes as having a significant negative impact on the local jurisdiction and a loss of authority to control these elements of sober living homes. Additionally, the statutes authorizing a city or town or a county to regulate sober living homes...
homes are repealed ninety days after the adoption of these rules, which may impose up to a substantial cost or decrease in revenue on a local jurisdiction that has been collecting fees from the regulation of sober living homes within its jurisdiction. However, both these effects result from Laws 2018, Ch. 194, § 7, rather than from a component of the rules themselves.

Until the rules go into effect, A.R.S. § 36-2064 allows a sober living home to “operate in this state and receive referrals pursuant to Section 36-2065” only if the sober living home is “certified by a certifying organization,” creating a demand for certification by owners who want to operate a sober living home before the licensing rules go into effect. Organizations such as AzRHA have begun certifying sober living homes in Arizona. Once the new licensing rules are in effect, the Department anticipates that some sober living homes that are currently certified may decide to forego certification and just apply for licensing by the Department. If so, the new rules may cause AzRHA or another certifying organization to incur up to a substantial reduction in revenue.

Conversely, a sober living home that is currently certified and operating in Arizona may receive a minimal benefit from not incurring the cost of certification if deciding to forego certification and just apply for licensing by the Department. The Department anticipates that many sober living homes will incur a minimal cost for licensing, which may be offset by fees charged to residents. Similar costs and benefits would apply to a person planning to open a sober living home in Arizona. With the possibility of more sober living homes beginning operation once the new rules are in place, an owner of a property eligible, under requirements of local jurisdictions, to become a sober living home may be able to charge more rent for the property, thus receiving a minimal-to-moderate benefit from the rules, because of increased competition for the use of the property.

Licensed health care institutions providing substance abuse treatment and behavioral health providers may receive a significant benefit if the number of sober living homes increases due to the rulemaking, providing more options for referral/placement. Health care institutions providing substance abuse treatment and behavioral health providers may also receive a significant benefit from knowing that their patients or clients are in sober living homes that meet minimum standards for health and safety. Similarly, the Department believes that individuals receiving substance abuse treatment who are referred to a licensed sober living home and their families may receive a significant benefit from the regulation of sober living homes provided through the new rules.

The owners of homes in neighborhoods in which sober living homes are currently located have expressed concerns about the effect that sober living homes may have on their property values and the safety of their children. Although the Department does not have the statutory authority to address all their concerns, the rules do require policies and procedures to be established, documented, and implemented to prevent or address any concerns or complaints from individuals living in the surrounding neighborhoods and to promote the safety of the surrounding neighborhood. These include requirements that cover termination of residency and for maintaining the physical plant of a sober living home. The Department believes that requirements in the new rules, as well as the Department’s oversight of sober living homes as part of the licensing process, may decrease instances in which the existence of a sober living home in a neighborhood has a negative impact on the residents of the neighborhood, including homeowners. Therefore, the new rules may provide a significant benefit to a homeowner or other resident of a neighborhood in which a sober living home is located. Because of the beneficial effects of well-run sober living homes on individuals in recovery, the Department anticipates that the rules may also provide a significant benefit to the general public.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:
No changes were made to the rules between the proposed rulemaking and the final rulemaking.

11. An agency’s summary of the public stakeholder comments made about the rulemaking and the agency response to the comments:
The Department received two written comments during the public comment period. The Department held an oral proceeding for the proposed rules on March 11, 2019, which one stakeholder/member of the public attended and provided an oral comment. The Department thanks the stakeholders for the comments. A summary of the concerns expressed in the written comments and the oral comment is provided on the following page, along with the Department’s responses.

Comments begin on the following page
A written comment was made by the Association of Pool and Spa Professionals (APSP) requesting that the Department require pools at sober living homes to meet the ANSI/APSP/ICC-7 standards for drain covers and pump suction piping systems to prevent entrapment, citing the Virginia Graeme Baker Pool and Spa Safety Act (Act). The APSP also requested that the Department require compliance with the International Swimming Pool and Spa Code (ISPSC). In addition, the APSP stated that the pools in sober living homes “are likely to be used by a larger number of bathers than a typical residential pool” and, therefore, require “greater attention to water quality and chemistry.”

While the Department thanks the Association of Pool and Spa Professionals for submitting the comment, the Department does not plan to make a change to the rules based on the comment because the Department does not have authority over the construction of swimming pools, as shown through a comparison between A.R.S. § 36-136(I)(1) and A.R.S. § 49-104(B)(12). Nor does the Department believe that the Act applies to sober living homes. In Sec. 1402 of the Act, the population of concern for entrapment includes children aged 14 and under. Children are not allowed to be residents of a sober living home. In Sec 1404, the Act also states that it applies to public pools and spas, which the Act defines as “open to the public, generally”; “open exclusively to --members of an organization and their guests; residents of a multi-unit apartment building . . . or other multi-family residential area; or patrons of a hotel or other public accommodations facility”; or “operated by the Federal Government . . .” This definition is similar to those in A.A.C. R18-5-201 for “Public and Semipublic Swimming Pools and Spas,” under which the Arizona Department of Environmental Quality (ADEQ) regulates the construction of public and semipublic pools. While the Act does not appear to define “public accommodations,” Arizona defines “places of public accommodation” in A.R.S. § 41-1441 and specifically excludes “dwellings,” as defined in A.R.S. § 41-1491, and “any place which is in its nature distinctly private” from the definition. The Department disagrees that sober living homes, as defined in A.R.S. § 36-2061(3), are generally open to the public or considered places of public accommodation. A.R.S. § 36-2066 makes the location of a sober living home confidential and, thus, private. Because A.R.S. § 36-2062(A)(13) requires sober living homes to be in “compliance with local fire codes applicable to comparable dwellings occupied by single families,” the Department believes that, by extension, sober living homes also meet the statutory definition of “dwelling.” As such, sober living homes should comply with requirements for residential swimming pools, rather than those for public and semipublic swimming pools. Construction of residential swimming pools comes under the authority of local jurisdictions. Because some local jurisdictions do not have requirements for pool safety, the Department has established in rule minimum standards for an operational water circulating system and for fencing for a swimming pool on the premises of a sober living home, consistent with A.R.S. § 36-1681. These requirements are similar to those required of other facilities licensed by the Department, and the Department believes they are adequate to protect the health and safety of the residents of a sober living home without imposing an undue burden on the owners/operators of these facilities. The Department does not agree that a pool at a sober living home would be used by “a larger number of bathers,” just by the residents of the sober living home and their guests, in a similar manner as a pool at other residences.

An oral comment was made at the oral proceeding by a representative of the International Code Council expressing a concern that the standards for swimming pools adopted by the Department may not be consistent with the 2018 ISPSC, which covers the design and construction of both public and private pools and is now being adopted by Arizona local jurisdictions. He supported the recommendations of the APSP and recommended that the Department adopt standards that did not conflict with those of local jurisdictions so the local jurisdictions do not have to worry about enforcing their own requirements and those of the Department. He provided a handout, “Why the International Swimming Pool and Spa Code?”, which had also been submitted to ADEQ when ADEQ was reviewing their rules for swimming pools. He stated that he did not know if there were conflicts and that he would review the requirements in the rule to determine if there are conflicts.

As stated above, local jurisdictions would be responsible for specifying requirements for the design and construction of swimming pools on the premises of sober living homes. They would be inspecting to their standards, not for any standards adopted by the Department. As with other licensed entities, the licensee would be responsible for complying with the more stringent of applicable requirements, including those for swimming pools on the premises. The requirements for swimming pools in rule are fairly general, are specific to health and safety, and just include requirements for an operational water circulation system and for fencing. The Department believes these standards are not fundamentally different from the ISPSC and does not plan to make a change to the rules based on this comment.

As a follow-up to the oral comment, the representative of the ICC submitted a written comment expressing concern that “some of the terminology/requirements proposed . . . appear to be outdated and inconsistent with current pool and spa industry standards,” giving some examples.

The Department thanks the commenter for clarifying where discrepancies may exist between the rule and the ISPSC. For the water circulation system, there are apparent differences in the number of inlets required and for an operational cleaning system. Because the rules provide general requirements and do not specify the size of the swimming pool, requiring at least two inlets, rather than one for every 300 ft², should accommodate most pools and be less stringent than the ISPSC for a larger pool. To protect health and safety, the Department does not allow for manual cleaning. Requirements in rule for fencing may differ from the ISPSC but are consistent with Arizona pool enclosure requirements in A.R.S. § 36-1681. The Department does not plan to make a change to the rules based on this comment.
12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

   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:
      Because A.R.S. § 36-2062(E) states that a license is valid only for the premises and is not transferable, a general permit is not applicable and 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:
      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. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
   Not applicable

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:
   Not applicable

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES
CHAPTER 12. DEPARTMENT OF HEALTH SERVICES
SOBER LIVING HOMES

ARTICLE 1. REPEALED LICENSURE REQUIREMENTS

Section
R9-12-101. Repealed Definitions
R9-12-102. Repealed Individuals to Act for Applicant or Licensee
R9-12-103. Repealed Application for a License
R9-12-104. Repealed License Renewal
R9-12-105. Repealed Changes Affecting a License
R9-12-106. Repealed Time-frames
R9-12-107. Repealed Denial, Revocation, or Suspension of a License
Table 1.1 Time-frames (in calendar days)

ARTICLE 2. SOBER LIVING HOME REQUIREMENTS

Section
R9-12-201. Administration
R9-12-202. Residency Agreements
R9-12-203. Resident Rights
R9-12-204. Resident Records
R9-12-205. Sober Living Home Services
R9-12-206. Emergency and Safety Standards
R9-12-207. Environmental and Physical Plant Requirements

ARTICLE 1. REPEALED LICENSURE REQUIREMENTS

R9-12-101. Repealed Definitions
In addition to the definitions in A.R.S. § 36-2061, the following definitions apply in this Chapter unless otherwise specified:

1. “Abuse” means:
   a. The same as in A.R.S. § 46-451;
   b. A pattern of ridiculing or demeaning a resident;
   c. Making derogatory remarks or verbally harassing a resident; or
   d. Threatening to inflict physical harm on a resident.

2. “Accept” or “acceptance” means an individual becomes a resident of a sober living home.

3. “Administrative completeness review time-frame” means the same as in A.R.S. § 41-1072.

4. “Applicant” means an individual or business organization requesting a license under R9-12-104 to open a sober living home.

5. “Application packet” means the forms, documents, and additional information the Department requires to be submitted by an applicant.

6. “Business organization” means the same as “entity” in A.R.S. § 10-140.

7. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
8. “Controlling person” means a person who, with respect to a business organization:
   a. Has the power to vote at least 10% of the outstanding voting securities of the business organization;
   b. If the business organization is a partnership, is a general partner or is a limited partner who holds at least 10% of the voting rights of the partnership;
   c. If the business organization is a corporation, association, or limited liability company, is the president, the chief executive officer, the incorporator, an agent, or any person who owns or controls at least 10% of the voting securities; or
   d. Holds a beneficial interest in 10% or more of the liabilities of the business organization.


10. “Documentation” means information in written, photographic, electronic, or other permanent form.

11. “Drug” has the same meaning as in A.R.S. § 32-1901.

12. “Exploitation” has the same meaning as in A.R.S. § 46-451.

13. “Facility” means the building or buildings used for operating a sober living home.

14. “Health care provider” means a:
   a. Physician, as defined in A.R.S. § 36-401;
   b. Registered nurse practitioner, as defined in A.R.S. § 32-1601; or
   c. Physician assistant, as defined in A.R.S. § 32-2501.

15. “Illicit drug” means:
   a. A substance listed in A.R.S. § 36-2512 as a schedule I controlled substance;
   b. A dangerous drug, as defined in A.R.S. § 13-3401, that is not an individual’s prescription medication; or
   c. A prescription medication that is not an individual’s prescription medication.

16. “Licensee” means the individual or business organization to which the Department has issued a license to operate a sober living home.

17. “Manager” means an individual designated by a licensee to:
   a. Act on behalf of the licensee in the onsite management of a sober living home; and
   b. Support and assist residents of the sober living home.

18. “Modification” means the substantial improvement, enlargement, reduction, alteration, or other substantial change in the facility or another structure on the premises at a sober living home.


20. “Overall time-frame” means the same as in A.R.S. § 41-1072.

21. “Premises” means:
   a. A facility; and
   b. The grounds surrounding the facility that are owned, leased, or controlled by the licensee, including other structures.

22. “Prescription medication” means the same as in A.R.S. § 32-1901.

23. “Residency agreement” means a document signed by a resident or the resident’s representative and a manager, detailing the terms of residency.

24. “Resident” means an individual who is accepted by a licensee under the terms of a residency agreement with the individual to live at the licensee’s sober living home.

25. “Resident’s representative” means:
   a. An individual acting on behalf of a resident with the written consent of the resident, or
   b. The resident’s legal guardian.

26. “Sober” or “sobriety” means that an individual is free of alcohol or drugs, except for a drug that is:
   a. Used as part of medication-assisted treatment,
   b. The individual’s prescription medication, or
   c. An over-the-counter drug.

27. “Staff” means the employees or volunteers who provide monitoring or assistance to residents at a sober living home.

28. “Substantive review time-frame” means the same as in A.R.S. § 41-1072.

29. “Swimming pool” means the same as “private residential swimming pool” as defined in A.A.C. R18-5-201.

30. “Termination of residency” or “terminate residency” means an individual is no longer a resident of a sober living home.

R9-12-102. Repealed Individuals to Act for Applicant or Licensee

When an applicant or licensee is required by this Chapter to provide information on or sign an application form or other document, the following shall satisfy the requirement on behalf of the applicant or licensee:

1. If the applicant or licensee is an individual, the individual; and

2. If the applicant or licensee is a business organization, the individual who the business organization has designated to act on the business organization’s behalf for purposes of this Chapter and who:
   a. Is a controlling person of the business organization,
   b. Is a U.S. citizen or legal resident, and
   c. Has an Arizona address.

R9-12-103. Repealed Application for a License

A. An applicant shall submit to the Department a completed application packet to operate a sober living home that contains:

1. An application, in a Department-provided format, that includes:
   a. The applicant’s name;
   b. The proposed name, if any, of the sober living home;
   c. The address and telephone number of the proposed sober living home;
   d. The applicant’s address and telephone number, if different from the address or telephone number of the proposed sober living home;
The applicant’s e-mail address;

The applicant’s e-mail address;

The Department shall renew or deny renewal of a license to operate a sober living home as provided in R9-12-106.

The location and size of each resident bedroom; and

The address and telephone number of the sober living home;

For construction or modification of the facility, an attestation that the construction or modification will be in compliance

The proposed new maximum number of residents in the sober living home; and

Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-12-

The applicant’s address and telephone number, if different from the address or telephone number of the sober living home;

Upon receipt of the application packet in subsection (A), the Department shall issue or deny a license to an applicant as provided in R9-12-106.

A licensee may submit to the Department the licensing fee in subsection (A)(3) with an additional late payment fee of $250 within 30

Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-12-

A notice to the Department an application packet for renewal of the license that contains:

An application, in a Department-provided format, that includes:

The applicant’s name;

The maximum number of residents of the proposed sober living home;

The name, telephone number, and e-mail address of the manager for the proposed sober living home;

An attestation that the applicant is in compliance with local zoning ordinances, building codes, and fire codes; and

The applicant’s signature and the date signed;

2. If applicable, a copy of the applicant’s current certificate as a sober living home from a certifying organization approved by the Director;

4. A floor plan for the proposed sober living home, including:

a. The location and size of each resident bedroom, and

b. The location of each openable window or door from a resident bedroom;

5. If the premises for the proposed sober living home are leased, documentation from the owner of the premises, in a Department-

provided format, that the applicant has permission from the owner to operate a sober living home on the premises; and

6. A licensing fee of $500 plus $100 times the maximum number of residents of the proposed sober living home in subsection (A)(1)(h).

B. Upon receipt of the application packet in subsection (A), the Department shall issue or deny a license to an applicant as provided in R9-12-106.

R9-12-104. Repealed License Renewal

A. At least 60 calendar days before the expiration date indicated on a license to operate a sober living home, a licensee shall submit to the Department an application packet for renewal of the license that contains:

1. An application, in a Department-provided format, that includes:

a. The applicant’s name;

b. The address and telephone number of the sober living home;

c. The applicant’s address and telephone number, if different from the address or telephone number of the sober living home;

d. The applicant’s e-mail address;

e. The license number of the sober living home; and

f. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-12-

106(C)(3);

2. If applicable, a copy of the licensee’s current certificate as a sober living home from a certifying organization approved by the Director, and

3. Except as provided in subsection (B), a licensing fee of $500 plus $100 times the maximum number of residents approved for the sober living home during the current licensing period.

B. A licensee may submit to the Department the licensing fee in subsection (A)(3) with an additional late payment fee of $250 within 30 calendar days after the expiration date of the license as a sober living home.

C. The Department shall renew or deny renewal of a license to operate a sober living home as provided in R9-12-106.

R9-12-105. Repealed Changes Affecting a License

A. A licensee shall notify the Department in writing at least 30 calendar days before the effective date of:

1. Termination of operation of the sober living home, including the proposed termination date;

2. A change in the individual or business organization controlling the sober living home, including the name, address, telephone

number, and e-mail address of the individual or business organization proposing to assume control of the sober living home;

3. A change in the address of the sober living home, including the new address for the sober living home;

4. A change in the name of the sober living home, including the new name of the sober living home;

5. If the licensee is an individual, a legal change of the licensee’s name, including the new name of the licensee; or

6. A proposed change in the maximum number of residents in the sober living home during the current licensing period.

a. A floor plan for the sober living home showing:

i. If applicable, the areas in which construction or modification of the facility will occur;

ii. The location and size of each resident bedroom; and

iii. The location of each openable window or door from a resident bedroom;

b. For a proposed change in the maximum number of residents in the sober living home:

i. The proposed new maximum number of residents in the sober living home; and

ii. If the proposed new maximum number of residents in the sober living home is larger than the current maximum number

of residents, a fee of $100 times the difference between the current maximum number of residents and the new

maximum number of residents; and

c. For construction or modification of the facility, an attestation that the construction or modification will be in compliance

with local zoning ordinances, building codes, and fire codes.

B. A licensee shall notify the Department in writing no more than 30 calendar days after the effective date of:

1. A change in the name or contact information of an individual acting on behalf of the licensee according to R9-12-102, including

the name and contact information of the new individual acting on behalf of the licensee;

2. A change in the licensee’s e-mail address, including the new e-mail address; or

3. A change in the manager of the sober living home, including the name, telephone number, and e-mail address of the new man-

ager.
The Department shall void the licensee’s license to operate a sober living home as of the termination date specified by the licensee.

If the Department receives the notification in subsection (A)(2) of a change in the individual or business organization controlling the sober living home, the Department shall void the licensee’s license to operate a sober living home upon issuance of a new license to operate a sober living home.

The Department shall issue a license if the Department determines that the applicant or licensee and the sober living home, the Department may conduct an inspection of the premises as allowed by A.R.S. § 36-2063; and

The Department shall send a comprehensive written request for additional information or a supplemental request for information until the date that the Department receives all of the missing information or items from the applicant or licensee.

An individual or business organization planning to assume operation of an existing sober living home shall obtain a new license, as required in A.R.S. § 36-2062(E), before beginning operation of the sober living home.

The substantive review time-frame is set forth in Table 1.1 and begins on the date of the notice of administrative completeness.

If the Department denies a license, the Department shall send to the applicant or licensee a written notice of denial setting forth the reasons for denial and all other information required by A.R.S. § 41-1076.

If the Department receives the notification in subsection (A)(3) of a change in the address of the sober living home, the Department shall issue a license if the Department determines that the applicant or licensee and the sober living home are in substantial compliance with A.R.S. Title 36, Chapter 18, Article 4, and this Chapter.

For an application or licensee, a sober living home, or the premises are not in substantial compliance with A.R.S. Title 36, Chapter 18, Article 4 or this Chapter.

If an applicant or licensee fails to submit to the Department all of the information or items listed in the notice of deficiencies within 120 calendar days after the date that the Department sent the notice of deficiencies or within a time period the applicant or licensee and the Department agree upon in writing, the Department shall consider the application withdrawn.

If the Department sends a notice of deficiencies stating each statute and rule upon which noncompliance is based, if the Department determines that an applicant or licensee, a sober living home, or the premises are not in substantial compliance with A.R.S. Title 36, Chapter 18, Article 4 or this Chapter.

If the Department receives the notification in subsection (A)(4) or of the licensee in subsection (A)(5), the Department shall issue to the licensee an amended license that incorporates the change but retains the expiration date of the existing license.

If the Department receives the notification in subsection (A)(6) of a proposed change in the maximum number of residents in the sober living home or of construction or modification of the facility, the Department:

1. May conduct an inspection of the premises as allowed by A.R.S. § 36-2063; and
2. Shall issue to the licensee an amended license that incorporates the change but retains the expiration date of the existing license if the sober living home is in compliance with A.R.S. Title 36, Chapter 18, Article 4 and this Chapter.

The substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.

If the Department receive a license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
2. A licensee does not comply with requirements in A.R.S. Title 36, Chapter 18, Article 4, or this Chapter;
3. A licensee does not correct the deficiencies according to the plan of correction specified in R9-12-201(J)(1) by the time stated in the plan of correction;
4. An applicant or licensee provides false or misleading information as part of an application; or
5. The nature or number of violations revealed by any type of inspection or investigation of a sober living home poses a direct risk to the life, health, or safety of a resident or another individual on the premises.

B. In determining which action in subsection (A) is appropriate, the Department shall consider the direct risk to the life, health, or safety of a resident in the sober living home based on:
1. Repeated violations of statutes or rules,
2. Pattern of violations,
3. Types of violation,
4. Severity of violation, and
5. Number of violations.

C. An applicant or licensee may appeal the Department’s determination in subsection (A) according to A.R.S. Title 41, Chapter 6, Article 10.

### Table 1.1. Time-frames (in calendar days)

<table>
<thead>
<tr>
<th>Type of approval</th>
<th>Statutory authority</th>
<th>Overall time-frame</th>
<th>Administrative completeness review time-frame</th>
<th>Substantive review time-frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for a license under R9-12-103</td>
<td>A.R.S. § 36-2062</td>
<td>90</td>
<td>30</td>
<td>60</td>
</tr>
<tr>
<td>Renewal of a license under R9-12-104</td>
<td>A.R.S. § 36-2062</td>
<td>30</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Changes affecting a license, including modifications</td>
<td>A.R.S. § 36-2062</td>
<td>60</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

### ARTICLE 2. SOBER LIVING HOME REQUIREMENTS

**R9-12-201. Administration**

A. A licensee of a sober living home:
1. Has the authority and responsibility for the management of the sober living home, including when the licensee designates another individual or contracts with a person to accomplish an action or perform a service;
2. Shall establish, in writing, the scope of services to be provided by the sober living home;
3. Shall designate, in writing, an individual, who may be the licensee, as the manager of the sober living home; and
4. Shall ensure that the knowledge, skills, and experience of the manager and any other staff of the sober living home are sufficient to carry out the scope of services established according to subsection (A)(2).

B. A licensee shall ensure that:
1. A manager:
   a. Is at least 21 years of age;
   b. Is sober and has maintained sobriety for at least one year;
   c. Resides on the premises of only the one sober living home;
   d. Has documentation of current training in cardiopulmonary resuscitation; and
   e. Is directly accountable to the licensee for:
      i. The daily operation of the sober living home;
      ii. Enforcing all policies and procedures, house rules, and other requirements of the sober living home; and
      iii. All services provided by or at the sober living home;
2. Policies and procedures are established, documented, and implemented to:
   a. Prevent or address any concerns or complaints from individuals living in the surrounding neighborhood by:
      i. Identifying an individual for individuals living in the surrounding neighborhood to contact to discuss a concern;
      ii. Requiring the identified individual to respond to a concern or complaint, even if the issue cannot be resolved; and
      iii. Ensuring that requirements for residents and visitors related to parking, noise emanating from the sober living home, smoking, cleanliness of the public space near the sober living home, and loitering in front of the sober living home or near-by homes are established, known to residents, and enforced; and
   b. Promote the safety of the surrounding neighborhood, to comply with A.R.S. § 36-2062(A)(3); and
3. Policies and procedures are established, documented, and implemented to protect the health and safety of a resident that cover:
   a. Recordkeeping;
   b. Resident acceptance;
   c. Resident rights;
   d. Orientation of a resident to:
      i. The premises of the sober living home;
      ii. The resident’s rights and responsibilities;
      iii. The prohibition of the possession of alcohol or illicit drugs at the sober living home;
      iv. Services offered by or coordinated through the sober living home;
v. Drug and alcohol testing practices, and
vi. Expectations about food preparation and chores;

\[\text{g. Drug and alcohol testing conducted by an independent testing facility certified under 42 C.F.R. 493 for the sober living home and other assessments of sobriety, including:}
\]
\[\text{i. The frequency of testing or assessment, based on the residents accepted; and}
\]
\[\text{ii. The compounds included in the testing panel or, if applicable, an assessment methodology, based on the sober living home’s scope of services and residents accepted;}
\]

\[\text{f. Allowing the acceptance and retention as a resident of an individual:}
\]
\[\text{i. Who is receiving and will continue to receive medication-assisted treatment;}
\]
\[\text{ii. Who has a co-occurring behavioral health issue, as defined in A.A.C. R9-10-101; or}
\]
\[\text{iii. If included in the scope of services established according to subsection (A)(2), has a co-occurring medical condition;}
\]

\[\text{e. Drug and alcohol testing conducted by an independent testing facility certified under 42 C.F.R. 493 for the sober living home and other assessments of sobriety, including:}
\]
\[\text{i. The frequency of testing or assessment, based on the residents accepted; and}
\]
\[\text{ii. The compounds included in the testing panel or, if applicable, an assessment methodology, based on the sober living home’s scope of services and residents accepted;}
\]

\[\text{d. If a manager has a reasonable basis, according to A.R.S. § 46-454, to believe abuse or exploitation of a resident has occurred on the premises, the manager shall:}
\]
\[\text{i. If applicable, take immediate action to stop the suspected abuse or exploitation;}
\]
\[\text{ii. Immediately report the suspected abuse or exploitation of the resident according to A.R.S. § 46-454;}
\]

\[\text{c. A licensee shall:}
\]
\[\text{1. Not act as a patient’s representative; and}
\]
\[\text{2. Ensure that a manager, an employee, or a family member of a manager or employee does not act as a resident’s representative.}
\]

\[\text{b. The provision of services, including:}
\]
\[\text{i. Facilitating peer support activities;}
\]
\[\text{ii. If applicable, providing other services on the premises to support sobriety or improve independent living;}
\]
\[\text{iii. If applicable, coordinating the provision of services to support sobriety provided by other persons; and}
\]
\[\text{iv. Referring a resident to other persons for the provision of services to support sobriety;}
\]

\[\text{a. Residents’ records, including electronic records if applicable;}
\]

\[\text{i. The establishment, updating, and enforcement of house rules, including:}
\]
\[\text{i. If applicable, curfews;}
\]
\[\text{ii. Requirements related to chores, smoking, and visitors; and}
\]
\[\text{iii. Requirements for the storage, security, and use of a resident’s prescription medications or over-the-counter drugs;}
\]

\[\text{k. Management of all monies received or spent by the sober living home, including:}
\]
\[\text{i. Accounting for monies received by residents;}
\]
\[\text{ii. Prohibiting a requirement for an individual or resident to sign a document relinquishing the resident’s public assistance benefits, such as medical assistance, case assistance, or supplemental nutrition assistance program benefits, as a condition of residency; and}
\]
\[\text{iii. Providing copy of the record of the resident’s account to the resident or the resident’s representative upon request;}
\]

\[\text{l. Specific steps for:}
\]
\[\text{i. A resident to file a complaint,}
\]
\[\text{ii. The sober living home to respond to a resident’s complaint and}
\]
\[\text{iii. The prevention of retaliation against a resident who files a complaint;}
\]

\[\text{m. How the licensee or the manager will respond to:}
\]
\[\text{i. A resident’s loss of sobriety; or}
\]
\[\text{ii. A resident’s sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual;}
\]

\[\text{n. The provision of naloxone, including requirements for:}
\]
\[\text{i. Providing training to the manager and any other staff on the correct use of naloxone; and}
\]
\[\text{ii. Ensuring the naloxone provided is available and not beyond the listed expiration date; and}
\]

\[\text{o. Termination of residency, including:}
\]
\[\text{i. Planning for termination of residency when the services provided by the sober living home are no longer needed by a resident, including assisting the resident to find other housing;}
\]
\[\text{ii. Coordinating the relocation of a resident to a health care institution or another sober living home if the resident needs services outside the scope of services provided by the sober living home;}
\]
\[\text{iii. Coordinating the relocation of a resident to another sober living home or other housing option if the resident terminates residency; and}
\]
\[\text{iv. Addressing factors that may negatively impact the surrounding neighborhood.}
\]

\[\text{C. A licensee shall:}
\]
\[\text{1. Not act as a patient’s representative; and}
\]
\[\text{2. Ensure that a manager, an employee, or a family member of a manager or employee does not act as a resident’s representative.}
\]

\[\text{D. If a manager has a reasonable basis, according to A.R.S. § 46-454, to believe abuse or exploitation of a resident has occurred on the premises, the manager shall:}
\]
\[\text{1. If applicable, take immediate action to stop the suspected abuse or exploitation;}
\]
\[\text{2. Immediately report the suspected abuse or exploitation of the resident according to A.R.S. § 46-454;}
\]

\[\text{3. Document:}
\]
\[\text{a. The suspected abuse or exploitation,}
\]
\[\text{b. Any action taken according to subsection (D)(1), and}
\]
\[\text{c. The report in subsection (D)(2); and}
\]
\[\text{4. Maintain the documentation in subsection (D)(3) for at least 12 months after the date of the report in subsection (D)(2).}
\]

\[\text{E. A manager shall notify:}
\]
\[\text{1. A resident’s representative, family member, or other emergency contact designated by the resident according to R9-12-}
\]

\[\text{202(C)(2):}
\]
a. Within one calendar day after:
   i. The resident’s death, or
   ii. The resident has an illness or injury that requires immediate intervention by an emergency medical services provider or treatment by a health care provider; and

b. Within seven calendar days after the manager determines that a resident is:
   i. Incapable of handling financial affairs, or
   ii. Not complying with the residency agreement; and

2. The Department, in a Department-provided format, of a resident’s death, within one working day after the resident’s death, if the resident’s death is required to be reported according to A.R.S. § 11-593.

F. If a sober living home provides or arranges transportation for residents, a manager shall ensure that the vehicle used for transportation:
1. Is in good working order, and
2. Has a seat belt for each occupant of the vehicle.

G. A manager shall ensure that the following are conspicuously posted in a sober living home:
1. The license of the sober living home;
2. The name and contact information for the individual or business organization controlling the sober living home; and
3. A statement of resident’s rights, including:
   a. The right to file a complaint about the manager or the sober living home,
   b. How to file a complaint about the manager or the sober living home, and
   c. The phone number for the unit in the Department responsible for licensing and monitoring the sober living home.

H. A licensee shall ensure that a personnel record is established for a manager and any other staff of a sober living home that includes the individual’s:
1. Name;
2. Date of birth;
3. Contact telephone number; and
4. Documentation of:
   a. Verification of skills and knowledge sufficient to carry out the sober living home’s scope of services;
   b. Training in the use of naloxone; and
   c. If applicable:
      i. Certification in cardiopulmonary resuscitation, and
      ii. Compliance with subsection (B)(1)(b).

I. A licensee shall ensure that:
1. The manager or other staff of the sober living home is on the premises within 30 minutes after notification by the Department of the Department’s presence at the sober living home; and
2. The Department is allowed immediate access to all:
   a. Areas of the premises;
   b. Information in records pertaining to the sober living home or residents, except as prohibited by 42 CFR, Part 2; and
   c. Staff or residents of the sober living home who are on the premises.

J. If the Department notifies the licensee of noncompliance with requirements in A.R.S. Title 36, Chapter 18, Article 4, or this Chapter, the licensee shall:
1. Within 14 calendar days after the date of the Department’s notice of noncompliance, establish a plan of correction, if applicable, for correction of a deficiency; and
2. Ensure that a deficiency listed on the plan of correction is corrected within 30 calendar days after the date of the plan of correction or within a time period the Department and the licensee agree upon in writing.

R9-12-202. Residency Agreements

A. Within three calendar days before or at the time of acceptance into a sober living home, an individual requesting to be a resident of the sober living home shall provide proof of sobriety to the manager of the sober living home.

B. A manager shall not accept or retain an individual as a resident of a sober living home if the individual:
1. Is not at least 18 years of age,
2. Cannot provide proof of sobriety, or
3. Needs more support to maintain sobriety than is within the scope of services for the sober living home.

C. Before or at the time of an individual’s acceptance by a sober living home, a manager shall ensure that there is a documented residency agreement between the individual and the sober living home that includes:
1. The individual’s name;
2. The name and phone number of an emergency point of contact, which may be a family member or another individual designated by the individual;
3. Information about the individual’s:
   a. Length of sobriety;
   b. History of previous recovery activities; and
   c. Source of referral to the sober living home, if applicable;
4. Terms of occupancy, including:
   a. Date of occupancy or expected date of occupancy,
   b. Resident responsibilities, and
   c. Responsibilities of the sober living home;
5. The consequences of a loss of sobriety;
6. A description of the room for the individual to occupy;
7. A list of the services to be provided by the sober living home to a resident;
8. The fees to be charged to the individual for residency in the sober living home;
9. A list of the services available from the sober living home at an additional fee or charge and the associated fees or charges;
10. The policy for refunding fees, charges, or deposits;
11. The policy and procedure for a resident to terminate residency, including terminating residency because services were not provided to the resident according to the residency agreement;
12. The policy and procedure for a sober living home to terminate residency;
13. A statement that a resident has a right to file a complaint about the sober living home, manager, or licensee and a description of the complaint process;
14. A statement that a resident is expected to:
   a. Comply with the terms of the residency agreement and requirements established for residents according to R9-12-201(B)(2)(a)(iii) or R9-12-201(B)(3)(j);
   b. Maintain sobriety; and
   c. Participate in activities to improve life skills, support independent living, and promote recovery:
      i. Such as a treatment program, a self-help group, or another program to support sobriety and recovery; and
      ii. That may include job training, school, or looking for a job;
15. A statement that a sober living home may not require an individual to relinquish the individual’s public assistance benefits, such as medical assistance, case assistance, or supplemental nutrition assistance program benefits, as a condition of residency;
16. A statement that a sober living home must notify a family member or other emergency contact of the individual, according to R9-12-201(E)(1), if the individual:
   a. Dies while a resident of the sober living home,
   b. Has an illness or injury that requires immediate intervention by an emergency medical services provider or treatment by a health care provider,
   c. Appears to be incapable of handling financial affairs, or
   d. Is not complying with the residency agreement;
17. The name and contact information for the individual or business organization controlling the sober living home;
18. The signature of the individual and the date signed; and
19. The manager’s signature and date signed.

D. A manager shall:
1. Before or at the time of an individual’s acceptance by a sober living home, provide to the resident or resident’s representative a copy of:
   a. The residency agreement in subsection (C), and
   b. Resident’s rights; and
2. Maintain the original of the residency agreement in subsection (C) in the resident’s record.

E. A manager may terminate residency of a resident as follows:
1. Without notice, if the resident exhibits behavior that is an immediate threat to the health and safety of the resident or other individuals in a sober living home;
2. With a seven-calendar-day written notice of termination of residency:
   a. For nonpayment of fees, charges, or deposit; or
   b. Under the conditions in subsection (B)(3); or
3. With a 14-calendar-day written notice of termination of residency, for any other reason.

F. A manager shall ensure that a written notice of termination of residency includes:
1. The date of notice;
2. The reason for termination of residency;
3. If termination of residency is because the resident needs more support to maintain sobriety than is within the scope of services for the sober living home, a description of why the sober living home cannot meet the resident’s needs;
4. The policy for refunding fees, charges, or deposits; and
5. The deposition of a resident’s fees, charges, and deposits.

R9-12-203. Resident Rights
A. A resident shall ensure that:
1. A resident is not subjected to:
   a. Abuse,
   b. Exploitation,
   c. Coercion,
   d. Manipulation,
   e. Sexual abuse,
   f. Sexual assault, or
   g. Retaliation for submitting a complaint to the Department or another entity; and
2. A resident or the resident’s representative is informed of and given the opportunity to ask questions about:
   a. The residency agreement,
   b. The costs associated with residency,
   c. The resident’s rights and responsibilities,
   d. The prohibition of the possession of alcohol or illicit drugs at the sober living home,
   e. Drug and alcohol testing and other assessments of sobriety,
   f. The consequences of loss of sobriety, and
   g. The complaint process.
A resident has the following rights:

1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
2. To receive services that support the resident’s sobriety, including, if applicable, continuing to receive medication-assisted treatment while a resident;
3. To have a secure place to store personal belongings, medications, or other personal items to deter misappropriation by another individual;
4. To be able to gain access to the sober living home at any time while a resident;
5. To have access to all areas of the sober living home’s premises, except for:
   a. The bedrooms and secure storage locations of other residents,
   b. The bedroom and secure storage locations of the manager or other staff, and
   c. Areas of the sober living home used as the manager’s office or for storage of records or supplies for assessment of sobriety;
6. To have access to meals prepared in the sober living home;
7. To review, upon written request, the resident’s own record; and
8. To receive assistance in locating another place to live if the resident’s record indicates that the resident:
   a. No longer needs the services of a sober living home, or
   b. Needs more services and support to maintain sobriety than the sober living home is authorized to provide.

R9-12-204. Resident Records

A. A manager shall ensure that a resident record is established and maintained for each resident that includes:

1. The original of the residency agreement in R9-12-202(C);
2. The date the resident received orientation to the sober living home, as required by R9-12-205(A);
3. A copy of each drug and alcohol test performed on the resident by an independent testing facility, including the date of the test and the test result;
4. Any other assessments of sobriety performed on the resident, including:
   a. The date of the assessment,
   b. A description of the assessment,
   c. The result of the assessment, and
   d. The name of the individual conducting the assessment;
5. Documentation of the resident’s attendance at and participation in treatment, self-help groups, and other supports that promote recovery, including:
   a. The name or a description of the support towards recovery, and
   b. The date of the resident’s attendance;
6. A current list of medications taken by the resident and the resident’s medical conditions;
7. An account of monies received from the resident and any expenditures made specific to the resident;
8. Documentation of any complaints made by or about the resident and the outcome of each complaint;
9. Documentation of any notification made according to R9-12-201(E) about the resident; and
10. If applicable, documentation related to termination of residency, including:
    a. Whether termination of residency was initiated by the resident or the sober living home,
    b. The reason for termination of residency,
    c. Any assistance the resident received in locating another place to live, and
    d. The date the residency ended.

B. A licensee shall ensure that a resident’s record is:

1. Protected from loss, damage, or unauthorized use;
2. Available for review by the resident or the resident’s representative, within 24 hours after a request; and
3. Maintained for at least 12 months after the termination of residency.

R9-12-205. Sober Living Home Services

A. Within 24 hours after an individual becomes a resident of a sober living home, a licensee shall ensure that the resident receives orientation to the sober living home and premises, according to policies and procedures, that includes:

1. The location of all exits from the sober living home and the route to evacuate the sober living home in case of an emergency;
2. The location of the first-aid kit required in R9-12-206(1);
3. The use of the kitchen of the sober living home, including:
   a. Operation of the appliances,
   b. Use of food storage areas, and
   c. Removal of garbage and refuse;
4. The use of the washing machine and dryer;
5. The dates, time, and location of house meetings;
6. The prohibition of the possession of alcohol or illicit drugs at the sober living home;
7. Review and discussion of specific resident requirements, as applicable, such as curfews, smoking, visitors, signing in or out of the sober living home, meal preparation schedule, chore schedule, or other house rules;
8. Review and discussion of requirements related to R9-12-201(B)(2)(a)(iii); and
9. The information required according to R9-12-201(B)(3)(n).

B. A manager shall:

1. Conduct drug and alcohol testing according to policies and procedures;
2. Assist a resident to identify and participate in programs to support sobriety and recovery;
3. Provide to a resident information about community resources, such as nearby bus routes, grocery stores, department stores, other places to obtain food or other personal items, schools, libraries or other locations providing access to computers, or other locations providing items or services a resident may need.

R9-12-206. Emergency and Safety Standards
A manager shall ensure that:
1. A first aid kit is available at a sober living home sufficient to meet the needs of residents;
2. Naloxone is available and accessible to the manager, staff, and residents of the sober living home;
3. A smoke detector and, if there is a gas line in the sober living home, a carbon monoxide detector are installed in:
   a. A bedroom used by a resident;
   b. A hallway in a sober living home, and
   c. A sober living home’s kitchen;
4. The smoke detector and, if applicable, carbon monoxide detector in subsection (3) are:
   a. Either battery operated or, if hard-wired into the electrical system of the sober living home, have a back-up battery; and
   b. In working order;
5. A fire extinguisher that is labeled as rated at least 1A-10-BC by the Underwriters Laboratories:
   a. Is maintained in the sober living home’s kitchen;
   b. If a disposable fire extinguisher, is replaced when its indicator reaches the red zone; and
   c. If a rechargeable fire extinguisher:
      i. Is serviced at least once every 12 months, and
      ii. Has a tag attached to the fire extinguisher that specifies the date of the last servicing and the identification of the person who serviced the fire extinguisher;
6. An evacuation path is conspicuously posted on each hallway of each floor of the sober living home;
7. A written evacuation plan is maintained and available for use by the manager, any other staff of the sober living home, and any resident in a sober living home;
8. An evacuation drill is conducted at least once every six months; and
9. A record of an evacuation drill required in subsection (8) is maintained for at least 12 months after the date of the evacuation drill.

R9-12-207. Environmental and Physical Plant Requirements
A. A licensee shall ensure that a sober living home:
1. Is free of any plumbing, electrical, ventilation, mechanical, chemical, or structural hazard that may result in physical injury or illness to an individual or jeopardize the health or safety of a resident;
2. Has a kitchen for use by the manager and residents of the sober living home;
3. Has a living room accessible at all times to a resident;
4. Has a dining area furnished for group meals that is accessible to the manager, residents, and any other individuals present in the sober living home;
5. For each five residents of the sober living home, has at least one bathroom equipped with:
   a. A working toilet that flushes and has a seat;
   b. A sink with running water accessible for use by a resident; and
   c. A working bathtub or shower with a slip-resistant surface;
6. Has heating and cooling systems that maintain the sober living home at a temperature between 70° F and 84° F at all times, unless individually controlled by a resident;
7. Has a supply of hot and cold water that is sufficient to meet the personal hygiene needs of residents and the cleaning requirements in this Article;
8. Has a working washing machine and dryer that is accessible to a resident; and
9. Has a working telephone that is accessible to a resident.
B. If the sober living home has a swimming pool, a licensee shall ensure that:
1. The swimming pool is equipped with the following:
   a. An operational water circulation system that clarifies and disinfects the swimming pool water continuously and that includes at least:
      i. A removable strainer,
      ii. Two swimming pool inlets located on opposite sides of the swimming pool, and
      iii. A drain located at the swimming pool’s lowest point and covered by a grating that cannot be removed without using tools; and
   b. An operational cleaning system;
2. The swimming pool is enclosed by a wall or fence that:
   a. Is at least five feet in height as measured on the exterior of the wall or fence;
   b. Has no vertical openings greater that four inches across;
   c. Has no horizontal openings, except as described in subsection (B)(2)(e);
   d. Is not chain-link;
   e. Does not have a space between the ground and the bottom fence rail that exceeds four inches in height; and
   f. Has a self-closing, self-latching gate that:
      i. Opens away from the swimming pool,
      ii. Has a latch located at least 54 inches from the ground, and
      iii. Is locked when the swimming pool is not in use; and
3. A life preserver or shepherd’s crook is available and accessible in the swimming pool area.
C. A licensee shall ensure that:
1. A bedroom for use by a resident:
   a. Is separated from a hall, corridors, or other habitable room by floor-to-ceiling walls containing no interior openings except doors and is not used as a passageway to another bedroom or habitable room;
   b. Provides sufficient space for an individual in the bedroom to have unobstructed access to the bedroom door;
   c. Has at least one openable window or door to the outside for use as an emergency exit;
   d. Contains for each resident using the bedroom:
      i. A separate, adult-sized, single bed or larger bed with a clean mattress in good repair; and
      ii. Clean bedding appropriate for the season; and
   e. If used for:
      i. Single occupancy, contains at least 60 square feet of floor space; or
      ii. Two or more residents, has an area of at least 50 square feet per resident;
2. A mirror is available to a resident for grooming; and
3. Each resident has individual storage space available for personal possessions and clothing.

D. A manager shall ensure that:
1. A sober living home:
   a. Is maintained free of a condition or situation that may cause a resident or another individual to suffer physical injury;
   b. Has equipment and supplies to maintain a resident’s personal hygiene that are accessible to the resident;
   c. Is clean and free from accumulations of dirt, garbage, and rubbish; and
   d. Implements a pest control program to minimize the presence of insects and vermin at the sober living home;
2. An appliance, light, or other device with a frayed or spliced electrical cord is not used at the sober living home;
3. An electrical cord, including an extension cord, is not run under a rug or carpeting, over a nail, or from one room to another at the sober living home;
4. A resident does not share a bedroom with an individual who is not a resident;
5. A resident’s bedroom is not used to store anything other than the furniture and articles used by the resident and the resident’s belongings;
6. A resident has a lockable or other secure storage location for medications, valuables, or other personal belongings to deter misappropriation by other individuals that is accessible only by the resident and the manager;
7. If pets or animals are allowed in the sober living home, pets or animals are:
   a. Controlled to prevent endangering the residents and to maintain sanitation;
   b. Licensed consistent with local ordinances; and
   c. For a dog or cat, vaccinated against rabies;
8. If a water source that is not regulated under 18 A.A.C. 4 by the Arizona Department of Environmental Quality is used:
   a. The water source is tested at least once every 12 months for total coliform bacteria and fecal coliform or E. coli bacteria;
   b. If necessary, corrective action is taken to ensure the water is safe to drink; and
   c. Documentation of testing is retained for at least 12 months after the date of the test; and
9. If a non-municipal sewage system is used, the sewage system is in working order and is maintained according to applicable state laws and rules.

NOTICE OF FINAL RULEMAKING
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL

PREAMBLE

1. Article, Part, or Section Affected (as applicable) | Rulemaking Action
---|---
R18-2-1201 Amend
R18-2-1202 Amend
R18-2-1203 Amend
R18-2-1204 Amend
R18-2-1205 Amend
R18-2-1206 Amend
R18-2-1207 Amend
R18-2-1208 Renumber
R18-2-1208 New Section
R18-2-1209 New Section
R18-2-1210 Renumber
R18-2-1210 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. §§ 49-104(A)(1) and (A)(10); 49-425(A)
   Implementing statute: A.R.S. §§ 49-410
3. The effective date of the rules:
July 28, 2019

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rule:
Notice of Rulemaking Docket Opening: 25 A.A.R. 51, January 4, 2019
Notice of Proposed Rulemaking: 25 A.A.R. 8, January 4, 2019

5. The agency's contact person who can answer questions about the rulemaking:
Name: Steve Burr
Address: Department of Environmental Quality
1110 W. Washington Ave.
Phoenix, AZ 85007
Telephone: (602) 771-4251 (This number may be reached in-state by dialing 1-800-234-5677 and entering the seven digit number.)
Fax: (602) 771-2366
E-mail: Burr.Steven@azdeq.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:

Summary.
The purpose of this rulemaking is to implement changes to the Voluntary Arizona Emissions Bank enacted by the legislature in 2017 amendments to A.R.S. § 49-410. Before the amendments, the emissions bank was limited to accepting emission reduction credits (ERCs) generated by stationary sources permitted under A.R.S. § 49-426 or 49-480. In order to promote the creation of ERCs for potential use as offsets in nonattainment areas, the legislature amended the statute to allow reductions in emissions from “any activity” to qualify for credits, as long as the reductions satisfy the offset requirements of the federal Clean Air Act.

In this rulemaking, ADEQ is adopting amendments to the A.A.C. title 18, chapter 2, article 12 to allow the deposit of credits for emissions reductions achieved by non-permitted activities in the emissions bank. In addition, ADEQ is adopting a rule allowing for the creation of ERCs through the voluntary adoption of an emissions reduction plan approved by EPA into the SIP.

Background.
Clean Air Act Offset Requirements for Nonattainment Areas
Under Title I, Part D of the Clean Air Act, the state implementation plan (SIP) for an area that is designated as nonattainment for a national ambient air quality standard (NAAQS) must include a program, known as nonattainment new source review (NNSR), to control emissions from newly constructed “major sources” or “major modifications” to existing major sources.

In most nonattainment areas a major source is a stationary source with the potential to emit 100 tons per year or more of either the pollutant for which the area is designated nonattainment or a precursor to that pollutant. In nonattainment areas classified as serious or worse, the major source threshold is lower. For example, in serious ozone nonattainment areas the major source threshold is 50 tons per year, and in serious PM10 nonattainment areas it is 70 tons per year.

A major modification is a physical or operational change to a major source that results in a significant emissions increase. The rate of emissions considered significant varies by pollutant. For example, for volatile organic compounds (VOC) and oxides of nitrogen (NOx), which are precursors of ozone, the significant rate is 40 tons per year; for PM10 it is 15 tons per year.

A new major source or major modification subject to NNSR must obtain a permit assuring, among other things, that decreases in emissions from other sources in the nonattainment area will completely offset the emissions increase resulting from the source or modification. In ozone nonattainment areas, offsets must exceed the emissions increase from the new source or modification by a ratio that varies with the area’s classification. In moderate nonattainment areas, for example, the ratio is 1.15 to 1.

ADEQ’s rules requiring NNSR permits and offsets can be found in R18-2-402 to R18-2-404 and have been approved into the SIP by EPA. Under these rules and EPA guidance, for an emissions decrease to qualify as an offset, it must be permanent, quantifiable, surplus, enforceable, and real. A reduction is surplus if it is not already required by a state or federal air quality regulation and has not been relied upon in the SIP. A reduction is real if it is a reduction in actual emissions released to the air. To qualify as enforceable, a reduction must be enforceable both by the state and by EPA.

Offset Creation and Acquisition
The most common method of creating offsets is to voluntarily eliminate or reduce emissions from a permitted stationary source by shutting down the source or by adopting air pollution controls that go beyond those required by existing regulation. Terminating the permit for a source that is shutting down is generally sufficient to assure that the shutdown, and the resulting reduction in emissions, is permanent, quantifiable, enforceable, and real. (To demonstrate that the reduction is surplus would entail an analysis of existing applicable requirements and SIPs.) A source voluntarily adopting controls can satisfy these criteria by agreeing to the inclusion of appropriate conditions – such as monitoring, recordkeeping, and reporting requirements – in its permit. ADEQ rule R18-2-306.01 provides an EPA-approved method for a source to voluntarily accept such conditions.

 Emitting activities that do not require a permit, such as the operation of a vehicle fleet, require some other regulatory mechanism for assuring that emission reductions are enforceable and otherwise qualify as offsets. In some cases, it is possible to accomplish this through adoption of an EPA-approved rule (called an “offset-creation rule” in the amendments to article 12) that establishes criteria and processes for assuring that reductions from a particular type of unpermitted activity are permanent, quantifiable, surplus, enforceable, and real. For example, Rule 242 adopted by the Maricopa County Air Quality Department (MCAQD) provides a process for making PM10 emissions reductions from voluntary paving projects enforceable and assuring that they otherwise meet
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:

None

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

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

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement (ESBCIS) under A.R.S. § 41-1055.
An identification of the rulemaking.
The rulemaking consists of amendments to A.A.C. title 18, chapter 2, article 12 designed to implement Laws 2017, ch. 225, which amends A.R.S. § 49-410 to allow the deposit in the Voluntary Arizona Emissions Bank of emission reductions from activities other than sources required to obtain an air quality permit. The amendments establish two different paths for depositing emission reduction credits from unpermitted activities. First, R18-2-1204 would allow the certification and deposit of credits from activities subject to an EPA-approved rule for creating offsets from reductions at a particular type of activity. Second, R18-2-1205 would allow activities not subject to a type-specific rule to obtain certified credits by filing and obtaining ADEQ (or county) and EPA approval of an enforceable emission reduction plan.

An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.
Compliance with article 12 is voluntary and is already open to stationary sources that either generate emission reductions that can be used as offsets or require offsets in order to comply with nonattainment new source review (NNSR) permitting requirements. Only those persons who voluntarily choose to comply with R18-2-1204 or R18-2-1205 in order to deposit emission reduction credits generated by activities that do not require an air quality permit will bear the costs of these amendments to article 12. Unpermitted activities that could generate such reductions include fleets of vehicles or other mobile sources, unpaved roads, and truck stops.

A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rulemaking.
The cost to ADEQ of administering the emissions bank has been, and is expected to continue to be, minimal.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking.
No costs will be imposed on political subdivisions by this rulemaking. County air quality agencies will continue to have the option to seek delegation to certify emission reduction credits for deposit into the emissions bank.

(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.
Since participation in the bank is voluntary, this rulemaking will impose no costs on businesses.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.
No impact on private or public employment is anticipated.

A statement of the probable impact of the rulemaking on small businesses.

(a) An identification of the small businesses subject to the rulemaking.
Under A.R.S. § 41-1001(21):
“Small business” means a concern, including its affiliates, which is [1] independently owned and operated, which is [2] not dominant in its field and which [3] employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year. (Emphasis added.)

No small businesses will be required to comply with amended article 12. However, small business that could generate reductions in emissions from a non-permitted activity could choose to seek certification and deposit of emission reduction credits in the emissions bank and thus become subject to the amended rule’s requirements.

(b) The administrative and other costs required for compliance with the rulemaking.
The above analysis for businesses in general would apply as well to small businesses.

(c) A description of the methods that the agency may use to reduce the impact on small businesses.
(i) Establishing less costly compliance requirements in the rulemaking for small businesses.
ADEQ is not aware of any less costly methods for allowing the banking of emission reduction credits generated by non-permitted activities.

(ii) Establishing less costly schedules or less stringent deadlines for compliance in the rulemaking.
Not applicable to this rulemaking.

(iii) Exempting small businesses from any or all requirements of the rulemaking.
Not applicable, since compliance is voluntary.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

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ADEQ does not believe this rulemaking will have any effect on private persons and consumers.

A statement of the probable effect on state revenues.
ADEQ does not believe this rulemaking will have any effect on state revenues.

A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking.
ADEQ is not aware of any less intrusive or costly methods.

10. **A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking.**
Proposed R18-2-1205(G), which would have delayed the effective date of R18-2-1205 until approved by EPA into the SIP, has been deleted from the final rule. Other than that, ADEQ has made only minor technical and clarifying changes to the rule as proposed.

11. **An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**
ADEQ received no comments on the proposed rulemaking.

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

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 amendments do not require a permit.

b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
This rule is no more stringent than required by 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:**
No such analysis has been submitted.

13. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**
Not applicable

14. **Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**
Not applicable

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

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY**

**AIR POLLUTION CONTROL**

**ARTICLE 12. VOLUNTARY EMISSIONS BANK**

Section
R18-2-1201. Definitions
R18-2-1202. Applicability
R18-2-1203. Emissions Bank Administration Certification of Credits for Emission Reductions by Permitted Generators
R18-2-1204. Credit Generation Certification of Credits for Emission Reductions by Regulatory Generators
R18-2-1205. Credit Certification of Credits for Emission Reductions by Plan Generators; Enforcement
R18-2-1206. Credit Utilization Opening Emissions Bank Accounts
R18-2-1207. Credit Withdrawal Registration of Emission Reduction Credits in Emissions Bank
R18-2-1208. Transfer, Use, and Retirement of Emission Reduction Credits
R18-2-1209. Exclusion of Emission Reduction Credits from Planning
R18-2-1210. Fees

**ARTICLE 12. VOLUNTARY EMISSIONS BANK**

R18-2-1201. Definitions
In addition to the definitions contained in Article 1 of this Chapter, and A.R.S. § 49-401.01, the following definitions apply to this Article:
“Account holder” means any person or entity who has opened an account in the emissions bank under R18-2-1206.

“Certification authority” means the Department or the county or multi-county district to which the Department has delegated authority to certify emission reduction credits under A.R.S. § 49-410(C).

“Certified credit” means an emission reduction credit that meets the criteria under R18-2-1205 has been issued under R18-2-1205(C)(2), R18-2-1204(B), or R18-2-1205(E)(3).
2. “Conditional credit” means an emission reduction credit for a reduction in emissions by a plan generator that is in the review process before qualifying for certification under R18-2-1205, the certification authority has issued under R18-2-1205(D)(2) but the Administrator has not yet approved under R18-2-1205(E)(3).

3. “Credit generation” means the process by which a source obtains emission reduction credits for eventual listing in the registry.

4. “Credit retirement” means a person’s purchase of a banked emission reduction credit for the purpose of permanent removal from the emissions bank.

5. “Credit utilization” means the use of a certified emission reduction credit.

6. “Credit withdrawal” means the removal of an emission reduction credit from the bank by the source originally depositing the emission reduction credit.

7. “Emission reduction credit” or “credit” means a certified unit that may be banked, sold, transferred, withdrawn, or retired if it is in the review process before qualifying for certification under R18-2-1205, the certification authority has issued under R18-2-1205(D)(2) but the Administrator has not yet approved under R18-2-1205(E)(3).

8. “Emission reduction plan” means a plan submitted under R18-2-1205 for ensuring that reductions in qualifying emissions by a plan generator are permanent, quantifiable, surplus, enforceable, and real.

9. “Generator” means any permitted source or other activity that has made or proposes to make reductions in qualifying emissions.

10. “Generator” means any permitted source or other activity that has made or proposes to make reductions in qualifying emissions.

11. “Permitted generator” means a generator that is a stationary source subject to a permit, other than a general permit, issued under A.R.S. § 49-426 or 49-480 and that seeks credits for reductions that are or will be made enforceable through permit condition.

12. “Planning authority” means the organization responsible for preparing the state implementation plan for an area under A.R.S. § 49-402, or R18-2-1205 but that have not yet been issued as conditional or certified credits.

13. “Pending credits” means emission reduction credits for which an application has been submitted under R18-2-1203, R18-2-1204, or R18-2-1205 but that have not yet been issued as conditional or certified credits.

14. “Real” means that a reduction in qualifying emissions is a reduction in actual emissions released to the air resulting from a physical change or change in the method of operations of a generator.

15. “Regulatory generator” means a generator that has achieved reductions in qualifying emissions in compliance with an offset-creation rule.

16. “Surplus” means the amount of a permitted source’s emission reduction that is not required by federal, state, or local law to achieve a reduction in qualifying emissions and is not otherwise required by an applicable requirement and not relied upon in the state implementation plan.

17. “Ton” includes fraction of a ton as necessary to reflect the total amount of emissions reductions achieved or to be achieved by a generator.
R18-2-1202. Applicability

The provisions of this Article apply to permitted sources emitting particulate matter, sulfur dioxide, carbon monoxide, nitrogen oxides, or volatile organic compounds. The provisions of this Article shall not apply to sources granted authority to operate under 18 A.A.C. 2, Article 5.

A. Applicability. This Article applies to the following persons and entities:
1. The owners or operators of generators.
2. The owners or operators of stationary sources that intend to use credits as offsets.
3. Other account holders.
4. Planning authorities.

B. Voluntary Participation. The certification of credits and registration of credits in the emissions bank under this article is voluntary and is not a condition to the creation or use of emission reductions as offsets.

R18-2-1203. Emissions Bank Administration Certification of Credits for Emission Reductions by Permitted Generators

A. The Director shall place an emission reduction credit in the emissions bank credit registry upon conditional certification, certification, pending use, and final disposition. For each credit, the Director shall place in the registry:
1. Source's contact name and information;
2. Source name and information;
3. Amount and type of pollutant;
4. Date of emission reduction and credit status.

B. The Director shall issue a certificate of deposit to the reducing source for each certified credit deposited in the bank, and issue a certificate of retirement to a person for each certified credit permanently retired.

A. Application.
1. An application for credits for reductions in qualifying emissions at any time after filing either:
   a. An application for a permit revision seeking the imposition of conditions to make the reductions in qualifying emissions enforceable; or
   b. A notice of permit termination seeking to make the shutdown of a stationary source, and the resulting reductions in qualifying emissions, enforceable.
2. An application for credits shall be filed with the certification authority on the form prescribed by the Department and shall include:
   a. The emissions bank account number obtained under R18-2-1206 for the owner or operator;
   b. Information on the identity, type, ownership, and location of the permitted generator;
   c. A description of the actions that have resulted or will result in the reductions in qualifying emissions;
   d. Information on the amount and methodology for calculating the reductions in qualifying emissions for each pollutant subject to the application;
   e. Other information necessary to verify that the reductions in qualifying emissions qualify as permanent, quantifiable, surplus, enforceable, and real;
   f. The actual dates or anticipated dates of the reductions in qualifying emissions, as applicable; and
   g. A signed statement by a responsible official, as defined in R18-2-301, verifying the truthfulness and accuracy of all information provided in the application.

B. Notification and Consultation.
1. If the certification authority is not the permitting authority for the generator, the certification authority shall:
   a. Provide a copy of the application for credits to the permitting authority; and
   b. Consult with permitting authority on whether the reductions in qualifying emissions qualify as permanent, quantifiable, surplus, enforceable, and real.
2. If the owner or operator files the application for credits before final action on the permit revision or termination of the permit and the permitting authority for the generator is not the certification authority, the permitting authority shall provide notice of final action on the permit revision or termination of the permit to the certification authority.

C. Action on Application.
1. The certification authority shall deny the application for credits if:
   a. The permitting authority denies the permit revision or termination on which enforceability of the reductions in qualifying emissions is based; or
   b. None of the reductions in emissions qualify as permanent, quantifiable, surplus, enforceable, and real.
2. The certification authority shall grant the application and issue one certified credit for each ton per year of reduction that qualifies as permanent, quantifiable, surplus, enforceable, and real.

R18-2-1204. Credit Generation Certification of Credits for Emission Reductions by Regulatory Generators

A. A source wanting to generate an emission reduction for deposit into the bank shall submit a Credit Generation Application (CGA) to the Director on a form prescribed by the Director. The CGA shall contain:
1. The company name;
2. The company mailing address;
3. The owner, co-owner, or partner;
4. The contact person name, title, and telephone number;
5. The permitted source name, location, permit number, and industry code;
6. The pollutant;
7. The attainment status of the area where the source is located;
8. The amount of actual emissions reduced;
The date of emission reduction to be credited;

The description of emission reduction credit generation activity;

The reduction plan and certification of truthfulness and accuracy by a responsible official as defined in R18-2-301(17);

The name, title, and telephone number of the responsible official.

The source shall submit a copy of the CGA to the permitting authority with an application to revise the permit or request to terminate the permit.

Upon receipt by the Director of the CGA with a check for the administrative fee specified in R18-2-1208(A), the Director shall list each conditional credit in the registry.

A. Application.

1. The owner or operator of a regulatory generator may apply for credits for reductions in qualifying emissions at any time after complying with the applicable offset-creation rule.

2. An application for credits shall be filed with the certification authority on the form prescribed by the Department and shall include:
   a. The emissions bank account number obtained under R18-2-1206 for the owner or operator;
   b. A copy of a determination of compliance with the offset-creation rule by the agency administering the rule; and
   c. A signed statement by a responsible official, as defined in R18-2-301, verifying the truthfulness and accuracy of all information provided in the application.

B. Action on Application. The certification authority shall grant the application and issue one certified credit for each ton per year of reduction that the agency administering the offset-creation rule has determined to be in compliance with the rule.

R18-2-1205. Credit Certification of Credits for Emission Reductions by Plan Generators; Enforcement

A. A permitting authority may certify an emission credit if the permitting authority verifies the credit is based on:

1. A reduction in actual emissions that occurred after August 17, 1999;

2. A quantifiable reduction in actual emissions;

3. A permanent reduction in actual emissions;

4. An enforceable reduction in actual emissions; and

5. A surplus reduction in actual emissions occurring in addition to any other required emission reduction.

B. The source shall submit documentation of any testing or monitoring that demonstrates an emission reduction.

C. In order for an emission reduction to be quantifiable under this Section:

1. The emission reduction must be quantifiable under R18-2-301(17); and

2. The reducing source shall submit documentation of any testing or monitoring that demonstrates an emission reduction.

D. The permitting authority shall certify one emission reduction credit for each ton per year of particular matter, sulfur dioxide, carbon monoxide, nitrogen dioxide, or volatile organic compound actually reduced.

E. A banked credit does not expire.

F. The permitting authority shall notify the source and the Director that a credit is certified. Upon receipt of the notice, the Director shall issue a certificate for each certified credit to the applicant identified in R18-2-1204, and list the certified credit in the registry.

A. Application. The owner or operator of a plan generator may apply for credits for reductions in qualifying emissions by filing an application with the certification authority. The application shall be filed on the form prescribed by the Department and shall include:

1. The emissions bank account number obtained under R18-2-1206 for the owner or operator;

2. Information on the identity, type, ownership, and location of the plan generator;

3. An emission reduction plan satisfying subsection (B); and

4. A signed statement by a responsible official, as defined in R18-2-301, verifying the truthfulness and accuracy of all information provided in the application.

B. Emission Reduction Plan Contents. An emission reduction plan for a program to reduce qualifying emissions at a plan generator shall include the following elements:

1. A clearly defined purpose and goal;

2. A clearly defined scope that identifies affected activities and assures that the program will not interfere with any other applicable requirements;

3. The composition of any fleet of mobile sources that will participate in the program;

4. A calculation of baseline emissions;

5. A calculation of projected emissions after implementation of the program;

6. Methods for accounting for uncertainty in the projection of program results;

7. Reliable, replicable procedures for quantifying emissions or emission-related parameters, as appropriate;

8. Monitoring, recordkeeping, and reporting requirements that are consistent with the specified quantification procedures and allow for compliance certification and enforcement;

9. An implementation schedule, administrative system, and enforcement provisions adequate for ensuring enforceability of the program; and

10. Such other elements as the Department may reasonably require in order to assure that reductions in qualifying emissions are permanent, quantifiable, surplus, enforceable, and real.


1. The certification authority shall publish notice of the proposed action on an application submitted under this Section in the manner prescribed by A.R.S. § 49-444 and as follows:
   a. On the website for the certification authority; and
   b. By mail or email to persons on a mailing list who have requested notice of applications under this Section.

2. By no later than the date public notice is published under subsection (C)(1), the certification authority shall make a copy of the following materials available at a public location in the same county as the proposed program to reduce qualifying emissions, at the closest office of the certification authority, and on the certification authority’s website:
3. The certification authority shall accept public comment on the proposed action for at least 30 days after the first publication of the notice under subsection (C)(1).

4. The certification authority shall hold a public hearing no sooner than 30 days after the first publication of the notice under subsection (C)(1).

5. The notice shall include the following:
   a. The identity and location of the applicant;
   b. A concise description of the program for reducing qualifying emissions;
   c. The locations at which materials relating to the proposed action are available under subsection (C)(2);
   d. The date by and manner in which written comments on the proposed action may be submitted; and
   e. The location, date, and time for the hearing under subsection (C)(4).

D. Action on Application.

1. The certification authority shall deny the application for certification if none of the reductions in emissions qualifies as permanent, quantifiable, surplus, enforceable, and real.

2. The certification authority shall grant the application and issue one conditional credit for each ton per year of reductions that qualifies as permanent, quantifiable, surplus, enforceable, and real.

E. Approval by Administrator.

1. On grant of an application under subsection (D)(2) by a certification authority other than the Department, the certification authority shall transmit the conditional credits and the associated emission reduction plan to the Department for submission to the Administrator under subsection (E)(2). In addition to the credits and plan, the submission shall include all of the elements required for a revision to the state implementation plan under 40 CFR 51.

2. On issuance of conditional credits by the Department under subsection (D)(2) or receipt of conditional credits under subsection (E)(1), the Department shall submit the conditional credits and the associated emission reduction plan to the Administrator for approval as a revision to the state implementation plan.

3. On final action by the Administrator on the state implementation plan revision submitted under subsection (E)(2), the certification authority shall issue certified credits and revoke conditional credits as necessary to be consistent with the Administrator’s action.

F. Enforcement. A violation of any provision of an emission reduction plan approved by the Administrator under subsection (E) is a violation of this rule by the owner or operator of the plan generator.

R18-2-1206. Credit Utilization Opening Emissions Bank Accounts

A. A source may use a certified emission reduction credit in the same nonattainment area, maintenance area, or modeling domain in which the emission reduction occurred by submitting a Credit Utilization Application (CUA) to the Director on a form prescribed by the Director. The CUA shall contain:
   1. The name and mailing address of the source that generated the credit;
   2. The owner, co-owner, or partner of the source that generated the credit;
   3. The contact person name, title, telephone number of the source that generated the credit;
   4. The name and mailing address of the source utilizing the credit;
   5. The owner, co-owner, or partner of the source utilizing the credit;
   6. The contact person name, title, telephone number of the source utilizing the credit;
   7. The purpose of the utilization;
   8. The pollutant;
   9. The amount of emission reduction credit to be utilized;
   10. Each emission reduction credit certificate number;
   11. The signature of and verification of truthfulness and accuracy by a responsible official as defined in R18-2-301(17); and
   12. The name, title, and telephone number of the responsible official.

The source shall submit a copy of the CUA to the permitting authority at the time the source submits an application for a permit or permit revision.

B. Upon receipt by the Director of the CUA with a check for the administrative fee specified in R18-2-1208(B), the Director shall list the pending sale in the registry.

C. The Director shall not list the final sale in the registry until:
   1. The permitting authority evaluates and verifies the authenticity of the credit with the emissions bank;
   2. The permitting authority determines that there will be no adverse impact on air quality; and
   3. The permitting authority completes the permitting action and submits the credit certificate to the Director.

D. After the permitting authority notifies the Director that the requirements of this Section have been met, the Director shall delist the credit in the registry.

R18-2-1207. Credit Withdrawal Registration of Emission Reduction Credits in Emissions Bank

Any party purchasing certified credits listed in the emissions bank for the purpose of credit retirement, or any source withdrawing its own credits from the emissions bank, shall submit a CUA specified in R18-2-1204(A) with the surrendered certificates to the Director. Upon receipt of the CUA and surrendered certificates, the Director shall delist the credits in the registry.
A. Notice to Department. A certification authority other than the Department shall provide notice on the form prescribed by the Department of the following events related to emissions reduction credits:
   1. Receipt of an application under R18-2-1203(A), R18-2-1204(A), or R18-2-1205(A);
   2. Proposal to issue conditional credits;
   3. Issuance of conditional credits;
   4. Denial of an application for credits;
   5. Issuance of certified credits; and
   6. Revocation or reduction of credits.

B. Registration by Department.
   1. The Department shall register pending credits in the emissions bank account for the owner or operator of the generator on:
      a. Receipt of an application under R18-2-1203(A), R18-2-1204(A), or R18-2-1205(A); or
      b. Receipt of notice under subsection (A)(1).
   2. The Department shall register conditional credits in the emissions bank account for the owner or operator of the generator on:
      a. Approval of the application under R18-2-1205(D); or
      b. Receipt of notice under subsection (A)(3).
   3. The Department shall register certified credits in the emissions bank account for the owner or operator of the generator on:
      a. Issuance of certified credits under R18-2-1203(C)(2), R18-2-1204(B), or R18-2-1205(E)(3); or
      b. Receipt of notice under subsection (A)(5).
   4. The Department shall adjust each account in which credits are deposited as necessary to reflect:
      a. The denial of an application for credits under R18-2-1203(C)(1) or R18-2-1205(D)(1);
      b. The Administrator's final action on a state implementation plan under R18-2-1205(E);
      c. The revocation or reduction of credits by a permitting authority or an agency responsible for administering an offset-creation rule.

C. Notice of Reductions. If reductions in qualifying emissions represented by credits have not occurred by the time pending credits are registered, the generator shall provide notice to the Department and the certifying authority on the form prescribed by the Department within five days after the reductions are achieved.

D. Registration Information. For credits registered in the emissions bank, the Department shall include the following information:
   1. The name and contact information of the account holder;
   2. The name, location, and description of the generator;
   3. The name, contact information, and location of the owner or operator of the generator;
   4. For each pollutant covered by the credits, the amount and date or expected date of the reductions;
   5. The status of the credits, including whether the reductions in qualifying emissions represented by the credits have occurred and whether their use has been approved under R18-2-1208(B)(2).

R18-2-1208. Transfer, Use, and Retirement of Emission Reduction Credits

A. Transfer Procedures.
   1. An account holder may transfer certified credits held in its account to any other account holder by filing the form prescribed by the Department.
   2. On verification of the information in the transfer form, the Department shall adjust the emissions bank accounts of the transferor and transferee to reflect the transfer.

B. Use Procedures.
   1. An account holder who intends to use credits held in its account as offsets shall file an application to use the credits on the form prescribed by the Department. The notice shall include:
      a. Information on the identity, location, ownership, and emissions of the stationary source;
      b. Specification of the amount of credits to be used; and
      c. Identification of the permitting authority with jurisdiction over the stationary source;
      d. If the stationary source is seeking a permit revision, the identification number for the permit being revised.
   2. On approval of the application, the Department shall:
      a. Issue a certificate representing the credits that may be included in the permit or permit revision application of the stationary source;
      b. Notify the permitting authority of the issuance of the certificate; and
      c. Change the status of the credits to use approved.
   3. The permitting authority shall provide notice to the Department of final action on the stationary source’s application for a permit or permit revision.
   4. Reductions in qualifying emissions reflected in the credits must be implemented before actual construction of the new stationary source or modification begins.
   5. The Department shall register a withdrawal and use of credits used under subsection (B) on the later of:
      a. Receipt of notice of approval of the application for a permit or permit revision for the stationary source; or
      b. Implementation of the reductions reflected in the credits.

C. Retirement.
   1. An account holder may retire credits in its account without using them as offsets by submitting the form prescribed by the Department.
   2. On verification of the information contained in the form, the Department shall register a withdrawal and retirement of the credits from the account.
D. Continuation of Credits. Except to the extent otherwise required by the act, certified credits do not expire and continue in effect until withdrawn under subsection (B) or (C).

R18-2-1209. Exclusion of Emission Reduction Credits from Planning
Except to the extent otherwise required by the act, with regard to credits for emission reductions in an area for which a planning authority has responsibility, the planning authority shall:

1. Include the emissions for which the credits have been issued in the emissions inventory for the area as if reductions in those emissions had not yet occurred;
2. Account for the emissions for which the credits have been issued in any reasonable further progress or attainment demonstration for the area as if the reductions had not yet occurred; and
3. Refrain from relying on the reductions in any revision to the state implementation plan for the area.

R18-2-1210. Fees
A. A source generating a credit The owner or operator of a generator shall pay a non-refundable administrative fee of $200.00 to the Director of the Department when submitting the CGA application for certification. This fee is in addition to the fees specified in R18-2-326.

B. A source utilizing An account holder using a credit under R18-2-1207(B) shall pay a non-refundable administrative fee of $200.00 to the Director of the Department when submitting the CUA application for use. This fee is in addition to the fees specified in R18-2-326.

C. The Director shall not assess an administrative fee to a person:
1. Purchasing a credit for retirement;
2. Amending ownership information contained in the registry; or
3. Withdrawing a credit from the bank.
NOTICES OF FINAL EXPEDITED RULEMAKING

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

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

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 13. PUBLIC SAFETY
CHAPTER 1. DEPARTMENT OF PUBLIC SAFETY
CRIMINAL IDENTIFICATION SECTION

PREAMBLE

1. Article, Part, or Section Affected (as applicable)  Rulemaking Action
   Article 5  Repeal
   R13-1-501  Repeal
   R13-1-502  Repeal
   R13-1-503  Repeal
   R13-1-504  Repeal

2. Citations to the agency’s statutory authority to include the authorizing statute (general) and the implementing statute (specific):
   Authorizing statute: A.R.S. §§ 41-1713(A)(4), 41-1008(A)(2)
   Implementing statute: A.R.S. § 41-1750(H), (K), (N) and (P)(1)

3. The effective date of the rules:
   May 21, 2019
   a. If the agency selected a date earlier than the 60 days 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 Department is not requesting an earlier effective date.
   b. If the agency selected a date later than the 60 days 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 earlier effective date as provided in A.R.S. § 41-1032(A)(B):
      The Department is not requesting a later effective date.

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 rule:
   Notice of Rulemaking Docket Opening: 25 A.A.R. 331, February 8, 2019
   Notice of Proposed Expedited Rulemaking: 25 A.A.R. 324, February 8, 2019
   Notice of Recodification, Exhibits A and B: 25 A.A.R. 412, February 22, 2019

5. The agency's contact person who can answer questions about the rulemaking:
   Name: Lane Ciminiski, Captain
   Address: Department of Public Safety
            POB 6638, Mail Drop 1200
            Phoenix, AZ 85005-6638
   Telephone: (602) 223-2500
   E-mail: lciminiski@azdps.gov

6. An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:
   The agency is conducting an expedited rulemaking pursuant to A.R.S. § 41-1027(A)(6) to repeal sections of Article 5; where the rulemaking does not increase the cost of regulatory compliance, increase a fee or reduce procedural rights of persons regulated and where the rulemaking repeals rules that are redundant and not necessary for the operation of state government.
   The Department believes that it, along with all other government entities, is statutorily required to provide public records services where statutes clearly define public records requirements.
   The Department believes the content of the article does not qualify under A.R.S. § 41-1003 as a formal procedure to the public.
   The Department believes it is not required to promulgate rules for fees in regards to public records. A.R.S. § 41-1008(A)(2) specifies the Department shall not make a rule to establish a fee when it has statutory authority to charge a fee to recover its costs. A.R.S. § 41-1750(K) authorizes the Director to establish a fee in an amount necessary to cover the costs of public records.
The Department intends to only charge fees where the fee recovers the Department’s cost.

The Department received a rulemaking waiver from Mr. Timothy Roemer, Governor’s Public Safety Policy Advisor on December 13, 2018.

In accordance with A.R.S. § 41-1027, notices to the Governor, Senate, House of Representatives, Arizona Rules Oversight Committee and the Governor’s Regulatory Review Council were made on January 14, 2019; and additionally, the Notice of Proposed Expedited Rulemaking was posted to the Department’s website on January 17, 2019.

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

The Department did not rely on any study in its evaluation or justification for the rule.

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

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

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

Under A.R.S. § 41-1027, the expedited rulemaking is exempt from this requirement.

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

There are no substantive changes to the final rulemaking in comparison to the proposed rulemaking.

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

The Department held an open public meeting on February 28, 2019, as noted in the Notice of Proposed Expedited Rulemaking and did not receive any public or stakeholder comments in response and did not receive any other such comments at any other point in the rulemaking process.

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

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

The rule does not require a permit.

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

There is no corresponding 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:

The Department has not received an analysis that compares the rule’s impact of competitiveness of business in this state to the impact on business in other states.

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

Not applicable.

14. Whether the rule previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-4-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

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

15. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY
CHAPTER 1. DEPARTMENT OF PUBLIC SAFETY
CRIMINAL IDENTIFICATION SECTION

ARTICLE 5. DEPARTMENT-RECORDS REPEALED

Section
R13-1-501. Procedure for Obtaining a Traffic Accident Report or Photograph Repealed
R13-1-502. Charges for Copies of Traffic Accident Reports and Photographs Repealed
R13-1-503. Procedure for Obtaining Copies of Offense, Arrest, or Incident Reports Repealed
R13-1-504. Charges for Copies of Offense, Arrest, Incident and Other Types of Department Reports Repealed

ARTICLE 5. DEPARTMENT-RECORDS REPEALED

R13-1-501. Procedure for Obtaining a Traffic Accident Report or Photograph Repealed

A. Any individual or entity, public or private, may obtain traffic accident reports and photographs from the Department.

B. A governmental agency requesting a traffic accident report may obtain the report free of charge. The Department shall charge the general public or a private entity a processing fee as listed in R13-1-502.
To obtain a copy of a Department traffic accident report or photograph, the requester shall:

1. Complete and submit the Department Request for Copy of Report form, available from the Department Records Unit. The Request for Copy of Report form includes:
   a. The requester’s name;
   b. The requester’s address;
   c. The requester’s phone number;
   d. All information known regarding the traffic accident; and
   e. The requirement to specify whether the request is for:
      i. The traffic accident report only;
      ii. Photographs only; or
      iii. The traffic accident report and photographs;

2. Pay the charge under R13-1-504, if applicable.

Once the investigating officer submits the traffic accident report, the Department shall make accident reports and photographs available upon request. The Department shall release available traffic accident reports and photographs promptly after receiving the Request for Copy of Report form and payment of charges.

The Department redacts Social Security information from traffic accident reports released to the general public.

Complete and submit the Department's Public Records Unit Request form provided on the Department website at www.azdps.gov, the person shall pay with electronic funds.

Pay the charge under R13-1-502, if applicable.

The Department may redact certain information in a Department report based on legal considerations.

To obtain a copy of a Department Offense, Arrest, or Incident report, the requester shall:

1. Complete and submit the Department Request for Copy of Report form, available from the Department Records Unit. The Request for Copy of Report form includes:
   a. The requester’s name;
   b. The requester’s address;
   c. The requester’s phone number; and
   d. All information known regarding the offense, arrest, or incident, including the Department report number;

2. Pay the charge under R13-1-504, if applicable.

Any individual or entity, private or public, in accordance with A.R.S. § 39-121 may request an Offense, Arrest, or Incident report by contacting the Department's custodian of public records.

A person shall mail payment to the Department's Public Records Unit, Mail Drop 3111, P.O. Box 6638, Phoenix, AZ 85005-6638 in the form of a cashier's check, money order, or a business check payable to the Arizona Department of Public Safety. If paying in person at the Department’s Public Records Unit, 2222 West Encanto Boulevard, Phoenix, AZ 85009, the person shall pay with a cashier’s check, money order, business check, or in cash. If paying through an electronic payment system, as instructed on the Department's website www.azdps.gov, the person shall pay with electronic funds.

### R13-1-502. Charges for Copies of Traffic Accident Reports and Photographs Repealed

**A.** The charges for copies of traffic accident reports and photographs are:

1. Charges for a copy of a traffic accident report by method of delivery:
   a. Paper – $9.00 for nine pages or less and $0.10 for each additional page exceeding nine.
   b. Fax – $9.00 up to 20 pages.
   c. Electronic mail – $9.00 up to five megabytes.
   d. Compact disk – $10.00 up to 700 megabytes. Additional reports may be delivered on a single compact disk for $9.00 each.
   e. Flash drive – $20.00 up to eight gigabytes.
   f. External drive – $100.00 up to one terabyte.

2. Charges for a copy of a traffic accident photograph by method of delivery:
   a. Printed photograph – $4.00 each.
   b. Photographic contact sheet – $10.00 each.
   c. For all photographs associated by a single report delivered by compact disk or digital versatile disk – $15.00 up to 4.7 gigabytes.
   d. Single compact disk for $9.00 each.
   e. Digital versatile disk – $15.00 up to 4.7 gigabytes.
   f. Flash drive – $20.00 up to eight gigabytes.
   g. External drive – $100.00 up to one terabyte.

**B.** A person shall mail payment to the Department’s Records Unit, Mail Drop 3111, P.O. Box 6638, Phoenix, AZ 85005-6638 in the form of a cashier’s check, money order, or a business check payable to the Arizona Department of Public Safety. If paying in person at the Department’s Public Records Unit, 2222 West Encanto Boulevard, Phoenix, AZ 85009, the person shall pay with a cashier’s check, money order, business check, or in cash. If paying through an electronic payment system, as instructed on the Department’s website www.azdps.gov, the person shall pay with electronic funds.

### R13-1-503. Procedure for Obtaining Copies of Offense, Arrest, or Incident Reports Repealed

**A.** Any individual or entity, private or public, in accordance with A.R.S. § 39-121 may request an Offense, Arrest, or Incident report by contacting the Department’s custodian of public records.

**B.** A government agency requesting an Offense, Arrest, or Incident report may obtain the report free of charge. The Department shall charge the general public or a private entity a processing charge as listed in R13-1-504.

**C.** To obtain a copy of a Department Offense, Arrest, or Incident report, the requester shall:

1. Complete and submit the Department’s Public Records Unit Request form provided on the Department’s website at www.dps.state.az.us, or provide a written request that includes:
   a. The requester’s name;
   b. The requester’s address;
   c. The requester’s phone number, fax number, or both; and
   d. All information known regarding the offense, arrest, or incident, including the Department report number;

2. Pay the charge under R13-1-504, if applicable.

**D.** Once the Offense, Arrest, or Incident report is submitted by the investigating officer, the Department shall make the report available upon request. The Department shall release available Offense, Arrest, or Incident reports promptly in accordance with A.R.S. § 39-424.

**E.** The Department may redact certain information in a Department report based on legal considerations.

### R13-1-504. Charges for Copies of Offense, Arrest, Incident and Other Types of Departmental Reports Repealed

**A.** The charges for a copy of an offense, arrest, and other types of departmental reports by method of delivery are:

1. Paper – $9.00 for nine pages or less and $0.10 for each additional page exceeding nine.
2. Fax – $9.00 up to 20 pages.
3. Electronic mail – $9.00 up to five megabytes.
4. Compact disk – $10.00 up to 700 megabytes. Additional reports may be delivered on a single compact disk for $9.00 each.
5. Digital versatile disk – $15.00 up to 4.7 gigabytes.
6. Flash drive – $20.00 up to eight gigabytes.
7. External drive – $100.00 up to one terabyte.

**B.** A person shall mail payment to the Department’s Public Records Unit, Mail Drop 3111, P.O. Box 6638, Phoenix, AZ 85005-6638 in the form of a cashier’s check, money order, or a business check payable to the Arizona Department of Public Safety. If paying in person at the Department’s Public Records Unit, 2222 West Encanto Boulevard, Phoenix, AZ 85009, the person shall pay with a cashier’s check, money order, business check, or in cash. If paying through an electronic payment system as instructed on the Department’s website www.azdps.gov, the person shall pay with electronic funds.
NOTICES OF EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Exempt Rulemaking. It is not uncommon for an agency to be exempt from all steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act (APA) or Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10.

An agency’s exemption is either written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters; or a court has determined that an agency, board or commission is exempt from the rulemaking process.

The Office makes a distinction between certain exemptions as provided in these laws, on a case by case basis, as determined by an agency. Other rule exemption types are published elsewhere in the Register.

Notices of Exempt Rulemaking as published here were made with no special conditions or restrictions; no public input; no public hearing; and no filing of a Proposed Exempt Rulemaking.

NOTICE OF EXEMPT RULEMAKING

TITLE 3. AGRICULTURE
CHAPTER 4. DEPARTMENT OF AGRICULTURE
PLANT SERVICES DIVISION

PREAMBLE

1. Article, Part, or Section Affected (as applicable) | Rulemaking Action
R3-4-1001 | New Section
R3-4-1002 | New Section
R3-4-1003 | New Section
R3-4-1004 | New Section
R3-4-1005 | New Section
Table 1 | New Section
R3-4-1006 | New Section
R3-4-1007 | New Section
R3-4-1008 | New Section
R3-4-1011 | New Section
R3-4-1012 | New Section
R3-4-1013 | New Section
R3-4-1014 | New Section

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:

Authorizing statute: A.R.S. § 3-107(A)
Implementing statute: Laws 2018, Chapter 287, Section 1, 3-313
Statute or session law authorizing the exemption: Laws 2019 Chapter 5, Section 1, amending Laws 2018, Chapter 287, Section 7.

3. The effective date of the rule and the agency’s reason it selected the effective date:

May 31, 2019
Laws 2019, Chapter 5, Section 1 reads to amend Laws 2018, Chapter 287, Section 7(B) to read: The Arizona Department of Agriculture shall adopt the initial rules to carry out Title 3, Chapter 2, Article 4.1 Arizona Revised Statutes, as added by Laws 2018, Chapter 287, by May 31, 2019.

4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:

None

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

Name: Brian McGrew
Address: Department of Agriculture
1688 W. Adams St.,
Phoenix, AZ 85007
Telephone: Include area code, (602) 542-3228
Fax: (602) 543-1004
E-mail: bmcgrew@azda.gov
Web site: https://agriculture.az.gov/
6. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
   The rulemaking is intended to comply with Laws 2018, Chapter 287; and Laws 2019, Chapter 5

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

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:
   Not applicable

9. The summary of the economic, small business, and consumer impact, if applicable:
   No economic, small business, and consumer impact study was conducted as industrial hemp is new to the State.

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):
    Not applicable

11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:
    Not applicable

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:
   a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:
      The rulemaking requires a permit, other than a general permit. The permitting process requires steps to investigate and determine the eligibility for the issuance of a permit not compatible with the general permitting process.
   b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
      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 analysis was submitted

13. A list of any incorporated by reference material and its location in the rule:
    None

15. The full text of the rules follows:

TITLE 3. AGRICULTURE
CHAPTER 4. DEPARTMENT OF AGRICULTURE
PLANT SERVICES DIVISION

ARTICLE 10. INDUSTRIAL HEMP

R3-4-1001. Definitions
In addition to the definitions provided in A.R.S. §§ 3-201, 3-311, and A.A.C. R3-4-101, the following terms apply to this article:
“0.300%” shall have the same meaning as three-tenths percent.
“Associate Director” means the Associate Director of the Plant Services Division.
“Certified laboratory” means the State Agriculture Laboratory or any laboratory certified by the State Agriculture Laboratory to perform compliance analysis of industrial hemp.

“Hemp” has the same meaning as industrial hemp.

“Intentionally” means the state of mind defined in A.R.S. § 13-105(10)(a) or any successor statute.

“Knowingly” means the state of mind defined in A.R.S. § 13-105(10)(a) or any successor statute.

“Licensing Agreement” means a contract between the Department and an applicant that indicates the terms and conditions required for a license issued pursuant to this article.

“Manmade causes” means the influence to an industrial hemp crop created by a person, including but not limited to, irrigation, fertilization, chemical application, or physical interference.

“Natural causes” means the influence to an industrial hemp crop created by elements of nature including, but not limited to, temperature, wind, rain, hail, or flood.

“Program” means the Industrial Hemp Program.

“Propagative material” means any industrial hemp seedlings, explants, transplants, propagules, or other rooted material that is grown in a soilless media.

“Responsible party” means an individual that has signing authority of a partnership, limited liability company, association, company, or corporation.

“THC” means Tetrahydrocannabinol.

“Total Delta-9 THC concentration” means the total calculable amount of the chemical compound, Delta-9 THC.

R3-4-1002. Program Eligibility

A. Eligibility requirements. Unless otherwise determined to be ineligible under this article and not withstanding any other law, a person or responsible party that applies for a program license or registration shall:

1. Possess a valid fingerprint clearance card issued by the Arizona Department of Public Safety pursuant to A.R.S. § 41-1758.07.

2. Be a citizen of the United States or a legal resident alien, an individual who applies for a program license, is enrolled in an academic program at an accredited college or university, and does not meet the criteria in this section may be sponsored by an academic member of that college or university who meets the eligibility criteria in this Section and provides proof of eligibility as required in subsection (B)(2).

3. Be eighteen (18) years of age or older at the time of application.

B. Proof of eligibility.

1. The Department shall accept a legible photo copy, paper or electronic, of the applicants fingerprint clearance card described in subsection (A)(1).

2. The Department shall accept the documents listed in A.R.S. § 41-1080(A) as evidence of age and United States Citizenship or legal residency.

R3-4-1003. Licenses; Applications; Renewals; Withdrawal

A. Any person that grows, harvests, transports, or processes industrial hemp in any of the following categories shall obtain the appropriate license from the Department and shall abide by the terms and conditions set forth in the licensing agreement with the Department. Types of licenses include:

1. Grower - An authorized Grower license shall allow the licensee to obtain seed or propagative materials pursuant to this article for planting, possess authorized seed and/or propagative materials for planting, cultivate the crop, harvest plant parts, possess and store harvested plant parts, and transport plant parts for processing.

2. Nursery - An authorized Nursery license shall allow the licensee to propagate eligible seed and propagative materials for planting for a licensed grower. A licensed Nursery shall not grow industrial hemp for harvesting purposes, unless also licensed with the Department as a Grower.

3. Harvester - An authorized Harvester license shall allow the licensee to engage in the activity of harvesting an eligible industrial hemp crop for a licensed grower.

4. Transporter - An authorized Transporter license shall allow the licensee to engage in the transport of a harvested industrial hemp crop for a licensed grower.

5. Processor - An authorized Processor license shall allow the licensee to engage in the processing, handling, and storage of industrial hemp or hemp seed at one or more authorized locations in the state. The licensee may sell, distribute, transfer, or gift any products processed from harvested hemp that is not restricted in section R3-4-1012.

B. At a minimum, applications for a license shall contain the information required in subsections R3-4-1003(B)(1) through (6), plus any additional information that may be required by the Department. Location information shall be retained by the Department for not less than three years. Licensing fees are due at the time of application (R3-4-1005).

1. All licenses.
   a. Full name, mailing address, telephone number and email address.
   b. Fingerprint clearance card identification number of the person or responsible party applying.
   c. If the applicant represents a business entity, the full name of the business, the principal Arizona business location address, the full name, title, and email address of the of the responsible party.
   d. Tax ID or Social Security Number; and
   e. Disclosure and explanation of any instance in which the applicant has been denied, debarred, suspended, revoked, or otherwise prohibited from participating in any public procurement or licensing activity.
2. Grower’s license.
   a. Registered planting site(s): street address or major crossroads, legal description, and GPS coordinates for each field, greenhouse, building or site where industrial hemp will be grown, updated annually, or within 30 days following a change; 
   b. Estimated acreage for each outdoor location and/or square footage for indoor or each greenhouse locations intended for planting; 
   c. Maps or aerial photos depicting each site where industrial hemp will be grown, handled, and/or stored, with appropriate designs for entrances, field boundaries, and specific locations corresponding to the GPS coordinates; 
   d. Storage location or locations (expressed in GPS coordinates) for seed or propagative materials, and harvested plants and plant parts; 
   e. Maps or aerial photos depicting each site where industrial hemp seed and/or propagative materials will be stored and labeled with the corresponding GPS coordinates; 
3. Nursery License. 
   a. Storage location or locations (expressed in GPS coordinates) for seed or propagative materials; 
   b. Locations (expressed in GPS coordinates) of all propagation areas; and 
   c. Labeled maps or aerial photos depicting storage and propagation areas.  
4. Harvester License. Maps and the street address, legal description, and GPS coordinates for each location the harvesting equipment will be primarily based.
5. Transporter License. Maps and the street address, legal description, and GPS coordinates for each location the transporting vehicles and equipment will be primarily based.
6. Processor License. 
   a. Identification of the part of a harvested hemp crop or plant to be received for processing, in the following categories: 
      i. Floral and leaf material; 
      ii. Seed for oil or grain; 
      iii. Stalks for fiber or hurds; 
      iv. Seed or propagative materials for planting; 
   b. Registered processing site(s): Street address or major crossroads, legal description, and GPS coordinates for each building or site where hemp will be processed or stored; or where mobile processing equipment will be primarily based; and 
   c. Labeled maps or aerial photos depicting the information in subsection (b).
C. Application submission dates. Applications may be submitted at any time during the year, but the expiration date of the license shall be on December 31st annually, or biennially for a two-year renewal as authorized in subsection (D). Renewal applications will be due no later than December 15th.
D. Application for one or two-year renewals. At a licensee’s discretion, a person that has been licensed by the Department under the industrial hemp program may apply for a one or two year renewal provided: 
   1. The person was licensed in the industrial hemp program within the previous calendar year; 
   2. The license of the person was in good standing at the time of renewal; 
   3. There is no change in the person or responsible party licensed; 
   4. There is no change in the physical location of the industrial hemp site; 
   5. The licensee does not owe any civil penalties, fees, or late charges to the Department; and 
   6. The person submits the associated fee for a one or two-year renewal.
E. Licensing agreements. All approved applicants for a license shall complete a licensing agreement issued by the Department prior to receiving a license. The licensing agreement may include additional terms and conditions as needed to ensure compliance with this article, applicable state and federal laws, and rules and orders of the Director, but, at a minimum the applicant will agree to:
   1. Provide access, for authorized Department inspectors, at any time, to all hemp and hemp seed, planted or stored, and all records to determine compliance with this article and any state or federal law, rule or order regulating Cannabis as an agricultural crop; 
   2. Maintain all records, as stated in section R3-4-1008 of this article; 
   3. Pay all fees required indicated in Table 1; 
   4. Comply with all pesticide use restrictions; 
   5. Comply with all seed laws of the state; 
   6. Defend, indemnify, and hold harmless the Department from liability for the destruction of any crop or harvested plant in violation of this article; 
   7. Be solely responsible for all financial or other losses; 
   8. Be solely responsible for all land use restrictions, applicable city and county zoning, building, and fire codes and ordinances; and 
   9. Follow all regulatory, notification and reporting requirements.
F. Program withdrawal. A licensee that intends to voluntarily withdraw from the program shall submit to the Department a withdrawal notice as prescribed by the Department and comply with the following conditions. 
   1. Unless otherwise authorized by the Associate Director, the licensee shall complete a withdrawal notice at least two weeks prior to withdrawal of the Program; 
   2. Any industrial hemp or hemp seed, planted, harvested, or stored must be inspected by the Department prior to transport off of the property, destruction or transfer to a new or existing licensee; 
   3. Any licensing and inspection fees paid or invoiced prior to any notice of withdrawal are not eligible for refund; and 
   4. Withdrawal after submittal of an application but prior to issuance of a license will be prohibited unless the Department determines, in its sole discretion, that such withdrawal is appropriate.
G. Site modification. Anytime a licensed grower, processor or nursery modifies the registered site during the licensing period by changing the location of an existing site or by adding additional sites under the license, the licensee shall submit a site modification application and associated site modification fee listed in Table 1 of this article.

H. License transfer. The transfer of an Industrial hemp license is authorized only if the licensee and eligible program applicant completes a Department issued transfer application and submits any applicable transfer fees listed in Table 1 of this article. The receiver of a transferred license shall complete a licensing application, and execute a licensing agreement as required by this Article, and all duties and responsibilities of the licensee shall be transferred to and acknowledged by the receiver in a written agreement between the licensee and receiver. Any license or other fees paid by the licensee shall be credited to the benefit of the receiver.

R3-4-1004. Industrial Hemp Research

A. A person, company, college or university that conducts research into the growth, harvesting techniques, transportation methods, or processing of industrial hemp is required to obtain a license pursuant to this article.

B. A person, company, college or university conducting not-for-profit research may be exempted from the licensing fee or licensing fees provided:
   1. The applicant submits to the Department a request for an exemption of the licensing fee;
   2. The applicant provides a summary of the research to be conducted;
   3. The applicant provides a summary of the benefit to the agricultural community that will be gained;
   4. The applicant signs into an agreement with the Department that as a result of the research conducted the applicant will not gain any monetary profit;
   5. The research will be conducted in compliance with this article or any other law, rule, or order governing the production of industrial hemp; and
   6. The results or summary of the research will be published or made publicly available.

C. Intellectual property. The Department holds no rights to any intellectual property of the licensee.

D. Restrictions. A licensee shall not change not-for-profit research to for-profit research without notifying the Department and paying the required licensing fee.

R3-4-1005. Fees

A. All licensing and/or registration fees are due at the time of application.

B. A Grower applicant or licensee is not required to pay separate harvester and/or transporter licensing fees, unless providing harvesting and/or transport services for other licensed growers.

C. Inspection and assessment fees are invoiced by the Department and are due within 30 days of the invoice date.

D. Site modification fees. The appropriate fee shall be submitted at the time an applicant submits a site modification application as provided in R3-4-1003(G).

E. Processor Assessment fees are based on tonnage reports, shipping manifests or scale receipts of unprocessed hemp plants or plant parts received.

F. All outstanding Inspection and Assessment fees invoiced prior to November 15th, shall be paid in full prior to the Department's processing of a licensee's renewal application.

G. THC sample analysis fees. A licensee will be invoiced for any analytical fees beyond the samples selected to determine regulatory compliance. These include:
   1. Any pre-harvest re-samples for crops that indicated a result above the threshold for compliance;
   2. Post-harvest samples that have been determined to be a regulatory concern by the Department; or
   3. By request from the grower that requires official analysis for commerce.

Table 1. Fee Schedule

<table>
<thead>
<tr>
<th>License</th>
<th>Licensing Fee</th>
<th>Inspection/Assessment Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grower</td>
<td>$1,500 per license</td>
<td>$25 per outdoor acre up to 100 acres</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5 acre for each additional acre</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$75 per indoor facility up to 3 acres; $25 per acre for facilities over 3 acres</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$150 per THC sample analysis (G)</td>
</tr>
<tr>
<td>Nursery</td>
<td>$1,000 per license</td>
<td>NA</td>
</tr>
<tr>
<td>Harvester</td>
<td>$150 per license</td>
<td>N/A</td>
</tr>
<tr>
<td>Transporter</td>
<td>$150 per license</td>
<td>N/A</td>
</tr>
<tr>
<td>Processor</td>
<td>$3,000 per license</td>
<td>$0.5 ton Fiber</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5 ton Oil Seed/Grain</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$100 ton floral material</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$150 per THC sample analysis (G)</td>
</tr>
<tr>
<td>All</td>
<td>Site modification fee: $300</td>
<td>N/A</td>
</tr>
</tbody>
</table>
R3-4-1006. Authorized Seed and Propagative Material

A. Authorized seeds and propagative material. Seeds and propagative materials authorized for use by a licensee is not a guarantee a crop will produce a Total Delta-9 THC concentration of no greater than 0.300%. Seeds and propagative material that are used to produce an industrial hemp crop or plant shall:

1. Be produced from an industrial hemp crop or plant; and
2. Originate from either:
   a. A person, business, college or university licensed or certified in a state or federal program authorized to produce industrial hemp; or
   b. A foreign source that is authorized by the country of origin to export industrial hemp seed or propagative material to produce an industrial hemp crop.

B. Each licensed grower or nursery is responsible for the acquisition of seed or propagative materials used for the growth of industrial hemp. The licensee shall provide the Department the following information prior to planting:

1. A copy of the seed or propagative material producer's certificate, license or equivalent documentation authorizing the production of industrial hemp;
2. An official analysis of the crop or plant that produced the seed or propagative material that indicates the crop or plant contained a Total Delta-9 THC concentration of no greater than 0.300% on a dry weight basis;
3. Phytosanitary certificates or nursery certificates issued by a plant regulatory official for any propagative materials to ensure compliance with A.R.S. § 3-211 and 3 A.A.C. 2; and
4. A pre-planting report, on a form provided by the Department, which includes:
   a. The variety/strain name of the material;
   b. The amount or quantity of the material;
   c. The lot number(s) of the material; and
   d. The name, address, phone number and email address of the seed or propagative material provider.

C. Labeling requirements. All Industrial Hemp seed or propagative material sold within or into Arizona must be labeled as to variety/strain or hybrid name, and origin. Labelers of seed or propagative material must provide to the Department, breeder descriptions and variety release information including any subsequent updates/amendments to these descriptions.

1. For purposes of labeling, the number or other designations of hybrid industrial hemp shall be used as a variety name.
2. All Industrial Hemp seed for planting purposes sold within or into Arizona is subject to the Arizona seed laws under A.R.S. §§ 3-231 et seq. and 3 A.A.C. 4.

D. Restrictions.

1. A person that receives seed or propagative materials that does not comply with this article or any other phytosanitary, seed or labeling law of the state shall immediately notify the Department and hold the seed or propagative material until a disposition is provided by the Department.
2. The Department may direct a licensee to place a shipment of seed or propagative material on hold to ensure compliance with this Article and any other law or regulation that may apply to the shipment of agricultural seed and plants for planting purposes.

R3-4-1007. Location Requirements; Signage

A. Location requirements.

1. A Licensed Grower or Processor shall not grow, process, or store industrial hemp in any residential dwelling.
2. A Licensee is responsible for maintaining compliance with all applicable city and county land use restrictions, zoning laws, building, and fire codes and ordinances.
3. A registered location shall be made available for inspection at the request of an inspector during normal business hours.
4. A licensed grower or processor shall not grow, process, or store any forms of Cannabis that are not classified as industrial hemp within a single structure at the registered location.

B. Signage. A licensed grower or processor shall conspicuously post signage at the perimeter of the registered location that includes the following information:

1. The statement, "Arizona Department of Agriculture Industrial Hemp Program - No Trespassing Allowed";
2. Licensee’s name and license number; and
3. The Arizona Department of Agriculture, Industrial Hemp Program phone number.

R3-4-1008. Compliance; Recordkeeping; Audits

A. General compliance requirements.

1. All licensees are subject to audits to ensure compliance with the recordkeeping requirements in subsection (B);
2. An authorized Department inspector shall be allowed access to all growing, storage, and processing locations of a licensee's industrial hemp crop, hemp seed, propagative material, harvested material, handling and processing equipment to conduct a visual inspection and determine if a violation of this article may exist.

B. Recordkeeping. All licensees may be audited to ensure compliance with all recordkeeping requirements. A licensee shall comply with the recordkeeping requirements in this subsection at a minimum. Additional recordkeeping requirements may be established as set in policy and updated annually.

1. All records documenting the growth, propagation, harvesting, storage, agronomic data, shipping, receiving transportation, distribution, processing, sale, purchase, third party analysis or research of all plants, seeds and materials shall be kept within the state of Arizona and made available for inspection on request.
2. An in-state agent must be maintained for receipt and storage of records.
3. All records shall be maintained for not less than five years.
C. Sampling and testing. All licensees are subject to the collection of a representative sample of any Cannabis plant, hemp crop or harvested hemp in possession of the licensee or licensee's agent to determine the total concentration of Delta-9 THC as reported by a certified laboratory to ensure compliance with this article and any state or federal law, rule or order regulating Cannabis as an agricultural commodity.
   1. Sampling method. The Department shall publish a policy on the methods in which a Cannabis plant or crop may be sampled, which may be updated annually as needed.
   2. Only an authorized Department inspector may collect an official sample to determine compliance with this article.
   3. When collecting an official sample, an authorized Department inspector shall:
      a. Collect a representative sample of the crop, plants or harvested crop;
      b. Split the official sample as follows:
         i. One-third for retention by the Department or to provide to a certified laboratory for compliance with this article;
         ii. One-third for confirmation of analytical results if required; and
         iii. One-third that is provided to the licensee for retention or to utilize for additional analysis by a third party laboratory.
      c. Label all official samples with an official sample number, sample date, collector name, location ID, and grower license ID number;
      d. Apply official custody seals to all official samples; and
      e. Complete an official chain of custody form that is signed and dated by the inspector and licensee or the licensee's representative.
   4. Sample transport and submission. The Department shall not be liable for samples that are detained by any federal, state or local law enforcement agency.
      a. If a certified laboratory receives a sample with a broken custody seal or incomplete or missing chain of custody, that sample shall be null and void;
      b. All official samples retained by the Department are the property of the Department; and
      c. The Department is not liable to reimburse the licensee for official samples collected.
   5. Sample results. Any result provided to the Department by a certified laboratory is the property of the state and a copy shall be provided to the licensee.

D. Volunteer hemp plants. It shall be the responsibility of the licensee to monitor and destroy.

R3-4-1011. Notifications; Reports
A. All notifications and reports for licensees shall be made on forms provided by the Department unless otherwise indicated in this section or as directed by the Associate Director.
B. Grower Licensees shall notify the Department of the following activity:
   1. Notice of intent to harvest no less than 14 days prior to harvest;
   2. Intent to transport a harvested crop no less than 72 hours prior to shipment or transport;
   3. Notify the Department of any significant damage or destruction of a crop or harvested crop caused by natural or manmade causes within 48 hours of discovery of the damage or destruction.
   4. Notify the Department within 14 days if any change in business information including business name, address, contact information or responsible party.
C. Planting report. Within 7 days after planting, complete and submit a planting report that includes:
   1. The Growers license number;
   2. The location(s) where a crop was planted (the “site”), expressed in GPS Coordinates and displayed on a map or aerial photo;
   3. The variety name(s) of each planting corresponding to the location indicated in subsection (C)(2); and
   4. The actual area planted of each site.
D. Grower and nursery reports. By December 31st of each year, a grower or nursery shall provide the Department a report of the following:
   1. The sale or distribution of any industrial hemp grown under the grower's license;
   2. The name and address of the person or entity receiving the industrial hemp; and
   3. The amount of the industrial hemp sold or distributed.
E. Processor notifications. A licensed processor shall notify the department of all shipments of industrial hemp imported from outside of the state for processing within 72 hours of receipt of the shipment. The notification shall include:
   1. A copy of the shipping manifest that indicates the name, physical address, and phone number of the shipper, and the total weight of the hemp commodity in the shipment;
   2. A copy of the documentation issued by a regulatory official that attests the hemp commodity contains a Total Delta-9 THC Concentration not greater than 0.300%; and
   3. A copy of the industrial hemp grower's certificate, license or equivalent documentation authorizing the production of industrial hemp in that state;
   4. A phytosanitary certificate or certificate of inspection issued by a plant regulatory official; and
   5. Documentation issued at origin that attests to the owner, origin, type and amount of hemp material in the shipment.
F. Other notifications. A licensee shall notify the Department within 72 hours from receipt of results of any third party analysis that determined a hemp crop or plant sample contained a Delta-9 THC concentration greater than 0.300%.
R3-4-1012. Unauthorized Activity: Violations

A. A licensee shall have committed a violation of this article by:
   1. Failing to provide a legal description of land on which a licensee grows, processes, stores or researches industrial hemp or hemp seed;
   2. Failing to obtain the proper license with the Department;
   3. Producing or distributing Cannabis sativa, with a total Delta-9 THC concentration greater than 0.300% on a dry weight basis, unless otherwise permitted by state or federal law, rule or order;
   4. Violating a term or condition of the signed licensing agreement or corrective action plan; or
   5. Violating any law, rule, or order in the regulation of industrial hemp.

B. False Statement. Any person who materially falsifies any information contained in an application to participate in the program established under this article shall be ineligible to participate in the program.

C. No unauthorized person shall:
   1. Grow, cultivate, handle, store, harvest, transport, import or process industrial hemp
   2. Trespass on a property registered as an industrial hemp site;
   3. Disturb, damage or destroy an industrial hemp plant or crop on a registered location; or
   4. Tamper, damage or destroy posted signage as required under R3-4-1008.

D. No authorized program licensee shall:
   1. Offer for sale, trade, transfer possession of, gift, or otherwise relinquish possession of industrial hemp plants, plant parts, or hemp seed that is capable of germination to an unauthorized person;
   2. Destroy an industrial hemp crop, stored industrial hemp or hemp seed without prior notification to the Department;
   3. Transport industrial hemp plants, seed, propagative material or unprocessed harvested industrial hemp without notifying the Department; or
   4. Import or export industrial hemp plants or plant parts for processing; seed or propagative material for planting purposes without notifying the Department and complying with all import or export regulatory requirements as determined by a regulatory official.

E. Intentional or Knowing Violations. Any violation that is determined to be committed intentionally or knowingly shall be reported to the State Attorney General and any relevant state and local law enforcement agencies.

R3-4-1013. Corrective Actions

A. In addition to being subject to possible license suspension, license revocation, and monetary civil penalty procedures set forth in A.A.C. R3-4-1014, a person who is found by the Department to have violated any law, rule or Director's Order governing that person's participation in the program shall be subject to a corrective action plan.

B. The Associate Director may impose a written and dated corrective action plan for a negligent violation of any law, rule or Director's Order governing a person's participation in the hemp program.

C. Corrective action plans issued by the Department shall include, at a minimum, the following information:
   1. The requirements a person must fulfill to correct a violation of this article as indicated in subsection (D);
   2. A reasonable date by which the person shall complete violation corrections; and
   3. A requirement for periodic reports from the violator to the department about the violator's compliance with the corrective action plan, laws, rules or Director's Orders for a period of at least three years from the date of the corrective action plan.

D. Corrective Action Plan. The Department may prescribe one or more of the following provisions to a person in violation of this article:
   1. Hemp crops or harvested hemp shall not be removed from the licensee's registered hemp site if found in violation of Section R3-4-1012(A)(3) by having a Total Delta-9 THC concentration of greater than 0.300% on a dry weight basis.
   2. In addition to one or more of the components listed in A.R.S. § 3-317, a corrective action plan may contain one or more of the requirements:
      a. Stripping stalks and destruction of floral material;
      b. Sterilization of seed and destruction of floral material;
      c. THC remediation of leaf and floral material as prescribed by the Associate Director;
      d. Education and training; and/or
      e. Other corrective measures prescribed by the Associate Director.
   3. Failure to complete the prescribed corrective measure within the timeframe indicated in the corrective action plan or to complete any component of a corrective action plan shall constitute a second violation of this Article.
   4. The cost of implementing a corrective action plan is the burden of the licensee.

E. Repeat violations. A person that violates this article, the laws governing the production of industrial hemp, or any order issued by the Associate Director three times in a five-year period shall be ineligible for license issued by the Department for a period of five years beginning on the date of the third violation.

R3-4-1014. Penalties

A. Civil penalties. A person that violates this article, a licensing requirement, a licensing term or condition, or any other rule or order of the Department within a five year period may be fined as follows:
   1. First offense - $1,000
   2. Second offense - $2,500
   3. Third offense - $5000
B. License suspension. A person that violates this article, a licensing requirement, a licensing term or condition, or any other rule or order of the Department may have their licensing privileges suspended until completion of any corrective actions prescribed in Section R3-4-1013.

C. License revocation. A person that intentionally violates this article, a licensing requirement, a licensing term or condition, or any other rule or order of the Department, or who commits a third offense within a five year period:
   1. Shall have all licenses issued pursuant to this article revoked;
   2. All hemp crops, seed, and harvested industrial hemp of the licensee shall be seized and destroyed as prescribed by the Associate Director.
   3. The person found in violation shall be responsible for the cost of the destruction of all hemp crops, seed, and harvested material; and
   4. The person in violation shall not be eligible for a license under this article for a period not less than five years.

D. Intentional or knowing violations shall be punished according to A.R.S. §§ 3-319 and or 13-3405.
NOTICES OF RULEMAKING DOCKET OPENING

This section of the Arizona Administrative Register contains Notices of Rulemaking Docket Opening. A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules. When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

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

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

NOTICE OF RULEMAKING DOCKET OPENING
CITIZENS CLEAN ELECTIONS COMMISSION

[R19-106]

1. Title and its heading: Administration
   Chapter and its heading: 20, Citizens Clean Elections Commission
   Article and its heading: 1, General Provisions
   Section number: R2-20-104

2. The subject matter of the proposed rule: Updates to existing rule for clarity.

3. A citation to all published notices relating to the proceeding: Notice of Proposed Rulemaking: 25 A.A.R. 1411, June 14, 2019 (in this issue)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:
   Name: Thomas M. Collins
   Address: Citizens Clean Elections Commission
            1616 E. Adams, Suite 110
            Phoenix, 85007
   Telephone: (602) 364-3477
   E-mail: ccec@azcleanelections.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:
   If approved for public comment, comments will be accepted up to and including the date of the oral proceedings.

6. A timetable for agency decisions or other action on the proceeding, if known:
   Goal is to approve in 60 days, at or near the beginning of the participating candidate qualifying period.

NOTICE OF RULEMAKING DOCKET OPENING
CITIZENS CLEAN ELECTIONS COMMISSION

[R19-107]

1. Title and its heading: Administration
   Chapter and its heading: 20, Citizens Clean Elections Commission
   Article and its heading: 1, General Provisions
   Section number: R2-20-113

2. The subject matter of the proposed rule: Updates to existing rule for clarity and due to certain legislation.

3. A citation to all published notices relating to the proceeding: Notice of Proposed Rulemaking: 25 A.A.R. 1413, June 14, 2019 (in this issue)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:
   Name: Thomas M. Collins
   Address: Citizens Clean Elections Commission
            1616 E. Adams, Suite 110
            Phoenix, 85007
   Telephone: (602) 364-3477
   E-mail: ccec@azcleanelections.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:
   If approved for public comment, comments will be accepted up to and including the date of the oral proceedings.

6. A timetable for agency decisions or other action on the proceeding, if known:
   Goal is to approve in 60 days, at or near the beginning of the participating candidate qualifying period.
NOTICE OF RULEMAKING DOCKET OPENING
CITIZENS CLEAN ELECTIONS COMMISSION

1. Title and its heading: 2. Administration
Chapter and its heading: 20. Citizens Clean Elections Commission
Article and its heading: 7. Use of Funds and Repayment
Section number: R2-20-702

2. The subject matter of the proposed rule:
   Updates to existing rule for clarity and due to certain legislation.

3. A citation to all published notices relating to the proceeding:
   Notice of Proposed Rulemaking: 25 A.A.R. 1414, June 14, 2019 (in this issue)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:
   Name: Thomas M. Collins
   Address: Citizens Clean Elections Commission
             1616 E. Adams, Suite 110
             Phoenix, 85007
   Telephone: (602) 364-3477
   E-mail: ccec@azcleanelections.gov

5. The time during which the agency will accept written comments and the time and place where oral comments
   may be made:
   If approved for public comment, comments will be accepted up to and including the date of the oral proceedings.

6. A timetable for agency decisions or other action on the proceeding, if known:
   Goal is to approve in 60 days, at or near the beginning of the participating candidate qualifying period.

NOTICE OF RULEMAKING DOCKET OPENING
CITIZENS CLEAN ELECTIONS COMMISSION

1. Title and its heading: 2. Administration
Chapter and its heading: 20. Citizens Clean Elections Commission
Article and its heading: 7. Use of Funds and Repayment
Section number: R2-20-704

2. The subject matter of the proposed rule:
   Updates to existing rule for clarity.

3. A citation to all published notices relating to the proceeding:
   Notice of Proposed Rulemaking: 25 A.A.R. 1417, June 14, 2019 (in this issue)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:
   Name: Thomas M. Collins
   Address: Citizens Clean Elections Commission
             1616 E. Adams, Suite 110
             Phoenix, 85007
   Telephone: (602) 364-3477
   E-mail: ccec@azcleanelections.gov

5. The time during which the agency will accept written comments and the time and place where oral comments
   may be made:
   If approved for public comment, comments will be accepted up to and including the date of the oral proceedings.

6. A timetable for agency decisions or other action on the proceeding, if known:
   Goal is to approve in 60 days, at or near the beginning of the participating candidate qualifying period.

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

1. Title and its heading: 9. Health Services
Chapter and its heading: 10, Department of Health Services – Health Care Institutions: Licensing

   Articles and their headings:
   1. General
   2. Hospitals
   3. Behavioral Health Inpatient Facilities
   4. Nursing Care Institutions
   5. Recovery Care Centers
   6. Hospices
7. Behavioral Health Residential Facilities
8. Assisted Living Facilities
9. Outpatient Surgical Centers
10. Outpatient Treatment Centers
11. Adult Day Health Care Facilities
13. Behavioral Health Specialized Transitional Facility
14. Substance Abuse Transitional Facilities
15. Abortion Clinics
19. Counseling Facilities

Section numbers:
R9-10-101, R9-10-104, R9-10-104.01, R9-10-105, R9-10-110,
R9-10-217, R9-10-228, R9-10-234, R9-10-322, R9-10-426,
R9-10-518, R9-10-618, R9-10-720, R9-10-815, R9-10-818,
R9-10-820, R9-10-918, R9-10-1018, R9-10-1019, R9-10-1025,
R9-10-1029, R9-10-1117, R9-10-1315, R9-10-1317, R9-10-1416,
R9-10-1514, R9-10-1910 (The Department may add, delete, or modify
other Sections, as necessary)

2. The subject matter of the proposed rules:
Arizona Revised Statutes § 36-405 requires the Department to adopt rules to establish minimum standards and requirements for the
construction, modification, and licensing of health care institutions necessary to assure the public health, safety, and welfare.
A.A.C. R9-1-411 establishes rules of construction and provides other information for persons using the codes and standards incor-
porated by reference in R9-1-412. A.A.C. R9-1-412 incorporates by reference physical plant health and safety codes and standards
that the Department references in its different sets of healthcare institution licensing rules in 9 A.A.C. 10. After receiving an excep-
tion from the rulemaking moratorium established by Executive Order 2019-01, the Department will be updating the incorporations
by reference to the current codes and standards. Since the codes and standards are used only in 9 A.A.C. 10, the Department will
move applicable requirements from A.A.C. R9-1-411 and R9-1-412 into 9 A.A.C. 10, Article 1 and update cross references to the
new Section to be added to Article 1 through expedited rulemaking. The revised rules will conform to rulemaking format and style
requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

3. A citation to all published notices relating to the proceeding:
None

4. The name and address of agency personnel with whom persons may communicate regarding the rules:
Name: Kathryn McCanna, Branch Chief
Address: Arizona Department of Health Services
Health Care Institution Licensing
150 N. 18th Ave., Suite 450
Phoenix, AZ 85007
Telephone: (602) 364-2841
Fax: (602) 364-4808
E-mail: Kathryn.McCanna@azdhs.gov

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

5. The time during which the agency will accept written comments and the time and place where oral comments
may be made:
Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined.
No oral proceeding has been scheduled at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:
To be announced in the Notice of Proposed Expedited Rulemaking.
NOTICE OF PUBLIC INFORMATION
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER POLLUTION CONTROL

1. Name of the agency:
Arizona Department of Environmental Quality

2. Subject of the notice:
Reissuance of Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activities

3. A brief description of the proposed general permit:
Pursuant to 18 A.A.C. 9, Article 9, R18-9-C901 and -C903, the Department reissued a general permit under the Arizona Pollutant Discharge Elimination System (AZPDES), authorizing stormwater discharges associated with industrial activities (40 CFR § 122.26(b)(14)) to waters of the U.S.

These permits are issued pursuant to Section 402(p) of the federal Clean Water Act, in compliance with state statutes and rules. Permit AZG2019-001 includes categories i, ii, iv through ix and xi, pursuant to 40 CFR § 122.26(b)(14) non-mining industrial activities and Permit AZG2019-002 includes category iii, mineral industrial sites.

4. A description of the permit area:
The proposed general permits cover discharges from any of the 29 specified industrial sectors that have stormwater discharges associated with industrial activities in Arizona, except for Indian Country as defined in 18 U.S.C. § 1151.

5. Permit Schedule:
The 2019 MSGPs replace ADEQ’s 2010 Non-Mining and Mining MSGPs in accordance with the following schedule:
• 2019 MSGPs issued May 15, 2019
• 2019 MSGPs become effective on January 1, 2020
• Existing permittees (those who have coverage under the 2010 permit(s)) have between January 1, 2020 and February 28, 2020 to submit a Notice of Intent using ADEQ’s online permitting program (myDEQ).
• A Stormwater Pollution Prevention Plan (SWPPP) must be developed by the time the NOI is submitted. Existing permittees may update their current SWPPP to comply with the 2019 MSGP requirements rather than developing a new SWPPP.
• Prior to January 1, 2020, the following process applies:
  • Existing permittees must continue to comply with their coverage under 2010 MSGP (e.g., monitoring, reporting, inspections, etc.)
  • New and unpermitted facilities that are subject to industrial stormwater permitting must apply under 2010 MSGP for stormwater discharges, as required by the Clean Water Act, and federal and state law.

6. How to obtain copies of the draft permit documents:
Copies of the general permits and accompanying fact sheets are available upon request from the agency personnel listed in item 7, below, and on the Department’s website at http://azdeq.gov/msgp. The proposed general permit and fact sheet are also available in the Records Center at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona, and may be reviewed any time between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays.

7. The name, address, and telephone number of agency personnel to whom questions and comments on the general permit may be addressed:
Name: Christopher Henninger
Address: Arizona Department of Environmental Quality
Water Quality Division, Surface Water Section
1110 W. Washington, 5415A-1
Phoenix, AZ 85007
Telephone: (602) 771-4508
E-mail: henninger.christopher@azdeq.gov
NOTICES OF SUBSTANTIVE POLICY STATEMENT

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

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

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect an agency's internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

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

NOTICE OF SUBSTANTIVE POLICY STATEMENT
BOARD OF PODIATRY EXAMINERS

1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:
   Model Policy or the Utilization of Medical Assistants in the Practice of Podiatry. The Substantive Policy Statement number is 12-01.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:
   The substantive policy statement was adopted by the Board on December 12, 2012, and became effective on that date.

3. Summary of the contents of the substantive policy statement:
   The substantive policy statement provides notice to new license applicants and, existing licensees of the guidelines adopted by the Board with regard to Medical Assistants working in podiatry medical offices.

4. Federal or state constitutional provision: federal or state statute, administrative rule, or regulation: or final court judgment that underlies the substantive policy statement:
   The Board does not regulate Medical Assistants that work within the podiatric community however, because Medical Assistants are widely utilized within the podiatric community, the Board is offering its guidance in the utilization of Medical Assistants.

5. A statement as to whether the substantive policy statement is a new statement or revision:
   A revision was made to the existing substantive policy statement as it pertains to the agency that certifies medical radiologic technicians

6. The agency contact person who can answer questions about the substantive policy statement:
   Name: Heather Broaddus
   Address: Board of Podiatry Examiners
           1740 W. Adams St., Suite 3004
           Phoenix, AZ 85007
   Telephone: (602) 542-8151
   E-mail: heather.broaddus@podiatry.az.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:
   The substantive policy statement can be found on the Board’s website, https://podiatry.az.gov, or, a public records request can be submitted to the Board’s office, 1740 W. Adams St., Suite 3004, Phoenix, AZ 85007. There is a $.25 fee per page.
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-
Executive Order 2019-01

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
REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**
- PN = Proposed new Section
- PM = Proposed amended Section
- PR = Proposed repealed Section
- P# = Proposed renumbered Section

**SUPPLEMENTAL PROPOSED RULEMAKING**
- SPN = Supplemental proposed new Section
- SPM = Supplemental proposed amended Section
- SPR = Supplemental proposed repealed Section
- SP# = Supplemental proposed renumbered Section

**FINAL RULEMAKING**
- FN = Final new Section
- FM = Final amended Section
- FR = Final repealed Section
- F# = Final renumbered Section

**SUMMARY RULEMAKING**
**PROPOSED SUMMARY**
- PSMN = Proposed Summary new Section
- PSMM = Proposed Summary amended Section
- PSMR = Proposed Summary repealed Section
- PSM# = Proposed Summary renumbered Section

**FINAL SUMMARY**
- FSMN = Final Summary new Section
- FSMM = Final Summary amended Section
- FSMR = Final Summary repealed Section
- FSM# = Final Summary renumbered Section

**EXPEDITED RULEMAKING**
**PROPOSED EXPEDITED**
- PEN = Proposed Expedited new Section
- PEM = Proposed Expedited amended Section
- PER = Proposed Expedited repealed Section
- PE# = Proposed Expedited renumbered Section

**SUPPLEMENTAL EXPEDITED**
- SPEN = Supplemental Proposed Expedited new Section
- SPEM = Supplemental Proposed Expedited amended Section
- SPER = Supplemental Proposed Expedited repealed Section
- SPE# = Supplemental Proposed Expedited renumbered Section

**FINAL EXPEDITED**
- FEN = Final Expedited new Section
- FEM = Final Expedited amended Section
- FER = Final Expedited repealed Section
- FE# = Final Expedited renumbered Section

**EXEMPT RULEMAKING**
**EXEMPT**
- 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**
- FEN = Final Exempt new Section
- FEM = Final Exempt amended Section
- FER = Final Exempt repealed Section
- FE# = 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
## RULEMAKING ACTIVITY INDEX

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

**THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 23 OF VOLUME 25.**

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## REGISTER PUBLISHING DEADLINES

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

<table>
<thead>
<tr>
<th>Deadline Date (paper only)</th>
<th>Register Publication Date</th>
<th>Oral Proceeding may be scheduled on or after</th>
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**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.

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**GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2019**

<table>
<thead>
<tr>
<th>Deadline for Placement on Agenda*</th>
<th>Final Materials Submitted to Council</th>
<th>Date of Council Study Session</th>
<th>Date of Council Meeting</th>
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* 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.